



GOVERNMENT OF KERALA

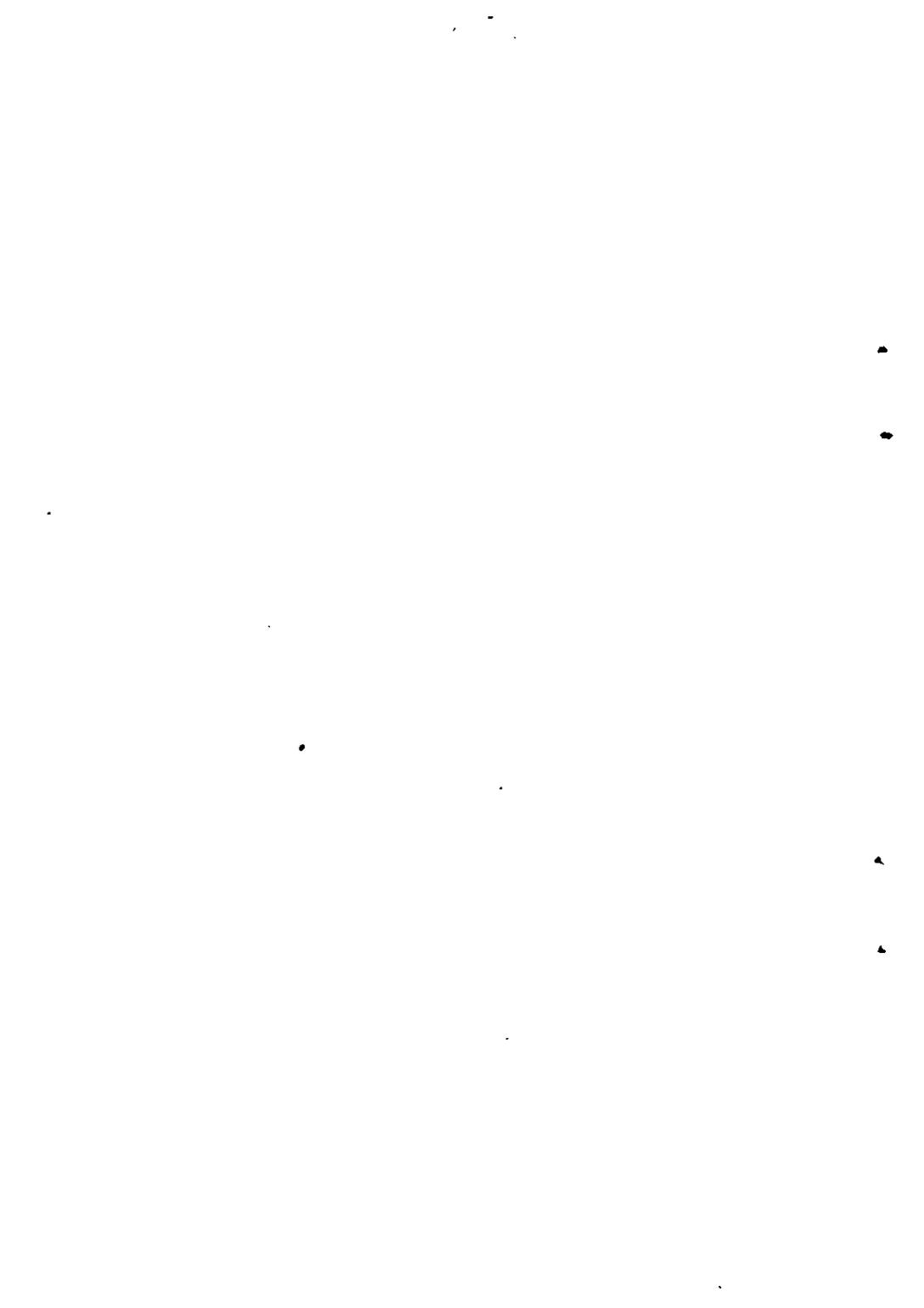
Social Justice (C) Department

NOTIFICATION

G. O. (P) No. 10/2016/SJD.

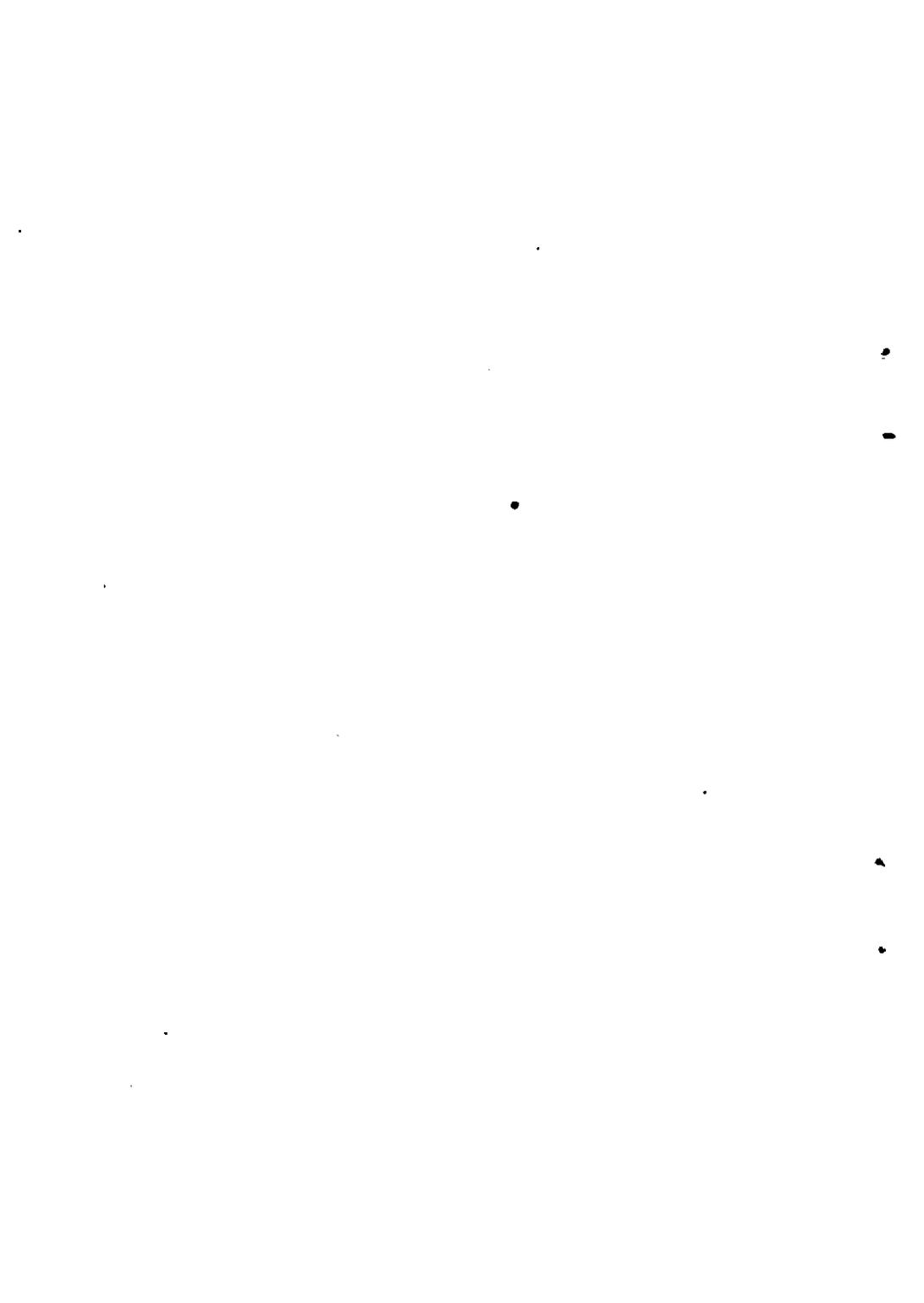
Dated, Thiruvananthapuram, 20th August, 2016.

In exercise of the powers conferred by sub-rule (2) of Rule 18 of Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 issued under G. O. (P) No. 38/2009/SWD dated 28-8-2009 the State Government hereby issues the following Guidelines for running Homes for senior citizens and the protection of life and property of senior citizens housed in various senior citizens' homes in the State of Kerala, namely:—



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CHAPTER I
PRELIMINARY

1. Introduction

A large number of elderly persons, particularly Widowed women are not being looked after by their families. Declining of joint family system is one of the reasons for the same. To combat this social challenges Government of India enacted a new legislation called Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The said law cast an obligation on the persons who inherit the property of their aged relatives to maintain them and to make provisions for setting up of Old Age Homes providing maintenance to the indigent older persons and to provide better medical facilities to the Senior Citizens and to make provisions for the protection of their life and property. The sub-section (2) of Section 22 provided that the Government shall prescribe a comprehensive plan of action for ensuring protection of life and property of senior citizens. The Section 32 of the Act has empowered the State Governments to make rules to carry out the purposes of the Act and sub-section (2) (f) to make an action plan for providing protection of their life and property. Again sub-section (2) of, Section of the Act empowers the State Government to prescribe a scheme for management of Old Age Homes including standards and various types of services to be provided by them. Subsequently, sub-rule (2) of rule 18 Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 has empowered State Governments to issue detailed guidelines/orders from time to time for admission into and management of Old Age Homes.

