

**Status: 1 January 2006**

**Act on Occupations in Geriatric Nursing  
(Geriatric Nursing Act - AltPflG)**

**in the version of the announcement of 25 August 2003 (Federal Law Gazette I, p. 1690),  
last amended by Article 3a of the Act of 8 June 2005 (Federal Law Gazette I, p. 1530)**

Part 1

**Licence**

Section 1

The occupational title of "geriatric nurse" may only be used by persons who have been granted a licence to do so.

Section 2

(1) The licence according to Section 1 is to be granted upon application, if the applicant:

1. Has undergone the vocational training prescribed by this Act and passed the respectively prescribed examination,
2. Is not guilty of conduct indicating unreliability as regards practising the occupation,
3. Is not unfit for practising the occupation as regards his or her health.

(2) The licence is to be retracted if any of the requirements pursuant to Para. 1 No. 1 was not fulfilled. The licence is to be revoked if the requirement stipulated in Para. 1 No. 2 subsequently ceases to be fulfilled. The licence can be revoked if the requirement stipulated in Para. 1 No. 3 subsequently ceases to be fulfilled. The regulations under Länder law corresponding to Sections 48 and 49 of the Law on Administrative Proceedings remain unaffected in all other respects.

(3) Completed vocational training acquired outside the purview of this Act fulfils the requirements of Para. 1 No. 1 if the standard of training is equivalent. If the standard of training is not equivalent, or if determination of such equivalence would require an unreasonable length of time or material outlay, equivalence of the level of knowledge must be proven. This proof is furnished by taking an examination covering the content of the oral and practical parts of the state examination. In the case of applications from nationals of a contracting state of the European Economic Area who apply for a licence according to Section 1, the equivalence of the standard of training within the meaning of the first sentence can also be evidenced by submission of a diploma, examination certificate or certificate of qualification, if the vocational training certified by the certificate was predominantly received in another contracting state of the European Economic Area or at educational institutions of a third country that provide vocational training pursuant to the legal and administrative regulations of a Member State, or if the holder of the certificate has three years of occupational experience that is certified by the Member State recognising the vocational education certificate of a third country.

(4) For persons applying for a licence according to Section 1, the requirement stipulated in Para. 1 No. 1 is deemed to be fulfilled if they have completed vocational training in another contracting state of the European Economic Area and prove this by submitting a diploma of the relevant contracting state of the European Economic Area corresponding to the minimum requirements of Article 1 Letter a of Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (OJ EC No. L 19 p. 16) in the version valid from time to time, or of Article 1 Letter a of Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC (OJ EC No. L 209 p. 25) in the version valid from time to time, provided that the vocational training does not display any material differences in comparison with the vocational training regulated under this Act in terms of duration or content. Any applicant whose vocational training displays material differences within the meaning of the first sentence must complete an updating course or take an aptitude test, unless his or her proven occupational experience is suitable for equalising the material differences established. A diploma according to the first sentence is equated with an examination certificate corresponding to Article 1 Letter b of Directive 92/51/EEC if the applicant has, in accordance with Article 5 Para. 2 of the aforementioned Directive, completed an updating course or passed an aptitude test. The applicant has the right to choose between the updating course and the aptitude test according to Sentence 2 or 3. The updating course may not exceed a duration of three years.

(5) Paragraphs 3 and 4 apply, *mutatis mutandis*, to third countries and nationals of third countries, insofar as the law of the European Communities results in the according of equal status as regards the recognition of diplomas.

## Part 2

### **Vocational training in geriatric nursing**

#### Section 3

Vocational training in geriatric nursing is intended to impart the knowledge, abilities and skills necessary for independent and self-responsible provision of nursing services, including the counselling, care and support of elderly people. This particularly includes:

1. Comprehensive and planned, competent and professional nursing in keeping with generally recognised knowledge in the nursing sciences, particularly medical nursing,
2. Participation in the treatment of sick, elderly people, including the implementation of doctors' orders,
3. Preservation and restoration of individual abilities in the framework of geriatric and gerontopsychiatric rehabilitation concepts,
4. Participation in quality-assuring measures in nursing, care and treatment,
5. Preventive health care measures, including nutritional guidance,

6. Comprehensive care of the dying,
7. Instruction, advising and support of caregivers who are not nursing professionals,
8. Support and advising of elderly people as regards their personal and social affairs,
9. Assistance in maintaining and activating an independent way of life, including the promotion of social contacts, and
10. Encouragement and supervision of family and neighbourhood help, and counselling of relatives providing nursing care.

