

THE GOVERNMENT

No. 06/2011/ND-CP

SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom – Happiness

Hanoi, January 14, 2011

DECREE

DETAILING AND GUIDING A NUMBER OF ARTICLES OF THE LAW ON THE ELDERLY

THE GOVERNMENT

*Pursuant to the December 25, 2001 Law on the Elderly;
At the proposal of the Minister of Labor, War Invalids and Social Affairs.*

DECREES:

Chapter I

TAKING CARE OF AND LOOKING AFTER THE ELDERLY

Article 1. Conditions on individuals or organizations that provide elderly-caretaking services

1. Individuals who directly take care of the elderly must satisfy the following conditions:

a/ Having full civil act capacity;

b/ Having good moral quality, being not infected with social diseases and subject to penal liability examination or being already sentenced but not yet entitled to remission of criminal records;

c/ Having good health and skills to take care of the elderly.

2. Organizations providing elderly-caretaking services must satisfy the conditions defined in Article 8 of this Decree.

Article 2. Elderly-caretaking service contracts

1. Elderly-caretaking service contracts between persons having the obligations and rights to take care of the elderly and individuals or organizations providing elderly-caretaking services must be made in writing.

2. Elderly-caretaking service contracts must comply with the principles of respecting for and protecting the elderly's legitimate rights and interests and be agreed upon by the elderly or their guardians.

3. An elderly-caretaking service contract must contain the following principal contents:

a/ Health conditions and ailments of the elderly;

b/ The care-taking time, location and method;

c/ The service charge and payment mode;

d/ The rights and obligations of the caretakers;

e/ The rights and obligations of the individual or organization providing care-taking services;

f/ Other contents.

4. The conclusion, performance, modification, supplementation and termination of elderly-caretaking service contracts shall be agreed upon by involved parties and comply with current, law.

Article 3. Cultural, educational, sport, physical training, entertainment and tourist activities

1. Ministries, ministerial-level agencies, government-attached agencies and Peoples Committees at all levels shall, within the ambit of their respective tasks and powers, invest in the construction and renovation of cultural, educational, sports, physical training, entertainment and tourist establishments suitable to socio-economic conditions with a view to meeting the elderly's spiritual and physical training needs.

2. Organizations or individuals investing in the construction of cultural, educational, sports, physical training, entertainment and/or tourist establishments to meet the elderly's spiritual and physical training needs are entitled to the policies defined in the Government's Decree No.69/200S/ND-CP of May 30, 2008, on incentive policies for socialization of educational, vocational training, healthcare, cultural, sports and environmental activities.

3. The Minister of Culture, Sports and Tourism shall guide the organizations of, and create conditions for the elderly to participate in, learning, cultural, entertainment and tourist activities, deep-breathing practices, physical training and sports activities suitable to their health and psychological conditions, as defined in Clause 2, Article 14 of the Law on the Elderly.

Article 4. Public facilities, mass transit

1. The construction and renovation of condominiums and public facilities must comply with technical regulations on construction and take into due consideration the characteristics and use needs of the elderly.

2. Mass transit vehicles must be furnished with instructions and seats reserved for the elderly and with supporting instruments or assistance suitable to the elderly, depending on each type of vehicle. Commuters shall assist the elderly when necessary.

Article 5. Reduction of ticket prices and service charges for a number of services

1. The elderly may enjoy at least 15% reduction of ticket prices or service charges when traveling by passenger ship, train or aircraft.

2. The elderly may enjoy at least 20% reduction of ticket prices or service charges upon their visits to cultural or historical relics, museums and scenic places; their physical training or sport practice at physical training and sport establishments where tickets are sold or service charges are collected.

3. In order to enjoy ticket price and service charge reduction under Clauses 1 and 2 of this Article, the elderly shall produce their people's identity cards or other valid papers proving they are elderly.

4. Service-providing agencies, organizations and individuals shall issue separate price reduction tickets for the elderly.