(2) The State Policy for Senior Citizens-2013 declared by the Government of Kerala vide G. O. (Ms.) 37/2013/SJD dated 6-5-2013 envisaged various measures for care and protection of senior citizens, including establishment of Old Age Homes both at NGO and public sectors, on charity as well as payment basis. Para VI (10) of the Policy sets forth among other things that, Government shall prescribe the basic standards required for such Homes.

(3) The Legislature Committee for Senior Citizens 2014-16 in their 4th report submitted to Government on 2nd July, 2014 has recommended to take suitable measures for welfare and security of the senior citizens housed in various institutions run by Government and NGOs, irrespective of whether registered under any authority or not. The Report has also required to register the unregistered ones before the appropriate authority.

(4) These guidelines are therefore intended to provide for the protection of life and property of senior citizens living in various care homes for senior citizens in the state either on charity or on payment basis, ensuring certain minimum standards for the existing care homes and also for those which may be established in future.

2. Objectives

The objectives of these guidelines are to achieve these goals, namely:—

(i) To institute a mechanism for registration and regulation of all care homes for senior citizens in the state.

(ii) To fix the eligibility criteria for Non Governmental Organizations to run care homes for the senior citizens, either on paying or non paying basis.

(iii) To ensure certain minimum standards in terms of facilities and quality of service in all care homes for senior citizens in the State.

(iv) To protect the life, property and other rights of the service using senior citizens in the various care homes.

(v) To monitor and evaluate the activities and services of the institutions/agencies running care homes for senior citizens.

3. Definitions

(a) *Accredited NGO*

The term 'accredited NGO' appearing henceforth shall mean, a Non Governmental Organization having accreditation under the State NGO Policy.

(b) *Charitable Home*

A 'charitable home' is to mean a care home for housing senior citizens where the service user is not liable to pay for the stay or services and that the home is run purely on charity principles.

(c) *Competent authority*

Competent authority under these guidelines refers to the Orphanage Control Board or any other authority that the Government may fix from time to time.

(d) *Indigent person*

The term 'indigent person' appearing in these guidelines refers to a senior citizen who is not having sufficient means as may be determined by Government from time to time to maintain himself, as is explained under section 19 (2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

(e) *Infirm person*

An 'infirm person' means a person who is physically weak and or multiple disabled, and unable to maintain himself though not attained the age of sixty years.

(f) *Pay Home*

A 'pay home' means a care home for housing senior citizens where the service user has to pay for the stay and services at such rates fixed by the governing body of the organization/agency running the home within such rates and terms mutually agreed upon.

(g) *Service provider*

'Service provider' means any organization or anybody else authorized to run a Care Home or their successors inherited the authority or right to run the Home by succession rights, either on charity or on payment basis.

(h) *Service User*

The term 'service user' refers to any person who is admitted in to a care home to avail any of its services, including any person who has entered into a contract with the service provider to avail services for himself or for any other person on behalf of him.

4. Eligibility to run a Care Home for Senior Citizens

The following authorities/agencies/organizations may run care home for senior citizens adhering to the stipulations laid down in these guidelines:—

(a) Government Departments, Boards, Corporations, Autonomous Bodies or Public Sector Undertakings may run care homes for senior citizens by themselves or in association with accredited Non Governmental Organizations, on charity basis.

(i) they may give priority to make use of their Corporate Social Responsibility (CSR) fund or such other funds if any, to start and run care home for senior citizens.

(b) Local bodies may run such homes in association with accredited Non Governmental Organizations on charity basis.

(i) they may make use of the obligatory plan allocation intended for senior citizens, differently abled and children sector to start and maintain care home for senior citizens.

(c) Other credible organizations including charitable trusts, corporate bodies, trade unions, service organizations, pensioners' organizations etc. may run such homes either on charity or on payment basis.

5. Eligibility criteria

Eligibility criteria for collaborating NGOs, accredited organizations, charitable trusts, other bodies etc. to run care home for senior citizens shall be such as the following:—

(i) The organization shall have a valid registration under the Indian Societies Registration Act, 1860, or Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955, or section 25 of the Indian Companies Act, 1956, or Indian Trusts Act, 1882, Charitable Trust Act, 1965 or Religious Trust Act or any other relevant Act in force and applicable to the State of Kerala.

(ii) The organization shall have minimum one year's experience in the activities relating to senior citizens.

(iii) The organization shall have sound financial stability.

(iv) The office-bearers shall have good social status, reputation and public acceptance.

(v) The organization shall have transparency in its activities and transactions, and have published annual reports, audited account statements, names of elected members etc., and shall be available for the general public in print and electronic mode.

(vi) The organization shall have its own approved policies for recruitment and procurement.

(vii) The organization/agency shall have valid TAN number under the Income Tax rules.

CHAPTER II

REGISTRATION OF CARE HOMES OF SENIOR CITIZENS

6. Scope

(1) All institutions by whatever name called, meant for housing senior citizens, either on charity or on payment basis shall be registered before the competent authority.

(2) The State run institutions are also governed by these guidelines and hence liable to achieve the standards prescribed and obtain registration.

7. Starting of new care homes for Senior Citizens

(1) Those agencies/organizations who intend to establish care home for senior citizens after commencement of these guidelines shall apply to the competent authority for a Certificate of Permission through the District Social Justice Officer of the district where the home is to situate, in Form No. I appended. The District Social Justice Officer within the time limit prescribed in para 13 shall make such enquiries he finds necessary and submit recommendation to the competent authority either to grant certificate of permission or to decline the request based on the findings of enquiry.

(2) The competent authority after considering the report of the District Social Justice Officer if satisfied on the report to the extent that the infrastructural facilities are adequate, the applicant is suitable to run a care home for senior citizens and that the applicant is able to comply with the relevant rules, orders or guidelines by the time the home starts functioning, shall issue a Certificate of Permission to start a care home for senior citizens in Form No. II within the time limit prescribed in para 13.

(3) If the competent authority is not satisfied with the report of the District Social Justice Officer mentioned in sub para (1) above, it may institute further enquiry and dispose the applications as per these guidelines.

8. Operationalization of Homes granted Certificate of Permission

(1) Every agency/organization that has availed a certificate of permission to start a new care home for senior citizens shall make the Home functional within a period of three months from the date of issue of certificate and report the matter to the Competent Authority and the District Social Justice Officer in writing.

(2) The agency/organization holding the certificate of permission, within a period of three months from the date of starting the home shall request to the competent authority through the District Social Justice Officer for registration of the Home after having completely fulfilled all the requirements laid down in these guidelines and elsewhere.

(3) The validity of a certificate of permission shall be six months from the date of issue.

9. Cancellation of Certificate of Permission

If the applicant fails to make the home functional before the expiry of validity, the Certificate of Permission shall be treated as revoked and cancelled automatically, and no extension of validity admissible.

10. Procedure for Registration

(1) Those institutions which are existing at the time of commencement of these guidelines, or those which started functioning after the commencement of these guidelines and are still functioning but not registered, irrespective of whether pay home or charitable home, shall achieve the standards prescribed herein and apply for registration within a period of six months from the date of commencement of these guidelines. No care home for senior citizens without the certificate of registration shall exist beyond that date.

(2) Application for registration shall be made to the competent authority through the District Social Justice Officer in Form No. III appended to these guidelines accompanied by such documents required therein.

(3) The Certificate of Registration shall be exhibited in the institution.

11. Grant of Certificate of Registration

The competent authority may issue a certificate of registration to the applicant in Form No. IV, if found eligible, specifying whether it is to exist as a Pay Home or Charitable Home, and the maximum number of service users permitted to be accommodated at a time. This certificate shall be valid for a period of four years from the date of issue unless revoked by competent authority for any reason.

12. Enquiries relating to Registration

All registration related enquiries shall be conducted by the concerned District Social Justice Officers and the grant or decline of the certificate of registration/permission shall be based on his enquiry report, generally. The competent authority, if found necessary may conduct further enquiry by himself or any other authority under him before finally resolving upon any application.

13. Time limit for disposal of various Applications

(1) All applications for permission to establish care home, registration of care home, and renewal of registration of care home shall be disposed within a maximum period of three months from the date of filing

application. District Social Justice Officers after completing required procedures shall submit recommendation to the competent authority within one month of receipt of application, and the competent authority after completing required procedures at its end shall dispose finally within the next two months.

(2) Neither the certificate of permission to establish a care home nor the certificate of registration is transferable or heritable.

14. Ineligible Cases

(1) If on enquiry the applicant is found ineligible for the certificate of registration, the competent authority shall inform the applicant the grounds of disqualification in writing, and give a chance for filing his explanation. The competent authority shall conduct all inspection by himself or by any authority under him which is superior to the authority that made the earlier inspection, after giving one month's notice. Further, the applicant may also be given a chance to be heard, if he so desires.

(2) If the competent authority on inspection as per para 14 (1) finds that the applicant has achieved the standards shall issue a certificate of registration to the applicant.

(3) If even on the inspection as per para 14 (1) also the competent authority finds that the applicant does not deserve a certificate of registration, the competent authority may refuse to grant the certificate after recording the reasons for such refusal. The order refusing the certificate shall be in Form No.V and it shall be communicated to the applicant by registered post with Acknowledgement Due, or by hand under acknowledgement, or by e-mail. The applicant may file an appeal against such order of the competent authority to government, within thirty days from the date of receipt of the order of refusal.

