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| **Supplement./O 4**  **(Ö QZ – 2 4: Austrian quality certificate for placement agencies working in 24-hour care)** (to the Organisation Agreement)  **Written information according to point 1.2.1 of the ÖQZ-24 guideline (guideline on the Austrian quality certificate for placement agencies working in 24-hour care)** |
| 1. **§§ 159 to 161 of the 1994 Trade Regulation Act (GewO 1994), as amended. Austrian Federal Law Gazette (BGBl.) I No. 81/2015**   **Personal caregiving**  § 159.  (1) Traders who are active in the trade of personal caregiving are entitled to support persons in need of care. This includes the following activities, in particular:   |  |  | | --- | --- | | 1. | Household-related activities, in particular: preparing meals, running errands, cleaning, housework, ensuring there is a healthy indoor climate, taking care of plants and pets, laundry services (washing, ironing, mending) | | 2. | Assistance with managing life, in particular: organising one's daily routine, helping with everyday tasks | | 3. | A role as a companion, in particular: socialising, conducting conversation, maintaining social contacts, accompanying persons for various activities | | 4. | Keeping household accounts, with records of expenses incurred for the person being cared for | | 5. | Practically preparing the person in need of care for a change of location | | 6. | Organising cover in the event that a staff member is unable to attend for duties. |   (2) The activities under para. 1 no. 2 also include the activities named in § 3b para. 2 nos. 1 to 5 of the Health and Nursing Act (GuKG), [BGBl.I No. 108/1997](https://www.ris.bka.gv.at/Dokumente/BgblPdf/1997_108_1/1997_108_1.pdf), as long as there are no circumstances which, from a medical point of view, require an order from a member of the higher level of the health and nursing service in order for them to be carried out by laypersons.  (3) Traders who are active in the trade of personal caregiving are entitled, in individual cases, to carry out:   |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  |  | |  |  |  |  |  |  |  |  |  | | | 1. | | individual nursing activities in accordance with § 3b GuKG; and | | | | | | | | | | | 2. | | individual medical activities in accordance with § 50b of the 1998 Medical Professionals Act (Ärztegesetz 1998), BGBl. I no. 169, and § 15 para. 7 GuKG | | | | | | | | | | | on the person being cared for, if they are not predominantly provided by the trader. | | | | | | | | | | | |   **Quality assurance for personal caregiving**  § 160.  (1) The traders named in §s 159 and 161 are obliged to maintain confidentiality about all matters entrusted to them or which become known in the course of exercising their trade. This duty of confidentiality does not exist if and insofar as the person in need of care or their legal representative expressly releases the traders from this obligation. The extent to which traders are exempted from the obligation to provide a certificate in order to inspect business documents or to provide information about matters that have become known to them in the course of exercising their profession in judicial or administrative proceedings is governed by the relevant legal provisions. The above-mentioned provisions apply mutatis mutandis to the workers of the traders.  (2) The traders named in § 159 must   |  |  | | --- | --- | | 1. | conclude an agreement with the person in need of care, or their legal representative, regarding guidelines for action in everyday situations and emergencies, in particular regarding informing or involving relatives, doctors or facilities that offer mobile services in the event of a noticeable deterioration in the person's condition; and | | 2. | keep accounts, and store these, together with the collection of supporting documents, for a period of two years. |   **Organisation of personal caregiving**  § 161.  (1) A business licence for organising personal caregiving is required for placing traders who perform the trade of personal caregiving to persons in need of care.  (2) The scope of activity of organising personal caregiving also includes advice and support for the dealings named in para.1. |