In addition, vocational training is to enable the trainee to cooperate with other persons working in geriatric care and to deal with administrative work directly associated with the tasks in geriatric nursing.

#### Section 4

- (1) Vocational training lasts three years, regardless of the time of the state examination. The training consists of theoretical and practical instruction and practical training. The practical training element is dominant.
- (2) Instruction is given in geriatric nursing schools.
- (3) Practical training is given in the following institutions:
  1. In a residential home as defined in Section 1 of the Act on Residential Accommodation, or in an in-patient nursing facility as defined in Section 71 Para. 2 of Book XI of the Social Security Code, provided it is a facility for the elderly, and
  2. In an out-patient nursing facility as defined in Section 71 Para. 1 of Book XI of the Social Security Code, if its sphere of activity includes the care of the elderly.

Parts of the practical training can take place in other facilities in which care is provided for elderly people. These facilities include, in particular:

1. Psychiatric hospitals with a gerontopsychiatric department or other facilities for community-based psychiatry,
2. General hospitals, particularly those with a specialist geriatric department or a focus on geriatrics, or specialist geriatric hospitals,
3. Geriatric rehabilitation facilities,
4. Facilities providing non-institutional assistance for the elderly.

(4) Overall responsibility for the vocational training is borne by the geriatric nursing school, unless assigned to a different institution under Länder law. The content and organisation of the segments of instruction and practical training are to be coordinated with each other. The geriatric nursing school supports and promotes the practical training by providing practical supervision. Practical instruction is to be ensured by the institutions indicated in Para. 3.

(5) Training can also be given in part-time form, lasting up to five years in this case.

(6) For the limited-term trial of training offers intended to serve the further development of the nursing occupations, giving consideration to the specific requirements of the occupational field, the Länder may deviate from Paras. 2, 3 and 4, as well as from the Vocational Training and Examination Regulations to be issued according to Section 9, provided that the vocational training objective is not jeopardised.

#### Section 5

(1) The geriatric nursing schools according to Section 4 Para. 2 require state recognition by the competent authority, unless they are schools as defined in the school laws of the Länder. They must be in a position to guarantee correct implementation of the vocational training.

(2) Geriatric nursing schools that are not schools as defined in the school laws of the Länder can receive state recognition as being suitable for vocational training if they meet the following minimum requirements:

1. Full-time management of the geriatric nursing school by a professional with teaching qualifications who has completed vocational training in the social or nursing sector and has several years of vocational experience, or has completed a course of study in teaching nursing,
2. Proof of a sufficient number, relative to the number of training places, of suitable professionals with teaching qualifications for theoretical and practical instruction,
3. Permanent availability of the premises and facilities required for giving instruction, and also of sufficient teaching and learning materials,
4. Proof that the necessary training places for implementation of the practical training in the institutions specified in Section 4 Para. 3, first sentence, are available for utilisation on a permanent basis.

If the management consists of several persons, one of them must fulfil the requirements according to Sentence 1 No. 1. The Länder governments are authorised to stipulate minimum requirements exceeding those in Sentence 1 by means of ordinances.

## Section 6

The prerequisite for access to vocational training is that the applicant is not unfit for practising the occupation as regards his or her health, as well as

1. Successful completion of secondary school or another educational qualification recognised as equivalent, or completion of another ten-year period of school education expanding the leaving qualification of a secondary modern school, or
2. Successful completion of secondary modern school or an educational qualification recognised as equivalent, provided that proof is furnished of successfully completed vocational training lasting at least two years, or a licence as nursing assistant, or successfully completed vocational training as a geriatric nursing assistant or nursing assistant, regulated under Länder law and lasting a minimum of one year.

## Section 7

- (1) On application, the duration of vocational training according to Section 4 Para. 1 can be reduced:
  1. By up to two years for nurses, paediatric nurses and curative educators with three years of vocational training,
  2. By up to one year for geriatric nursing assistants, nursing assistants, assistant curative educators and auxiliary curative educators.
- (2) On application, the duration of vocational training according to Section 4 Para. 1 can be reduced to the extent of professional equivalence by up to two years if proof of other completed vocational training is furnished.
- (3) The reduction in duration may not jeopardise implementation of the vocational training and achievement of the training objective.
- (4) Paragraphs 1 to 3 apply, *mutatis mutandis*, to vocational training according to Section 4 Para. 5.