15. Renewal of Registration

The application for renewal of a certificate of registration shall be made ninety days before the expiry of the date of validity in Form No.III to the competent authority through the District Social Justice Officer.

16. Procedure for renewal of registration

Procedure for the renewal of the certificate of registration shall be the same as in the case of a application for registration.

17. Revocation of certificate of registration

The competent authority may revoke a certificate of registration granted, if on inspection he finds that the home does not meet any or whole of the standards prescribed, or it habitually violates any of the standards or procedures laid down in these guidelines or any other rules, regulations, orders or instructions issued by Government from time to time:

Provided that no such revocation shall be made until an opportunity of being heard to the holder of the certificate as to why the certificate should not be revoked.

18. Appeal against an order of revocation or refusal

The applicant may file an appeal against an order of refusal or revocation of a certificate of registration, to the Government within thirty days of receipt of such order.

19. Government Orders on appeal to be final

The order of Government on appeal filed under para 18 shall be final.

20. Effect of an order of refusal or revocation

(1) Where a certificate of registration has been refused under para 14 (3) or revoked under para 17 in respect of any care home for senior citizens, such care home shall cease to function from the date of such order of refusal or revocation as the case may be:

Provided that when an appeal has been filed against such order of refusal or revocation, such Home shall cease to function—

(a) in cases where the order of revocation or refusal has been upheld in appeal, from the date of the order on appeal;

(b) and where no appeal has been filed, immediately on the expiry of the thirty days of the order of refusal or revocation of certificate of registration.

(2) Where a certificate of registration in respect of a charitable home for senior citizen is revoked or refused, the competent authority may direct that the service users living in that home be restored to custody of their family members, relatives or lawful guardian.

(3) If such restoration is absolutely impossible, the service users shall be transferred to any other registered charitable homes or pay homes specified by the competent authority.

(4) It shall be mandatory to the care homes specified by the competent authority to absorb the service users who are ordered for such transfer. However in cases where there are no space for such admission, the fact will be intimated to the competent authority who will after ascertaining the actual position make alternate arrangements. Transfer of service users in such cases where alternate arrangements to be made shall be done by the District Social Justice Officer concerned, at Government cost. Wherever required, necessary assistance shall be provided by Police and Health Services Departments:

(a) where such transfer of a nonpaying service user from charitable home is ordered to a pay home, such pay home shall absorb the service user within the 10% limit of nonpaying service users.

(5) Where a certificate of registration in respect of a pay home is revoked or refused, the service provider is bound to restore its service users to family, relatives or lawful guardian. If such restoration in the case of any service user is found absolutely impossible he/she shall be transferred to other similar homes chosen by him/her and agreed by the competent authority, at the risk and cost of the service provider to whom the registration is revoked or refused.

(a) safeguards regarding the property of service users in such cases felt appropriate and ordered by the competent authority is liable to be followed by the service provider.

21. Surrender of certificate of registration

(1) Any care home whose certificate of registration is revoked, shall surrender the certificate of registration to the competent authority immediately on such revocation.

(2) In such case of withdrawal, the restoration of the service users living in that care home shall be done as per para 20 of these guidelines.

22. Closure of Charitable Homes

(1) Any organization/agency running a care home, whose governing body resolves to stop its functioning for solid reasons, may give six months' notice in writing to the competent authority apply for withdrawal of the certificate of registration, along with proposal for dealing with the existing service users.

(2) The competent authority after making necessary enquiries shall before the expiration of the said six months admit or decline the request after recording specific grounds.

(3) If admitted, procedures to deal with the existing service users will be outlined in such order, either approving or rejecting the proposal of the care home, which the applicant is liable to abide by.

(4) Liabilities outstanding if any, owing to sanctioning of boarding grant, or any other fund found recoverable from the home due to the closure shall be assessed, orders passed and process completed by the competent authority before such order for closing down is issued.

(5) Any asset and residuary income created for the purpose of a charitable home shall not be diverted to purposes other than care home or charity related purposes as approved by the competent authority.

23. Closure of pay homes

(1) The organization/agency running a Pay Home, whose governing body resolves to stop its functioning for solid reasons, may apply to the competent authority six months in advance to the proposed date of closing for withdrawal of the certificate of registration.

Such a request shall be supported by—

- (a) copy of the decision taken by the managing committee;
- (b) proposal as to how the existing service users shall be dealt with;
- (c) statement from the staff to the effect that their monetary or employment rights shall not be at risk due to the closure, and;
- (d) statement regarding the money or property if any pending with applicant for return to the service users.

(2) The competent authority after conducting such enquiries it deems necessary and after assessing the genuineness of the grounds may admit or decline the request. If permission is given to close down, the procedures to deal with its existing service users or other matters which the competent authority feels relevant shall be defined in the order of permission, which the applicant is bound to abide by.

(3) A pay home shall not be permitted to cease functioning without ensuring:—

- (a) perfect safeguard to the life and property of its service users;
- (b) that the money or property receivable by the service users are fully received back;
- (c) that the rights of employees are protected.

CHAPTER III

ADMISSION AND DISCHARGE

24. Persons eligible for admission

A. Charitable Homes.—(1) Any senior citizen who has attained the age of 60 years or above and is indigent as determined by the State Government, shall be eligible for admission to a charitable home. Indigent person for the purpose of this guideline means a person having an annual family income of less than Rupees one lakh or the income ceiling that may be fixed by Government from time to time.

(2) A senior citizen above the annual family income of Rupees One lakh left uncared by family or other responsible kin may be admitted to a charitable home, subject to the condition that the maintenance cost at such rates payable by service users of State run charitable homes fixed by Government will be recoverable from the person or from the maintenance charge that may be awarded in favour of him by the Maintenance Tribunal under MWPSA Act 2007.

(3) Ten percentage of the sanctioned strength of service users in charitable homes may be admitted on payment basis and the monthly maintenance charges so collected shall not be more than the amount fixed by Government in G. O. (Rt.) 467/15/SJD dated 29-7-2015, or the amount that may be fixed by Government from time to time.

(4) Another ten percentage of the sanctioned strength in charitable homes may be admitted with infirm persons defined in para 3 (e) on the recommendation of the care arrangement system referred in para 27 (1) b.

Explanatory note:— Those who are older in age, poorer in income and more destitute in status shall be given priority while giving admission to care homes.

B. Pay Homes.—(1) Any person who has attained the age of 60 years and above who wishes admission may be admitted to a Pay Home irrespective of income status.

(2) Ten percentage of the total sanctioned strength of service users in a pay home may be reserved to the destitute persons as in sub paras (1) under para 24.

25. The District Social Justice Officers shall keep watch for the actual coverage of 10% nonpaying service users in Pay Homes.

26. Choosing care homes by service users

(1) Every prospective service user shall be able to choose between various care homes of senior citizens, to suit his/her individual preferences at the best.

(2) A care home may offer specialized services in any particular areas like Alzheimer's/dementia cases, cognitive impairment cases, Parkinson's disease cases, cured mentally ill cases, respite cases etc., along with general cases, which ensures diversity and varied range of choice.

(a) Care home may be established to serve exclusively for men, women, widows, transgender persons or for mixed groups, as decided by the organization running the care home.

(3) *Users' Guide*.—Every home shall have an up-to-date document setting out the objectives, philosophy of care, services offered, facilities available and specialist service offered if any, terms and conditions of stay etc., and are made available free of cost to all service users and prospective service users.

(4) This users' guide provides the prospective service user information they need to make a choice about where to live. It contains among other things the following details:

- ◆ brief description of the service provided;
- ◆ individual space and common space provided;
- ◆ qualification and experience of the care giving personnel;
- ◆ maximum number of service users accommodated at a time;
- ◆ description of special needs and interests catered for;
- ◆ description of complaint procedure;
- ◆ health care and nursing facilities provided;
- ◆ details of fee or any other payment that the service users are liable to make.

(5) This user guide shall be published by the service provider in print and electronic media as well as in the web portal of the organization/care home, and official web sites of the Orphanage Control Board and the Social Justice Department, as and when proper link made available.

27. Admission procedure

(1) Admission may be made in every care home on—

(a) voluntary written request of the senior citizen with or without recommendation of any care arrangement system;

(b) or when referred for admission through any care arrangement system, i.e., Police, Officials of the Social Justice Department, Hospitals, District Magistrates, or Judicial Magistrate, Social Workers and;

(c) on the basis of the applications invited in accordance with rule 18 1(B) of the Kerala Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.

(2) In cases of admission as per sub para (b) above the home obtains a written summary of the available information from the person referring for admission. The information so collected shall be kept in the file of said individual permanently for record purposes and make basis for need assessment and individual care plan.

(3) Whenever an orphaned or wandering senior citizen is admitted on the recommendation of the above mentioned care arrangement system or suo moto by the institution, the institution shall initiate due steps to ensure that the person admitted is indeed an orphan.

(4) The Care Home authority shall make all efforts to locate the relatives of the orphaned persons admitted. When such relative approaches, the person shall be released if the Home authorities are able to ensure the identity and genuineness.

(5) No admissions, either for long or short tenure shall be left without due entries in the admission documents.

(6) Any dependable documentary proof for the age of the service user shall be obtained and filed by the service provider as far as possible at the time of admission itself or latest within a period of two months from the date of admission.