| 1. **Regulation on the Rules of Professional Ethics and Conduct for Personal Caregiving Services, as amended. BGBl. II no. 396/2015**   **Rules of conduct**  § 1.  (1) Traders active in the trade of personal caregiving must take care of the well-being of the person being cared for when carrying out their work and must not abuse their professional position to obtain personal advantages, such as through unsolicited placements or the unsolicited conclusion of business dealings. In particular, they are prohibited from accepting benefits without providing equivalent consideration.  (2) The traders specified in para.1 must follow the principles of economy, efficiency and expediency when carrying out errands for the person being cared for.  (3) Visiting private individuals for the purpose of collecting orders for services of the personal caregiving trade is only permitted if an express request is made in this regard to the trader who is authorised to exercise the trade of caregiving. Accepting orders for such services is only permitted on the business premises or on the occasion of the visit that is permitted in accordance with the previous sentence.  (4) The services provided must be adequately and regularly documented and made available to both contractual parties as well as to the health professionals who care for and treat the person being cared for.  § 2.  (1) The traders specified in § 1 para. 1 must conclude a care contract in written form about personal caregiving services and, before the contract is signed, must inform interested parties in writing, on their request, of all matters that are of relevance for the conclusion of the contract, in particular, of the permitted content of the services and the price. In every advertisement, they must indicate where this information can be requested.  (2) The care contract specified in para.1 must be issued in writing to the contractual partner and must include the following content, at a minimum:   |  |  | | --- | --- | | 1. | the name (company) and address of the contractual parties; | | 2. | the start and duration of the contract for work and services; | | 3. | the content of the services; | | 4. | specification of guidelines for action for the purposes of § 160 para.2 no. 1 GewO 1994, as amended; | | 5. | an agreement as to whether cover is to be provided in the event of a staff member being unable to attend for duties, and, if necessary, the name and contact address of the person(s) providing cover; | | 6. | the due date and amount of the fee for the work, which should note that the trader is itself responsible for declaring and paying all taxes and contributions; and | | 7. | provisions on the termination of the contractual relationship, which must ensure that the personal caregiving contract is terminated upon the death of the person in need of care and that the trader has to reimburse, pro rata, any compensation that has already been paid in advance, and that the contract may be terminated by either party by providing two weeks' notice of termination, to take effect at the end of a calendar month. |   (3) The individual contents of the contract for work are services must be outlined so as to be simple and understandable, but nevertheless comprehensive and precise.  **Rules of professional ethics**  § 3.  The traders specified in § 1 para.1 must exercise their profession conscientiously with the care of a reputable personal caregiver. They are obligated to refrain from any professional misconduct.  § 4.  Conducting business with the clients or the person in need of care in such a way that is capable of harming the reputation of the profession or the interests of the profession and violating personal rights, including the economic interests of the person in need of care, is considered unprofessional conduct. Unprofessional conduct shall in particular be deemed to have taken place if caregivers do not offer their services faithfully, or provide services without being commissioned to do so, or accept payments without being authorised to do so, or retain items entrusted to them without authority, or recommend unsuitable people as caregivers.  § 6.  (1) This Regulation shall enter into force on 15th October 2007.  (2) § 1 para. 1 in the version found in Regulation [BGBl.II no. 396/2015](https://www.ris.bka.gv.at/eli/bgbl/II/2015/396) (note: correct: [BGBl. II no. 397/2015](https://www.ris.bka.gv.at/eli/bgbl/II/2015/397)) shall enter into force upon the Regulation of the Federal Minister of Science, Research and the Economy on Rules of Professional Ethics and Conduct When Organising Personal Caregiving, [BGBl.II no. 396/2015](https://www.ris.bka.gv.at/eli/bgbl/II/2015/396), entering into force; at the same time, § 5 shall cease to be effective. |
| 1. **Regulation on measures that traders who are active in the personal caregiving trade have to take in order to avoid endangering life or health when providing services, as amended. BGBl. II no. 152/2007**   § 1.  (1) When providing services as part of personal caregiving, traders must ensure that the health and life of the person being cared for are not endangered.  (2) The obligation to ensure due care cited in para.1 includes, in particular:   |  |  | | --- | --- | | 1. | setting measures to prevent accidents when providing household-related services; | | 2. | showing regard for the regulations imposed upon caregivers when preparing meals; and | | 3. | taking into account the physical mobility of the person being cared for. |   § 2.  This Regulation shall enter into force on 1st July 2007. |

I have read the supplement. Signature (care company): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_