5. Depending on practical conditions, ministers, heads of sectors or central organizations', chairpersons of People's Committees of provinces and centrally run cities (below referred collectively to as provincial-level People's Committees) shall decide ticket price and service charge reduction levels within their competence under Clauses 1 and 2 of this Article.

Article 6. Social security policies

1. The standard social allowance level for determination of monthly social allowance levels and monthly nurturing allowance level for the elderly is VND 180,000 (coefficient 1.0).

2. The minimum monthly social allowance levels for the elderly defined in Article 17 of the Law on the Elderly, who live in a community under the management of the People's Committee of a commune, ward or township, are as follows:

a/ VND 180,000/person/month (coefficient 1.0) for full 60 to 80 year-old persons of poor households without persons having the care-taking obligations and rights or with persons having the care-taking obligations and rights who, however, currently enjoy monthly social allowances;

b/ VND 270,000/person/month (coefficient 1.5) for full SO and plus-year old persons of poor households without persons having the care-taking obligations and rights or with persons having the care-taking obligations and rights who, however, currently enjoy monthly social allowances;

c/ VND 180.000/person/month (coefficient 1.0) for 80 and plus-year old persons not defined at Points a and b of Clause 2, this Article, who have no pension, monthly social insurance allowance or monthly social allowance.

3. VND 360.000/person/month (coefficient 2.0) for persons who are looked after in social relief establishments defined in Clause 2, Article 18 of the Law on the Elderly.

4. VND 360.000/person/month (coefficient 2.0) for persons who are eligible for admittance into social relief establishments but are looked after in the community under Article 19 of the Law on the Elderly.

5. The funeral and burial cost allowance level for the elderly defined in Articles 18 and 19 of the Law on the Elderly is VND 3.000.000. when they die.

6. Depending on practical conditions of localities or units, ministers, heads of sectors or central organizations with elderly-caretaking establishments, or chairpersons of provincial-level People's Committees shall decide on allowance and support levels for the elderly within their respective competence, which must not be lower than the levels defined in Clauses 2, 3, 4 and 5 of this Article.

7. If the elderly are entitled to different monthly allowance levels defined in Clauses 2, 3 and 4 of this Article or different funeral and burial cost allowance levels, they may only enjoy the highest levels.

8. The allowance entitlement period for the elderly defined in Clauses 3 and 4 of this Article will be counted from the date stated in the decisions of chairpersons of district-level People's Committees.

9. The Minister of Labor, War Invalids and Social Affairs shall prescribe the order, procedures and dossiers for admission of elderly into social relief establishments: and provide monthly social allowances and funeral and burial cost allowances.

Article 7. Longevity congratulations and celebrations

1. Longevity congratulation and celebration presents are prescribed as follows:

a/ The Minister of Finance shall prescribe types of presents to be given by the President of the Socialist Republic of Vietnam to 100 year-old persons, presents to be given by chairpersons of provincial-level People's Committees to 90 year-old persons and the spending items and levels for organizing longevity celebrations under Clause 3, Article 21 of the Law on the Elderly;

b/ Depending on their local practical conditions, chairpersons of provincial-level People's Committees shall prescribe types of longevity presents for persons aged 70, 75, 80, 85, 95 and over 100 years.

2. Longevity celebrations will be organized in a solemn and thrifty manner suitable to local cultural lifestyles, customs and practices.

3. The Minister of Culture, Sports and Tourism shall detail the organization of longevity celebrations provided for in Clause 2 of this Article.

Chapter II

ELDERLY-CARETAKING ESTABLISHMENTS

Article 8. Establishment, operation and dissolution of elderly-caretaking establishments

1. The conditions and procedures for establishment, organization, operation and dissolution of social relief establishments defined at Point a, Clause 2, Article 20 of the Law on the Elderly comply with the Government's Decree No. 68/2008/ND-CP of May 30, 2008, defining the conditions and procedures for establishment, organization, operation and dissolution of social relief establishments.