(7) In case of inability to avail such a proof of age, a certificate of age or infirmity, as the case may be, from a medical officer not below the rank of a civil surgeon shall be obtained and filed.

28. Admission contract

(1) Every service user shall have a written contract or statement of terms and conditions with the care home. This document sets out:

- ◆ the space that can be occupied;
- ◆ overall care and services available;
- ◆ fee payable if any and by whom;
- ◆ rights and obligations both of service user and provider including provisions for liability fixation in case of breach.

(2) The contract is signed by the service user or named representative if he is unable to do so, and the service provider. Signed original copy of the document is retained by the service provider and duplicate copy by the service user.

(3) In the case of pay homes, copy of the admission contract shall be given to the District Social Justice Officer by the service provider, who will monitor to what extent the contract is being carried out.

29. Admissions be planned

(1) Prospective service users or their relatives shall have the opportunity to visit and assess quality, facilities and suitability of each home before admission. Staff of the Care Home will also be given opportunity to meet the prospective service user at the place wherever they live, if required.

(2) When an emergency admission is made, the care home undertakes to inform the service user within two days about the key aspects, rules, terms and conditions. As far as possible Unplanned admissions are avoided.

(3) Every admission shall be reported to the police station having jurisdiction over the place where the care home situates, along with a photograph and other relevant information relating to of the service user.

30. Discharge of service users from care homes

(1) Any discharge of a person admitted to a care home shall be made on the written request of the person or his genuine relatives. No Home shall compel a service user to remain in the care home against the will of the concerned service user.

(2) Every discharge shall be reported to the Station House Officer of the Police station having jurisdiction over the place of the care home. The discharge shall also be intimated to the person or authority on whose recommendation the admission was made.

31. Transfer of service users

(1) Any service user of a charitable home, or any service user enjoying charity benefits in a pay home may be transferred to another institution enabling him/her enjoyment of charity benefits provided that:

(a) the service user himself has requested/consented to be transferred to that particular institution, in writing, and;

(b) the governing bodies of both institutions agree mutually for each such transfer and copies of the resolution exchanged each other.

(2) Paying service users are not transferable to another home.

CHAPTER IV

PHYSICAL ENVIRONMENT AND ACCOMMODATION

32. Land and building

(1) Land for senior citizens home shall be adequate to comply with the Floor-Area Ratio (F.A.R) as prescribed by the Urban Body/State Government.

(2) Location lay out and construction of the buildings are to be eco-friendly and old-age-friendly. Those conditions provided for in the PwD Act, and the State Policy for Senior Citizens—2013 are adhered to while taking up constructions, additions and modifications. Also, norms of physical facilities laid down under Rule 18 (A) of the Kerala Maintenance and Welfare of Parents and Senior Citizens Rules—2009 shall be applicable to every construction.

(3) The building should comply with fire safety and environmental health requirements. The structural soundness of the building shall be certified by an Engineer of the Public Works Department not below the rank of Asst. Engineer, or by an Engineer of the concerned local body or a Licensed Engineer of the local body.

(4) There shall be a minimum facility to accommodate 15 service users at a time, in every care home, though not so much actual admission.

(5) Dormitories shall be with low wall, or with low cubicle type separation or with movable cloth curtains enabling maintenance of individual privacy and satisfaction of special needs.

(6) Female service users shall have separate sleeping area, toilets and bathrooms and shall be under the care of female staff only.

(7) Minimum living area/carpet area per person (i.e., including sleeping area and ancillary areas like kitchen, dining hall, recreation room etc., but excluding verandahs, corridors, stair case areas etc.) shall be 12 sq. meters (i.e. 129.12 sq. ft).

(8) An exclusive sleeping area of not less than 7.50 sq. m. (i.e. 80.7 sq.ft.) shall be available to each service user (Verandah, stair case or other common space attached to dormitories are excluded while calculating sleeping area).

(9) In addition to the sleeping area specified in sub para (8), the following spaces shall invariably be set up in every care home, with adequate size.

- (1) Separate sick rooms for male and female service users with attached toilets, medical equipments, wheel chairs etc. ;
- (2) First aid/medical examination/counseling and guidance room;
- (3) Kitchen, store room and work-area;
- (4) Dining hall with furniture;
- (5) Recreation, library and reading room;
- (6) Care givers' accommodation;

- (7) Rest room for nurses;
- (8) Visitor's room;
- (9) Rooms for administrative use;
- (10) Toilets and bathrooms;
- (11) Space for vocational trainings and therapies;
- (12) Space for washing and sunning of cloths;

(10) Not more than ten persons will be accommodated in a dormitory. Bigger dormitories may be partitioned with half walls or movable separators to suit the convenience of service users.

(11) Couples admitted shall be accommodated in couple rooms if they wish.

(12) There shall be one toilet for every 6, and 1 bathroom for every 8 service users. Bath shower facilities are provided in bathrooms. Toilets shall be close to bedrooms/dormitories and couple rooms. Both Indian and European types of closets shall be available to suit the needs of the service users.

(13) Separate sick rooms for male and female service users with attached toilet facility, medical equipments, wheel chairs etc. shall be available.

(14) There shall be sufficient indoor and outdoor space for free movement and recreation.

(15) Flooring to bathrooms and toilets shall be non-skid type to avoid possible slipping and falls.

(16) Grab rails and other aids shall be provided in corridors, bathrooms or other common spaces.

(17) Cross ventilation shall be ensured in dormitories.

33. Rent or lease agreement

The rent/lease agreement of building where the care home functions in rented or leased buildings shall cover a minimum period of five years.

(a) the care home shall endeavor to acquire own building and premises within the period of five years.

34. Sanitation and Hygiene

(1) There shall be:—

- ◆ sufficient treated drinking water and water filters;
- ◆ sufficient water for bathing and washing of cloths;
- ◆ proper drainage system;
- ◆ efficient arrangements for disposal of garbage;
- ◆ protection from mosquitoes and bed bugs;
- ◆ hand washing facilities prominently sited to suit the use of the aged;
- ◆ washing machines with specified programming ability to meet the disinfection standards;
- ◆ well lit and airy bathrooms and toilets;
- ◆ warm water bathing facility.

(2) The service provider ensures an absolute hygienic home and premises free from any odour or foul smell. Deodorants and suitable cleaning agents shall be regularly used.

(3) The building shall be properly maintained. The sanitary condition shall be got examined by Health Services authorities at least once in every year and sanitary certificate obtained by the Service provider.

(4) The buildings shall be properly maintained and safety aspects scrupulously observed.

35. Personal needs

(1) Service provider shall ensure that all the individual needs of the service users are fully met.

(2) Each service user accommodated in dormitory shall be provided with appropriate facility to keep his/her personal belongings safely. Facility to keep cloths to wash may be given outside the dormitories in order to avoid possible odour.

(3) Pillows, bed sheets, blankets, bath towels etc. are supplied adequately and got washed regularly.

(4) Enough cloths, including inner garments to suit each service user are provided.

(5) Daily change of washed up and cleaned dress shall be ensured to every service user.

(6) Hair cutting, shaving, nail cutting and similar personal needs are properly arranged by the service provider.

CHAPTER V

SERVICES

36. Need Assessment and Care Plan

(1) Service users before admission in the Home are got their full needs assessed by the trained person/counselor/psychologist in the Care Home, which is taken as the basis for individual care plan.

(2) The service users' personal care needs are fully set out in the individual care plan, which is generated from the need assessment document and summary of information obtained from the person referring for admission. This care plan document drawn up at the time of admission is subsequently reviewed and updated periodically to reflect changing needs and current objectives of health.

(3) The care arrangement document shall contain:

- ◆ tips for personal care and wellbeing
- ◆ diet and dietary preferences
- ◆ sight, hearing and communication capacity
- ◆ nutritional status
- ◆ oral health
- ◆ mobility and dexterity
- ◆ continence
- ◆ medication usage
- ◆ mental stage and cognition
- ◆ social interests, hobbies, religious and cultural needs
- ◆ personal safety and risk
- ◆ family involvement and other social contacts or relationships
- ◆ others which the assessor feels necessary

(4) The service provider before admission shall demonstrate to the prospective service user as to how far the assessed needs can be met at the Care Home.

(5) Service users shall be able to choose between homes keeping the assessed needs and the Home's capacity to meet them in view.

(6) The service provider ensures that all the assessed needs of those who are admitted in the Home are fully met. Adequate infrastructural facilities including equipments for therapies are set up to cover the special needs identified.

37. Individual History Record

An Individual History Record in respect of every service user shall be filled up at the time of admission by the counselor/psychologist of the institution in tune with need assessment and care plan documents, briefing the personal traits, notable incidents in life, important health and medical

history, plans for future etc. with the knowledge of the service user. Subsequent entries are done by the Manager with the assistance of the counselor/psychologist if needed. Due privacy and confidentiality shall be maintained on this record. The respective service user alone shall have access to this register. This record may contain, among other things the following:—

- ◆ circumstances which led to living in the care home
- ◆ details of money or other valuables entrusted with the care home for safe custody
- ◆ important incidents during stay at the Care Home, worth recording
- ◆ significant personal skills and accomplishments
- ◆ wishes concerning arrangements after death.

38. Health Care

(1) The Home ensures that health needs of the service users are given topmost priority and are fully met. The service provider ensures expert medical service whenever necessary. Service user's choice of the system of medicine shall be adopted.

