

Law from the 13th of May 2003 concerning patients'- and care representation (patients'- and care helpdesks) and the change of the nursing home's law

Article 1

Law concerning patients'- and care representation (patients'- and care ombudsman)

§ 1

Institution and Purpose

- (1) In order to protect and safeguard the rights and interests of patients in hospitals, occupants of nursing homes and ministration places and the users of mobile services, a patients'- and care representation shall be introduced at the office of the regional government.

§ 2

Duties and Rights

- (1) The Patients'- and care representation has for those in § 1 mentioned persons or for their legal representatives as well as for their relatives concerning their treatment or care in hospitals, nursing homes, at ministration places as well as through mobile services to keep the following duties:
1. accept and investigate suggestions,
 2. consult extensively and grant information, as far as there is no obligation of secrecy,
 3. accept, investigate and clarify complaints, inform patients or occupants and cared persons about the result of the investigation,
 4. clarify defects and grievances; make recommendations.
- (2) In case of alleged or presumed grievances arising in connection with the public administrative system, the patients' and care representation shall entrust the Ombudsman Board with the task of examining.
- (3) The patients'- and care representation shall cooperate with representatives of self-help group for patients, senior unions or senior advisory boards, if necessary.
- (4) The patients'- and care representation shall be supported and provided with all information necessary to fulfil its duties by the legal entity of the hospitals and nursing homes as well as by the operators of ministration places, by all agencies and departments of the country, by the social welfare associations, by the municipalities as well as by legal entities, who are under the supervision of the country. The patients'- and care representation has the right to access hospitals, nursing homes and ministration places in order to meet its duties.

§ 3

Management

- (1) In order to manage the patients'- and care representation, the regional government shall appoint a Patients' ombudswoman or –man and a care ombudswoman- or-man for the period of 5 years. Members of the regional government who are responsible for hospital affairs, nursing homes' affairs and mobile services' affairs decide on the appointment amicably.
- (2) The position of the Patients' ombudswoman or –man and Care Ombudswoman or -man shall be advertised publicly.

- (3) The position of the Patients' ombudswoman or –man and Care Ombudswoman or -man requires the following:
- Knowledge of the public health system as well as of the organizational, economical and legal concerns of hospitals, nursing homes, ministrations places and mobile services and
 - practical experience of the public health system, the hospital system or the nursing home system.
- (4) The contract between the members of the patients' - and care representation and the Province are regulated by the regulations of the public services law. They are subject to the obligation of secrecy as defined by article 20 B-VG.
- (5) To get his or her business done, the Patients' ombudswoman or –man and the Care Ombudswoman or -man are allowed to use the office of the regional government. The regional government shall place qualified personnel at the Patients' ombudswoman's or –man's and the Care Ombudswoman or -man disposal.
- (6) (Clause of the Constitution) The Patients' ombudswoman or –man and the Care Ombudswoman or -man is not bound to any instructions when doing his or her work.

§ 4

Activity Report

The Patients' ombudswoman or –man and the Care Ombudswoman or -man shall submit an annual report to the regional government and regional parliament.