2. The conditions and procedures for establishment and dissolution of elderly-caretaking establishments defined at Points b and c, Clause 2, Article 20 of the Law on the Elderly comply with the law on such type of organizations.

3. The elderly-caretaking establishments defined at Points b and c, Clause 2, Article 20 of the Law on the Elderly may operate only after they obtain permits for elderly-caretaking operations.

Article 9. Conditions for obtaining permits for elderly-caretaking operations

An elderly-caretaking establishment defined in Clause 2. Article 8 of this Decree may obtain a permit for elderly-caretaking operations when it fully satisfies the following conditions:

1. It is lawfully established.
2. Its head meets the conditions defined in Clause .Article 1 of this Decree;
3. It has employees to directly counsel or take care of the elderly, who satisfy the requirements set in Clause 1. Article 1 of this Decree;
4. It meets the conditions on environment, physical foundations and care-taking as well as nurturing standards defined in Articles 10. 11 and 12 of the Government's Decree No. 68/2008/ND-CP of May 30. 2008, defining the conditions and procedures for the establishment, organization, operation and dissolution of social relief establishments.

Article 10. Permits for elderly-caretaking operations

1. A permit for elderly-caretaking operations has the following principal contents:

- a/ Name, head office, telephone number and fax number of the establishment;
- b/ Full name of the establishment head;
- c/ Scope and contents of services provided by the establishment.

2. An elderly-caretaking establishment must only operate in accordance with the contents written in its operation permit.

3. When changing its name, head office, head or scope or contents of services provided, it must carry out procedures for modification of its permit; in case of change of form of organization, division, separation, merger or consolidation, it must carry out procedures to apply for a permit.

4. If its operation permit is lost or damaged, the establishment may obtain a new one.

Article 11. Competence to grant, suspend and withdraw permits for elderly-caretaking operations

1. Provincial-level Departments of Labor, War Invalids and Social Affairs may grant elderly-caretaking operation permits to the following:

- a/ Establishments of ministries, ministerial-level agencies, government-attached agencies or central bodies of socio-political organizations, social organizations or socio-professional organizations, with their head offices located in the localities;
- b/ Establishments set up by foreign organizations or individuals with their head offices located in the localities;
- c/ Establishments set up by provincial-level agencies or organizations.

2. District-level Sections of Labor, War Invalids and Social Affairs may grant elderly-caretaking operation permits to other establishments set up by domestic organizations or individuals, which do not fall into the cases defined in Clause 1 of this Article and have their head offices based in the localities.

3. Agencies competent to grant elderly-caretaking operation permits may re-grant, modify, suspend or withdraw such permits.

Article 12. Dossiers of application for elderly-caretaking operation permits

1. A dossier of application for an elderly-caretaking operation permit comprises:

- a/ The establishment's written application for an elderly-caretaking operation permit;
- b/ Copy of the establishment decision or business registration certificate of the organization or individual that has set up the establishment;
- c/ Papers proving full satisfaction of the conditions defined in Article 9 of this Decree.

2. A dossier of application for adjustment or re-grant of an elderly-caretaking operation permit comprises:

- a/ A written application for permit modification or re-grant;
- b/ Papers evidencing that the elderly-caretaking operation permit was lost or damaged;
- c/ Papers showing the alteration of the name, head office, establishment head, scope or contents of services provided.

Article 13. Order and procedures for granting elderly-caretaking operation permits

1. The order and procedures for the grant, re-grant and modification of operation permits by provincial-level Departments of Labor, War Invalids and Social Services comply with the following regulations:

a/ The prospective elderly-caretaking establishment compiles and sends a dossier to the provincial-level Department of Labor, War Invalids and Social Affairs;

b/ Within 15 working days after receiving a complete valid dossier, the provincial-level Department of Labor, War Invalids and Social Affairs shall grant, re grant or modify the operation permit.