(2) Health related services and medicines to the service users shall be provided from government hospitals to the extent possible.

(3) Arrangement for medical service on call is ensured to meet emergencies.

(4) Personal hygiene of every service user is carefully maintained by the service provider.

(5) Service users' personal health is monitored regularly and preventive and restorative care provided.

(6) All care giving staff shall be trained in first aid services.

(7) Oral health and hygiene of the service users shall be properly taken care of by the care givers.

(8) Service provider shall make available appropriate aids and appliances to the needy service users.

(9) Adequate nursing care shall be ensured to all service users at all times.

(10) Medicines are administered only by nurses employed in the Home. However, those who self medicate will do so on the understanding that the staff can carry out checks wherever necessary on supply, storage and expiry date, kept under the service users' control.

(11) Medicines received are appropriately stored, administered and disposed off, taking advice from doctors or pharmacists.

(12) Health record relating to each service user shall be maintained efficiently, and may be handed over to him/her at the time of discharge, retaining a copy at the care home.

(13) Regular health check up of all service users shall be arranged by the service provider at fixed intervals—not less than once in a month—in addition to other health care activities.

(14) Due preventive measures shall be adopted in case of outbreak of any contagious or infectious diseases.

(15) Continuous medical attention in chronic ill cases shall be ensured. There shall be efficient arrangements for hospitalization in all recommended cases, including bystanders. Fully functional ready ambulance facility either own or linked with suitable agencies shall be set up.

(16) Timely information shall be passed to the relatives of the service user in all cases of serious illness.

(17) Adequate number of bed pans, adult diapers, sanitary napkins, hot bags, water beds, wheel chairs, walkers etc. should be available.

39. Mental health and emotional support facility

1. Adequate mental health support shall be available to every service user. Regular service of mental health expert as well as counselor/psychologist shall be available to the needy. Stress releasing activities like yoga, meditation, community contact programmes etc. are to be ensured.

2. Health check up by geriatric health expert, services of psychologist/counselor and of an expert from the Indigenous System of Medicine shall be ensured at least once in three months.

3. Wherever possible, the services of trained counselors under the Social Justice Department as well as students of social work institutions may be utilized.

4. Services of psychology institutions, nursing schools/colleges etc. may also be made use of, wherever possible.

40. Emotional support by mentors

(1) Persons capable of providing emotional support may be selected from the community as mentors and given liberty to interact with service users as frequently as necessary.

(2) The service provider may send service users along with the mentor out of the care home occasionally for short periods of outings, to places of worship, for entertainments or for a short stay with him at his home, duly considering safety aspects.

41. Various Therapies

(1) Possibilities of various therapies may be utilized advantageously for emotional and physical developments of service users. Services of Yoga therapists may be made available and extended to all service users on regular basis. Possibilities of occupational therapies suitable in each care home situation are to be explored and made use of. Agricultural therapies, animal and bird rearing, gardening and other nature enhancement activities etc. are to be extended gainfully to the service users.

(2) Physiotherapy needs of all service users shall be adequately attended to. All care homes shall be equipped with the basic instruments for physiotherapy services.

42. Diet and Nutrition

(1) Every service user shall receive a varied, appealing, wholesome and balanced diet in pleasing surroundings at times convenient to them.

(2) Each service user shall be offered enough breakfast, lunch and supper at appropriate times. Evening and morning tea with snacks shall be served adequately. Fruits or other food are supplied in the meantime.

(3) Tastes and interests of the service users shall invariably be taken into account while fixing the menu. The weekly menu prepared by nutrition expert shall be exhibited prominently in the dining hall and other suitable corners.

(4) Nutritive value of each day's menu got assessed by nutrition scientists shall be exhibited alongside the weekly menu.

(5) Staff has to offer assistance in eating wherever necessary.

(6) The service provider shall ensure that mealtimes are unhurried being given sufficient time to eat.

(7) Seasonal local fruits, vegetables and green leafy food shall be made available in plenty.

(8) Sick persons shall be given appropriate food on the advice of doctor.

(9) Kitchen and store room shall be protected from pests and flies.

(10) Accepting cooked food from outside shall not be done ordinarily. However any institution having the practice of collecting food from community/households/students/or others on regular basis may get on with, after the managing committee evaluating its various pros and cons.

43. Recreational Facilities

(1) Every Home shall have appropriate avenues for recreation activities, to suit the interest of the elderly. Such of the recreation materials for physical as well as mental exercise shall be available for the service users' use. Facilities for viewing television, picnics, outings, cultural programmes etc. shall be arranged regularly.

(2) Facilities for intellectual games, other indoor games, computer games, reading materials etc. shall be arranged for the use of service users.

44. Staffing

(1) Every Home shall have trained staff with skill and preparedness, appropriate to meet the assessed needs of service users and also in relation to size, lay out etc. of buildings, and to meet the special needs of its service users.

(2) A staff prorate is maintained by Manager showing names of individual on duty at any given time and in what capacity.

(3) Each Home shall have the following minimum staff appointed by the service provider:—

(i) Manager:—By whatever designation, the Home shall have an authority on whom the overall responsibility of administration is vested.

Minimum qualification:—Graduation, preferably in Social Work or Sociology.

OR

Degree/Diploma/Certificate Course in Geriatrics conducted by NISD or Continuing Education Programme of Universities

OR

Retired persons from the fields of any geriatric care service, other health care service, nursing service, social justice, disability care, education etc. with minimum 5 years experience

OR

Dedicated persons of religious congregation/ community organizations

Desirable experience:—Not less than two years in similar Homes.

Age:—Minimum 25 years.

(ii) Part-time Counselor/Psychologist:—(Once in a week or more as per requirement)

Minimum qualification:—Post graduation in Psychology or Social Work

OR

Diploma in counseling,

OR

Degree with Diploma in Counseling

Age:—Minimum 25 years

(iii) Nurse:—(one nurse in every care home up to 50 service users and one additional nurse beyond 50 and up to 100).

Minimum qualification:—GNM/JPHN Course

OR

retired hands from nursing profession

Age:—Minimum 21 years

Desirable experience:—experience in nursing homes, hospitals, palliative homes or care homes.

(iv) Care giver:—(at two up to every 15 service users, and beyond that one additional for every 15 service users—both males and females available in proportion to the number of service user—number may vary depending upon special needs catered for)

Minimum qualification:—(1) SSLC

(2) A healthy physique.

Desirable qualification—any caregiver certificate course of Social Justice Department

Desirable experience:—1 year in geriatric care institutions

Minimum Age:—21

(v) Cook:—(1 upto 50 service users and one for every additional 50 or part thereof).

Age:—21 and above.

Minimum Qualification :—literacy and good physical condition.

(vi) Cleaner:—(1 upto 50 service users and one for every additional 50 or part thereof).

Minimum Qualification:—literate and able bodied.

Age:—21 and above.

(vii) Part-time Doctor:—One registered Medical Practitioner of any system of medicine, preferably having experience in geriatric health care.

(viii) The service provider shall make available the service of District Legal Services Authority to needy service user.

45. Voluntary Service in Care Homes

(1) Committed volunteers from community may be permitted to supplement and compliment the paid staff for the benefit of service users, if the service provider wishes so. But this will not be a substitute to the paid staff. There should be clear cut lines of accountability between regular staff and volunteers.

(2) The service provider if required may prepare a list of volunteers willing to serve in the Home adopting the same procedure for appointing regular staff, and make engagements from the list whenever necessary. This does not entail any right or claim on the volunteer for any temporary or regular appointment in future.

46. Training of Staff

(1) Every Care Home either on paying or charity basis may develop its own staff training and capacity development policies that fulfills the declared aims and that meets the changing needs of the service users. Attending training programmes shall be made compulsory to all staff members.

(2) All staff of the Care Homes will undergo in-service training at least three days every year to update their knowledge, skill and efficiency. The State Government will adopt training policy towards this goal.

47. Encouraging creativity, knowledge and skills

(1) Service users who are physically and mentally able to work may be encouraged to do so, with due concern for safety. Tie-up with suitable institutions may be made to provide vocational opportunities to the able-bodied and willing service users. Gains out of such vocations are personal earnings of the concerned service user and given to him/her in such manner as he/she desires.

(2) Those who are skilled in creative art or literature shall be encouraged to get on with.

(3) Attempts to collect and document the rare knowledge and experiences of the service users shall be made by the service provider.

(4) Ample exposure to books, periodicals, televisions, internet etc. shall be open, in addition to other educational activities to improve and update their knowledge and skill.

(5) Birthdays of the service users are duly celebrated in the home if the service users so desire.

48. Use of Intoxicants

Using intoxicants by staff, managing committee, other office bearers, visitors, service users or anybody else shall not be permitted within the premises of the Home.

49. Specialized Care Homes and specialist needs

(1) Those care homes established for specialized services in special need areas like respite cases, Alzheimer's/dementia cases, cognitive impairment cases, Parkinson's cases, etc. shall have additional facilities to take care of its service users. Care staff to the tune that one caretaker for every five services users, one nurse for every 15 service users and one nursing assistant for every 15 service users are necessary, with liberty to slight variation depending upon the severity of case. Day and night service of care staff shall be ensured. A minimum of two care giving staff shall be at service on all points of time.

(2) Additional infrastructure to suit individual needs of each service user including side grilled cots, electronic wheel chairs, individual based physiotherapy instruments etc. shall be available.

(3) Invariable palliative care shall be ensured for the special need categories of service users.

CHAPTER VI PROTECTION OF RIGHTS

50. Basic freedom and rights

(1) The service provider shall ensure that the service users' legal and civic rights are respected and fully protected. The rules of the institution imposed for discipline and administrative requirements shall in no case hurt the rights and privileges of the service users.

(2) No service user feels to have detained within the home premises, but be free to move out of home at reasonable hours and maintain contact with the public without detriment to the accepted discipline rules of the Home.

(3) The service provider facilitates to get all the rights envisaged in the Maintenance and Welfare of Parents and Senior Citizens Act and Rules thereunder protected in respect of every service user.

(4) Life style in the institution shall match the choice and preferences, and satisfies the social, cultural, religious needs of the service users.

(5) Routines of daily living shall be flexible and varied to suit users' preferences.

(6) The service provider shall facilitate to obtain Aadhar card, voter's identity card and other civilian records that the government may prescribe from time to time to every service user. Also the service user shall ensure enrolment of all eligible service users in Health Insurance and other relevant social security programmes of government.

51. Privacy and Dignity

(1) Information about the service users shall be handled by the service provider appropriately, with due respect and the right to privacy.

(2) No person shall be subjected to any kind of indignity. The Service provider shall not have any right to publish photographs or other identity of the service users in groups or single through any media including websites, with the intention of eliciting compassion or raising funds which may adverse the self-esteem and dignity of service users.

(3) Service users' privacy and dignity shall be maintained in such manner like:

- ◆ personal care giving including bathing, washing, using toilet etc.
- ◆ consultation with legal or financial advisors
- ◆ medical consultation and examination.

(4) The service users shall have access to telephone for use in private and receive their mail unopened.

(5) Screens shall be provided in dormitories and shared rooms when personal care is given, so as not to compromise personal privacy.

(6) All staff use the term of address preferred by the service user.

52. Community contact and opportunities

(1) Service users shall be free to contact family, friends, relatives etc., as they wish.

(2) Service users shall be able to have visitors at any reasonable hours and with due privacy.

(3) Restrictions on visitors will not be imposed normally, and if made for any reason it would be recorded.

(4) Service users shall be able to choose whom they see and do not see.

(5) Service provider, without prejudice to the normal discipline rules of the Home may permit students, social workers or other youngsters in groups to visit the care Home and interact, giving opportunity for the service users to maintain relationship with the younger generation and to share views each other, but only with consent and willingness of the service users.

53. Grievance Redressal

(1) Every care Home shall ensure a robust complaint redressal mechanism which is known to all service users and staff members. They should feel able to complain if they are unhappy with any aspect of living in the Care Home.

(2) Complaint boxes shall be installed in the Home at places easily accessible to service users, and opened at an interval of maximum 15 days, by the group of persons authorized by the governing body of the institution. All complaints are properly attended to and the progress of action kept informed to the complainant. No complaint remains unsettled beyond fifteen days.

(3) A gist of complaint received either through complaint box or any other means including verbal complaint are entered in a register maintained for that purpose. Steps taken for redressal, final solution arrived at etc. are noted by the service provider in the same register and produced for inspection of inspecting authorities.

(4) The following contact numbers and postal addresses are displayed in the Home for use of service users and staff:

(1) Dist Collector, (2) Dist. Police Chief, (3) Dist. Panchayat President/Grama Panchayat President/ Municipal Chairman/Corporation Mayor, (5) Director of Social Justice, (6) District Social Justice Officer/ Maintenance Officer, (7) Maintenance Tribunal, (8) Superior authority of the Home's Manager/Managing Committee, (9) Anti Corruption Bureau, (10) Other Helpline numbers.

54. Protection from abuse

(1) Service provider shall ensure an atmosphere safeguarding service users from physical, financial, psychological or sexual abuse, neglect, discrimination or degrading treatment. Efficient vigilance against any type of abuse including verbal and emotional from staff, officer bearers, fellow service users or anybody else shall be instituted.

(2) All allegations and incidents of abuses shall immediately be reported to police and copies forwarded to the District Collector and District Social Justice Officer by the Service Provider, follow up done promptly and action taken recorded appropriately.

(3) Relation between staff and service users shall be based on mutual respect and understanding. Staff shall be able to respond positively to acceptable behavior of service users. Where their behavior is regarded as unacceptable by staff, is responded to by constructive non-disciplinary measures and handled by psychologist/counselor.

(4) Serious and uncontrollable offensive behavior on the part of the service users if any, are dealt with appropriately by the Home's governing body.

(5) Accomplishments and behavioral excellence of staff as well as service users shall be duly recognized.

55. Death of service users

(1) Death of a service user irrespective of whether paying or non paying user, shall be intimated to family members, relatives or other responsible persons immediately. Every death shall be reported to the Police, competent authority and District Social Justice Officer by the service provider immediately after its occurrence.

(2) Death of service users shall be handled with dignity and propriety. The spiritual needs, rites and functions relating to religion, caste and community shall be observed.

(3) Time should be allowed to family, friends, relatives and others to pay their last respects to service user who has died.

(4) Every death shall be registered at the local body by the service provider under the Births and Deaths Registration Act.

(5) The service user's wishes concerning arrangements after death recorded in the care plan or Individual History Record or anywhere else shall be discussed and carried out by the service provider.

(6) Where the body of service user after death is not released to family members or relatives, the Home should arrange for funeral with due dignity and respect.

(7) In case of any valid document relating to donation of organ or whole body after death executed by the service user before death is in vogue, the Home shall after complying all legal procedures, fulfill it as a noble wish of the deceased service user.

(8) The Service provider shall ensure that the care staff makes every effort to provide full time attention, palliative care and pain relief to all service users who are terminally ill.

(9) In the event of an unnatural death or suicide of a service user, it is imperative for the Home to ensure that all procedural formalities under the criminal law including inquest and post-mortem are conducted.

CHAPTER VII

PROTECTION OF LIFE AND PROPERTY

56. Service users' Money and Valuables

(1) The service provider shall ensure that all reasonable steps are taken to safeguard the financial interests of the service user.

(2) Money and other valuables entrusted for the safe custody by the service user are secure, properly recorded in the register meant for the purpose, and physically verified at regular intervals in the presence of the service user, keeping due privacy. Recordings in this respect are made in the Individual History Record also, upto the satisfaction of the service user.

(3) The service users control their money by themselves except where they authorize any other person in writing.

57. Safeguards from exploitation

(1) The service provider shall arrange to facilitate and sensitize the service users for invoking provisions of the Maintenance and welfare of Parents and Senior Citizens Act or any other statute or legislation intended to safeguard the life and property of senior citizens, whenever necessary.

(2) The service provider shall not have any right to demand or collect any money or property or anything else either in the form of deposit, gift, donation, fee or the like from the service user other than what is specifically agreed upon in writing before admission in the Home.

(3) Any fee, deposit, gift or anything else collected from the service user by the service provider shall be given proper receipt and appropriately accounted for by the service provider.

(4) Any contract or deed transferring property of the service user by way of gift or otherwise to the service provider or anyone else shall contain a mandatory provision based on the spirit of section 23 (1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 to the effect that, in the event of violation of the transferee's responsibility to provide the basic amenities and basic physical needs to the transferor, such transfer of property be declared void. Such a deed or will or other document shall be registered under the Registration Act and copy of the document provided to the District Social Justice Officer and the Maintenance Tribunal.

(5) It shall be the responsibility of the District Social Justice Officer/ Maintenance Officer to ensure that any deed or contract pertaining to transfer of property executed between the service user and service provider or anyone else operates without prejudice to the best interests of the service user.

(6) The District Social Justice Officer will take steps to ensure placing of the police report required under Rule 20 of the MWPSR Rules, 2009 by the concerned officials in the meeting of the district level coordination-cum-monitoring committee constituted under Rule 22 and the committee will evaluate and monitor the progress of action as per rule 20 (2) of the said rules.

(7) The service provider shall not have any right or authority over the money or property entitled to the service user staying in the institution.

58. Management of property in the event of death

In the event of the death of a service user during the stay at a Care Home, any money, property or anything else deposited or entrusted for safe custody with the Home by the service user shall be returned to the heirs or nominees as the case may be, in accordance with the recordings in the Individual History Record or will, deed or other document in vogue at the time of death. In the absence of such documents, it shall go to the legal heirs.

CHAPTER VIII

ADDITIONS TRAINING APPLICABLE RELATING TO PAY HOMES

59. Assured standards and facilities

Minimum facilities and services in Pay Homes shall in no way be lesser than those prescribed in these guidelines. Those additional facilities and service offered in the users' guide, or those agreed upon at the time of admission shall be assured to the service user by the service provider.

60. Free users in Pay Homes

Every Pay Home may accommodate poor and destitute eligible persons not less than 10% of its sanctioned strength on an absolutely free basis. The beneficiaries to this pool shall be identified and deputed by the District Social Justice Officer as a part of the care arrangement system mentioned in para 27 (1) b. The Home shall in no case cause to feel any kind of discrimination on such service users either from fellow service users or from staff or anybody else.