2. The order and procedures for the grant, re-grant and modification of operation permits by district-level Sections of Labor, War Invalids and Social Affairs comply with the following regulations:

a/ The prospective elderly-caretaking establishment compiles and sends a dossier to the district-level Section of Labor, War Invalids and Social Affairs;

b/ Within 10 working days after receiving a complete valid dossier, the district-level Section of Labor, War Invalids and Social Affairs shall grant, re-grant or modify the operation permit.

3. If a dossier of application for an operation permit is incomplete or invalid, the permit-granting agency shall, within three working days, notify the applicant thereof for dossier completion.

4. If the applicant is ineligible for a permit, the permit-granting agency shall, within five working days, notify the applicant of the reason for its ineligibility.

Article 14. Suspension and withdrawal of elderly-caretaking operation permits

1. Elderly-caretaking establishments which, in the course of operation, fail to fully meet the conditions defined in Article 9 of this Decree, shall be suspended from operation until the operation conditions are fully met.

2. The elderly- caretaking operation permit may be withdrawn in the following cases:

a/ It is granted to the establishment *ultra vires* or in contravention of law;

b/ The establishment does not operate within 12 months after obtaining the permit;

c/ The establishment changes its operation purposes;

d/ The establishment still fails to fully meet the prescribed conditions after the suspension duration terminates;

e/ The establishment commits violations and is administratively sanctioned three times within 12 months;

f/ The organization or individual that has set up the establishment dissolves or goes bankrupt while such establishment does not satisfy the law-established operation conditions.

3. Elderly-caretaking establishments are obliged to deal with the elderly's interests when they are suspended from operation or have their operation permits withdrawn.

Article 15. Liability to suspend and withdraw permits for elderly-caretaking operations

1. When detecting cases defined in Clause 2. Article 14 of this Decree, provincial-level Departments of Labor, War Invalids and Social Affairs or district-level Sections of Labor, War Invalids and Social Affairs shall withdraw the elderly -caretaking operation permits they have respectively granted.

2. If establishments are detected to no longer meet the prescribed conditions, provincial-level Departments or district-level Sections of Labor, War Invalids and Social Affairs shall, depending on the nature and severity of violations, issue decisions on partial or full suspension from elderly-caretaking operations for given periods of time under the permits they have respectively granted.

Article 16. Incentive policies for investment in the construction of elderly-caretaking establishments

Investors of construction of elderly-caretaking establishments are entitled to incentive policies under the Government's Decree No. 69/2008/ND-CP of May 30, 2008, on incentive policies for socialization of educational, vocational training, healthcare, cultural, sports and environmental activities.

Chapter III

ORGANIZATION OF IMPLEMENTATION

Article 17. Funds

1. The sources of funds for the implementation of social security policies; for surveys, statistical work, information technology application, management of beneficiaries of social allowances and for the payment of social allowances comply with the Government's Decree No. 13/2010/ND-CP of February 27, 2010, amending and supplementing a number of articles of the Government's Decree No. 67/2007/ND-CP of April 13, 2007, on assistance policies applicable to social security beneficiaries.

2. Funds for the realization of other contents not defined in Clause 1 of this Article comply with the Law on the Elderly and the law on state budget.

Article 18. Implementation responsibilities

1. Ministries, ministerial-level agencies, government-attached agencies and provincial-level People's Committees shall, depending on their respective assigned functions, tasks and powers, organize the implementation of this Decree.

2. The Ministry of Labor, War Invalids and Social Affairs shall guide the implementation of, propagate and disseminate policies; conduct surveys and statistics on the elderly; build management software; promulgate a system of monitoring and supervision indicators, dossier forms and implement the social security policies towards the elderly.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 19. Effect

This Decree takes effect on March 1, 2011, and replaces the Government's Decree No. 30/2002/ND-CP of March 26, 2002, prescribing and guiding the implementation of a number of articles of the Ordinance on the Elderly, and Clause 3, Article 4, and other provisions on the elderly of the Government's Decree No. 67/2007/ND-CP of April 13, 2007, on assistance policies applicable to social security beneficiaries.

Article 20. Implementation responsibilities

Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People's Committees shall implement this Decree.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Tan Dung