61. Charitable Home along with Pay Homes

Service Provider shall have liberty to run Pay Home and Charitable Home together within the same compound, subject to the condition that:—

- (1) Separate registration certificates are obtained for both Homes.
- (2) The service provider ensures the Home is absolutely free from any kind of discrimination in providing services among service users such as food, health, space or entertainment.
- (3) Records, accounts, registers, returns etc. in respect of both institutions are maintained separately.
- (4) Mandatory 10 % free users shall be applicable to the pay home portion, over and above the charitable Home portion.

62. Fee structure to be intimated

(1) The detailed fee structure fixed and approved by the governing body of the Home including initial deposit or other charges if any, and the mode of collection shall be communicated to every service user before admission. Copy of the approved fee structure and revisions whenever take place shall be intimated to the District Social Justice Officer, and the competent authority by every care home.

(2) Governing body of the Home shall be at liberty to revise its fee structure, but should publicize it at least two months before it takes effect. A revised fee structure shall not have retrospective effect.

63. Agreements be registered documents

(1) Contractual agreements executed between the service provider and the service user if any shall be registered documents and renewed every five years.

(2) Procedures in case of violation of fee payment by the service user, as well as non provision of agreed services by the service provider shall be well defined in the contractual agreement executed at the time of admission.

64. Promotion of Reverse Mortgage Scheme for Senior Citizens

Senior Citizens having property may be advised to make use of the provisions of the reverse mortgage scheme at scheduled banks in accordance with the guidelines issued by Reserve Bank of India and avail services of a care home out of earnings of the mortgage, if found feasible.

64. Termination of contract of stay

(1) The service user reserves the right to terminate a contract for stay and to discontinue staying there at any point of time he desires. In such cases the service user is entitled to get the money or property deposited at the Care Home as advance maintenance fee back after deducting dues if any pending to be remitted at the care home.

(2) The service provider is liable to return the money or valuables entrusted for safe custody if any to the service user at the time of such discontinuance.

CHAPTER IX

INSPECTION, RECORD KEEPING AND MONITORING

65. Inspection

1. The following authorities are competent to inspect any pay home or charitable home for senior citizens run either by Government or by NGOs or by anybody else:—

- (1) Officials of Social Justice Department authorized by District Social Justice Officer or Higher authorities.
- (2) All members and Authorised officials of the Orphanage Control Board.
- (3) All police officials authorized by the District Police Chief/Commissioner.
- (4) Any officer authorized by District Collector.
- (5) Officials of Health Services Department authorized by the District Medical Officer.
- (6) Officials of Local Fund Audit Department, if grant is recommended for Government.

2. Observations made by inspecting authorities may be recorded and the guidance/instructions given if any shall bound to be followed by the Home.

3. Due rewards and encouragements may be recommended to exemplary functioning.

66. Surprise inspection

Inspecting authorities are competent to enter any part of the Home at any hours, inspect any place, property or record of the institution, interview service users or staff, with or without prior intimation and initiate suitable steps as found necessary.

67. Confidential information

Inspecting officials are liable to keep any confidential information relating to service user confidential.

68. Record keeping

(A) Every care home shall maintain the following records and registers and produce for inspection at any place and time required by the competent authority or inspecting authorities:

(a) *Common records:—*

- (1) A register to record admission, discharge and death of service users.
- (2) Daily attendance register of service users and staff—both regular and voluntary.
- (3) A central register to record money and other valuables belonging to service users entrusted for safe custody.
- (4) A register to record donations received in kind.
- (5) Individual History Record in respect of every service user.
- (6) A staff prorate record.
- (7) A Register of persons visited each service user each day with time of arrival and departure.
- (8) Receipt books and counterfoils.
- (9) Individual care plan document.
- (10) Need assessment record in respect of each service user.
- (11) Inspection Book.
- (12) Cash Book to record receipt and payment of all money including donation, Govt. assistance, foreign contribution etc.
- (13) Ledger and sub vouchers supporting receipts and expenditure.
- (14) Stock register of food stuff and provision articles.
- (15) A stock record of permanent assets including furniture and other stores.
- (16) Records in support of date of birth/age of service users.
- (17) Summary of information relating to service users received from persons referring admission.
- (18) Minutes of Managing Committee meetings.

- (19) Records relating to diet and its nutritive value.
- (20) Any other record for administrative purpose felt necessary by the service provider.
- (21) Any other record that may be prescribed by Government from time to time.

(b) Additional Records for Pay Homes.—

- (1) Register of monthly fee collected from service users.
- (2) Register for recording collections from service users in the form of deposits, gifts, donations or any others.
- (3) A central register to record money or property collected from service users other than monthly fees.

(B) Every service user shall have access to Individual History Record pertaining to himself/herself. Updating of the record may be done by the service user himself if he wishes so, under supervision of the manager.

(C) Maintenance of records through electronic media is permissible subject to ready availability of updated hard copies.

(D) All the accounts of the institution other than Homes run by Government departments are got annually audited by qualified Chartered Accountants.

(E) Non maintenance or non production of records for inspection is presumptive attempt to curb transparency in the functioning of the Home by the service providers and the inspection authority shall be free to initiate suitable steps in such cases.

(F) Registers and individual records relating to service users shall not be destroyed for a period of ten years after the service user leaves the home.

69. Monitoring Mechanism

A. Managing committee.—Every care Home shall have its own Home Managing committee which will meet at regular intervals, not exceeding 3 months. A minimum of two representatives of service users—at least one female in the case of both genders—selected from the

committee of service users shall be co-opted to the Managing committee. The representation of a transgender person, if any admitted in the care home shall be obligatory in the Management committee.

B. Committee of service users.—There shall be a committee of service users in every home democratically elected by themselves with appropriate representation to both genders, having due participation in decision making relating to the home. The committee will liaise between the service users and managing committee. The minutes of its meetings shall be placed on the notice board.

(i) Role and function of the Home Managing committees and service users' committees:—

The committees shall ensure that the care and services are in accordance with these guidelines and other orders in force. Laxities at any end may be brought to the notice of the appropriate levels by the concerned committees. The committees shall ensure the overall smooth function of the institution and optimum welfare of each and every service user.

C. Feedback from service users.—The department of Social Justice may take an annual feedback from the service users of all care homes including pay homes deputing suitable officers with due format or other tools. Such feedback taken shall be analyzed by an expert team constituted at the district level, placed before the district level committee constituted under rule 22 of the Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 by the District Social Justice Officer for discussion and also reported to all the required levels and the concerned care homes. Corrective measures if any required shall be ensued in the light of the analysis report.

D. District Committee.—The District Committee of senior citizens constituted under Rule 22 of Maintenance and Welfare of Parents and Senior Citizen Rule, 2009 shall review and evaluate the functioning of all the Care Home for senior citizens in every district, including pay homes. The Committee shall have such powers and responsibilities that have been prescribed by Government in pursuant to Rule 22 (3) of the Act.

GOVERNMENT OF KERALA

Social Justice Department

FORM I

[Vide para 7 (1)]

APPLICATION FOR PERMISSION TO ESTABLISH CARE HOME FOR SENIOR CITIZENS

1. Name and full permanent address and designation of the authorized person furnishing the application (with Dist., Pin code and phone number and e-mail ID) :
2. Name address of the applicant organization / agency (with Pin code, District, Phone number and e-mail address) :
3. Name and full address of the proposed care home :
 - Name :
 - Address :
 - E-mail ID :
 - Panchayat/Municipality/Corporation :
 - Village :
 - Taluk :
 - Police station :
4. Act/Acts under which the organization is registered and Register number/numbers :
5. Date of expiry of validity of registration :

6. If the organization is accredited under the State NGO Policy, furnish certification details :
7. Whether applicant organization is religious or secular :
8. If religious, specify name of religion :
9. TAN numbers of the organisation and the care home if any :
10. Source of income of the organization to run the care home :
11. Bank accounts operated by the care home and balance available in each account on the date of application :
12. Whether foreign assistance received/receivable by the organization or the Home :
13. FCRA Account number and Name of Bank :
14. A brief description of the organization explaining its objectives and activities :
15. Whether the organization is running any other Institution (if yes, details) :
16. Experience of the organization in senior citizen related Activities (in completed years) :
17. Date on which the Care Home is proposed to start functioning :
18. Nature and category of the Home for which permission is sought for :
 - (a) Pay Home or charitable Home for general categories :

- (b) Special need Home on payment basis :
and category to be catered for
(i.e. dementia case/cognitive impaired :
case/Parkinson's case etc.)
- (c) Special need Home on charity basis :
and category to be catered for
19. Whether admission intended is exclusively :
for women, widows, men, Transgender
persons or for mixed (if yes, category)
20. Number of total persons to be admitted :
21. Whether the Home is to locate in own :
or rented building
22. Building Number and name of local body :
where the proposed home is to situate
23. Plinth area of the building in sq. mts. :
24. Carpet area of the building in sq.mts. :
25. Whether sanitation certificate and fitness :
certificate obtained
26. Whether qualified staff appointed or ready :
for appointment at the time the home
starts functioning
27. Whether the organization received any :
assistance from State or Central
Governments or any other agencies during
last 3 years (if yes give details)
28. Additional information if any :

Declaration

I, the applicant, do hereby declare that—

(1) all the information furnished above are true, and—

(2) I agree to abide by all the provisions contained in the 'guidelines for protection of life and property and senior citizens housed in various care homes in the State of Kerala' and all other orders, rules, regulations etc. relevant in this regard.

Place:

Date:

Signature and name of authorized person.

Recommendation of the District Social Justice Officer

Date:

Seal

signature

(Attach additional sheets if necessary)

List of documents required to be attached with the application:

1. Copy of registration certificate/s of the organization (vide column 4).
2. Copy of NGO accreditation certificate (Vide column 6).
3. Copies of Bank pass Books showing account number, other identity and transactions (vide column 11).
4. Copy of order sanctioning foreign contribution, and copy of statement filed with the Central Home Department for the last year (vide column 12).

5. If no foreign assistance received or receivable by the organisation/care home, a certificate of the applicant to that effect (vide column 12).
6. (a) Copies of Bye-laws/memorandum of association.
(b) Statement showing name, address and other details of governing body members including educational qualification, annual income, age, occupation and relationship with other members.
(c) Annual report of the last year.
(d) Audited annual income and expenditure statement of the last year (3 a to d—vide column 14).
7. Copy of ownership certificate of the building received from the local body in case of own building, or copy of rent or lease agreement in case of rented building (vide column 21, 22).
8. Copy of the building plan showing total plinth area and carpet area of each room (vide columns 23, 24).
9. Copy of sanitation certificate obtained from the Health services authorities (vide col. 25).
10. Copy of building fitness certificate obtained from the PWD/Local body engineer/licenced engineer (vide column 25).
11. If staff appointed, a list showing name, gender, name of post, qualification, experience and age (vide column 26).

GOVERNMENT OF KERALA

Social Justice Department

FORM II

[vide para 7 (2)]

CERTIFICATE OF PERMISSION TO START CARE HOME
FOR SENIOR CITIZENS

Certificate Number..... Date of issue.....

I. This certificate of Permission to start a Care Home for senior citizens is awarded to.....(full name and address of organization, with district and Pincode) registered as No. underAct. The home thus started be known as and function in building number ofPanchayat/Municipality/Corporation.

II. The Care Home is permitted to admitservice users including men, women and transgender persons.

III. It is permitted to start function as—(i) a Pay Home/(ii) a Charitable Home/(iii) a special need Home on payment basis/charity basis to cater to needs of cognitive impairment cases/parkinson's disease cases/dementia cases/respite cases..... along with general cases.

IV. The Care Home intended under this certificate of permission is to make functional on or before and report to the competent authority and District Social Justice Officer. The validity of this certificate will automatically expire on completion of that date, if the service provider failed to operationalise.

V. This certificate of permission is not transferable.

VI. All the conditions stipulated in the 'Guidelines for Protection of Life and Property of Senior Citizens housed in various Care Homes in the State of Kerala' approved by the Government of Kerala as per GO. are applicable to the care home for which permission to start is granted in this Certificate.

Place :

Signature of competent authority.

(Seal of competent authority)

GOVERNMENT OF KERALA

Social Justice Department

FORM III

[vide Paras 10 (2) and 15]

APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION
OF CARE HOME FOR SENIOR CITIZENS

1. Name and full address and designation :
of authorized person who furnishes
application (with district, pin code,
phone number, e-mail ID, etc.)
2. Name and full address of organization :
running the care home (with district,
pin code, Phone No., e-mail ID, etc.)
3. Whether the applicant is Government :
or Quasi Government body or PRI
4. Whether applicant organization is religious :
or secular.
5. If religious, specify name of religion :
6. Name and full address of the Care Home :
Name :
Address :
Panchayat/Municipality/Corporation :
Village :
Taluk :
Police Station :
Ph.No., e-mail and other contact details :

12. A brief description about the organization :
13. Experience of the organization in :
senior citizen related Activities
(in completed years)
14. Whether the organization is running :
any other institution (if yes, give details)
15. Nature and category of the Home
 - (a) Pay Home or Charitable Home for :
general categories
 - (b) Special need Home on payment :
basis and category to be catered
for (i.e. dementia cases, Hearing
impaired case/Parkinson's case etc.)
 - (c) Special need Home on charity basis :
and category to be catered for
16. Whether the Home is located in own :
or rented building
17. Building Number and name of local :
body where the home is functioning
18. Total plinth area and carpet area of the :
building in m. sq.
19. No. and date of sanitation certificate :
received from the Health Services
authorities
20. Whether building fitness certificate :
obtained from PWD/Local body
engineer/licensed engineer
21. Source of the income of the organization :
to run the home

22. Bank Account operated by the care :
home and balance available on the date
of application
23. Whether the organization is receiving/ :
receivable any foreign assistance
(if yes details)
24. FCRA Account Number and Name :
of Bank
25. Whether the organization received any :
assistance from State or Central
Governments or any other agencies
during last 3 years (if yes give details)
26. Whether the staff appointed is in :
conformity with the guidelines
27. If a transferred institution under the :
Panchayat Raj system, name of local
body to which transferred
28. Additional information if any :

Declaration

I, the applicant, do hereby declare that—

(1) all the information furnished above are true, and

(2) agree to abide by all the provisions contained in the 'guidelines for protection of life and property and senior citizens housed in various care homes in the State of Kerala' and all other orders, rules, regulations etc. relevant in this regard.

Place:

Date :

*Signature and name of
authorized person*

**Recommendation of the District Social Justice Officer/
other Inspecting Authority**

Date	Seal	signature
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(Attach additional sheets if necessary)

List of documents required to be attached with the application:

1. Copy of registration certificate/s of the organization (vide column 7).
2. Copy of NGO accreditation certificate (Vide column 8).
3. Copy of certificate of permission if availed (vide column 10).
4. Copies of Bye-laws, Name, address, occupation, annual income, educational qualification, relationship with other members and other details relating to governing body members, annual report of the last one year, audited annual income and expenditure statement of the last year (vide columns 12, 13)
5. Copy of ownership certificate of the building received from the local body in case of own building, or copy of rent agreement in case of rented building (vide Column No. 16, 17)
6. Copy of the building plan showing total plinth area and carpet area (vide column 18)
7. Copy of sanitation certificate obtained from the Health Services Authorities (vide col. 19)
8. Copy of building fitness certificate obtained from the PWD/Local body engineer (vide column 20)
9. Copies of Bank Pass Books showing account number, other identity and transactions (vide column number 22)
10. Copy of order sanctioning foreign contribution, and copy of statement filed with the Central Home Department for the last year (vide column 23, 24)
11. If no foreign assistance received or receivable by the organisation/care home, a certificate of the applicant to that effect (vide column 24)
12. A list of staff members showing name and address, gender, name of post, qualification, experience and age (vide column 6)

GOVERNMENT OF KERALA

Social Justice Department

FORM IV

(vide para 11)

**CERTIFICATE OF REGISTRATION FOR CARE HOME
FOR SENIOR CITIZENS**

Certificate Number Date of issueDate of
renewal

I. This certificate of registration/renewal of registration for Care Home for senior citizens is award to.....
..... (name and full address of the care home for senior citizens with district, pin code, name of local body etc.)

Owned by
..... (name and full address of the organization with district, pin code and name of local body) and holder of permission certificate No..... dated of this authority.

II. This care home shall have a maximum of (words)..... service users including men, women and transgender persons.

III. This care Home shall function as a (i) Pay Home/ (ii) Charitable Home/ (iii) Special need home on payment basis to cater to needs ofcategory along with general category/ (iv) special need home on charity basis to cater to needs of category along with general category.

IV. This registration/renewal of registration is valid for the period of four years commencing from and ending with

V. This registration/renewal shall be subject to the conditions laid down in the "Guidelines for Protecting Life and Property of Senior Citizens housed in Various Care Homes for Senior Citizens in the State of Kerala" approved by Government in G.O.....

VI. This certificate is not transferable.

Place :

Signature of competent authority

(Seal of competent authority)

GOVERNMENT OF KERALA

Social Justice Department

Form V

[vide para 14 (3)]

**ORDER OF REFUSAL OF CERTIFICATE OF PERMISSION FOR
STARTING/REGISTRATION/RENEWAL OF REGISTRATION OF
CARE HOME OF SENIOR CITIZENS**

The State competent authority to grant certificate of permission for starting care home of senior citizens/registration of care home for senior citizens/renewal of certificate of registration of care home for senior citizens—

after due enquiry on the application received from

.....(name and address of applicant organization) and considering the arguments put forth by the organization during the personal hearing on as per the provisions of the "Guidelines for the Protection of Life and Property of Senior Citizens housed in various Care Homes in the State of Kerala" concludes that the applicant does not merit a certificate of permission/registration/renewal of registration due to the following reasons :

- 1.
- 2.
- 3.
- 4.

Hence the application is rejected.

The applicant may appeal against this order to the State Government within thirty days from the date of receipt of this Order.

The Order of the State Government shall be final.

Where no appeal has been preferred immediately on the expiry of thirty days this order will take effect and the care home shall cease to function. A separate order will be issued regarding the arrangements to be made for dealing with the service users of the institution.

Place:

Date :

Signature

*Name and designation of the
competent authority*

(seal)

By order of the Governor,

A. SHAJAHAN,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Sub-rule (2) of Rule 18 of Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 empowers the Government to make detailed guidelines/orders from time to time for admission into and management of old age homes in accordance with the norms and standards laid down in the sub-rule (1) of Rule 18 and the Schedule. Government have decided to make the guidelines accordingly.

This notification is intended to achieve the above object.