## Section 8

- (1) The duration of vocational training according to Section 4 Para. 1 makes allowance for:
  1. Leave corresponding to the collective wage agreement, or leave for up to six weeks per year, or holidays, and
  2. Interruptions due to illness, or for other reasons beyond the control of the geriatric nursing student, up to a total duration of twelve weeks per training year, or up to a maximum of four weeks in the event of vocational training of reduced duration according to Section 7. In the case of female geriatric nursing students, allowance is also made for interruptions due to pregnancy up to a total duration of fourteen weeks per training year, or up to a maximum of four weeks in the event of vocational training of reduced duration according to Section 7.

(2) In cases of special hardship, allowance can be made, on application, for periods of absence exceeding those in Para. 1, provided that the training objective can nevertheless be expected to be achieved. In other cases, the duration of vocational training can be extended appropriately on application. Including the interruptions, it should, however, generally not exceed a period of five years.

#### Section 9

(1) The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth is authorised, in agreement with the Federal Ministry of Health and Social Security and the Federal Ministry of Education and Research, to regulate the minimum requirements for vocational training according to Section 4, as well as the details of the state examination and the certificate for the licence according to Section 1, in Vocational Training and Examination Regulations for the Occupation of Geriatric Nurse by means of an ordinance with the consent of the Bundesrat.

(2) For persons who furnish a diploma or an examination certificate and are nationals or another Member State of the European Community, or of another contracting state of the Treaty establishing the European Economic Area, and who apply for a licence according to Section 2 Para. 1 No. 1 in conjunction with Section 2 Para. 4 or 5, the ordinance according to Para. 1 must regulate:

1. The procedure for verification of the requirements of Section 2 Para. 1 Nos. 2 and 3, particularly the submission of the certificates to be furnished by the applicant and the examination by the competent authority in accordance with Article 6 of Directive 89/48/EEC or Articles 10 and 12 Para. 1 of Directive 92/51/EEC,
2. The right of persons furnishing proof of a diploma to use, in addition to an occupational title according to Section 1, the academic title existing in the home Member State or the Member State of origin and, insofar as permissible under the law of the home Member State or the Member State of origin, its abbreviation in the language of this state, in accordance with Article 11 Para. 2 of Directive 92/51/EEC,
3. The period for granting of the licence in accordance with Article 12 Para. 2 of Directive 92/51/EEC.

#### Part 3

#### Sections 10 – 12

(Deleted)

Part 4

**Vocational training relationship**

Section 13

(1) The body responsible for providing practical training that employs a person for vocational training in accordance with this Act must conclude a written training contract with this person for the full duration of the training in accordance with the regulations of this Part 4. The organisations providing practical training can be:

1. The body responsible for a facility as defined in Section 4 Para. 3, first sentence, that operates a state-recognised geriatric nursing school,
2. The body responsible for a facility as defined in Section 4 Para. 3, first sentence, that has concluded an agreement on the implementation of practical training with a state-recognised geriatric nursing school or a geriatric nursing school as defined in the school laws of the Länder.

The Länder governments are authorised to regulate the details concerning determination of the bodies responsible for providing practical training by means of ordinances.

(2) The training contract must contain the following as a minimum:

1. The occupational goal served by the vocational training,
2. The commencement and duration of the vocational training,
3. Details of the content and time schedule of the practical training in accordance with the Vocational Training and Examination Regulations,
4. The duration of the regular, daily or weekly practical training time,
5. The amount of the monthly training allowance,
- 5a. The amount of the continuing education costs to be reimbursed according to Section 17 Para. 1a,
6. The duration of the probationary period,
7. The duration of leave,
8. The conditions under which the training contract can be terminated,
9. A generally formulated reference to the collective wage agreements, company or staff agreements applicable to the vocational training relationship.

- (3) The legal regulations and legal principles valid for employment contracts are to be applied to the training contract, unless otherwise required by its nature and purpose, or by this Act.
- (4) The training contract is to be signed by a representative of the body responsible for providing the practical training, as well as by the student and his or her legal representative. One copy of the signed training contract is to be handed over to the student and his or her legal representative without delay.
- (5) Paragraphs 1 to 4 apply, mutatis mutandis, in the event of amendments to the training contract.
- (6) In the event of Para. 1, second sentence, No. 2, the training contract requires the consent of the geriatric nursing school in order to be valid.

#### Section 14

- (1) Any agreement restricting exercise of the occupational activity in the period after termination of the vocational training relationship is null and void. This does not apply if, within the last three months of the vocational training relationship, the student enters into an employment relationship for an indefinite period of time for the period after its termination.
- (2) Also null and void is any agreement concerning
  1. An obligation of the student to pay compensation for the practical training,
  2. Contractual penalties,
  3. The exclusion or restriction of claims for damages,
  4. Fixing of the amount of damages in lump sums.

#### Section 15

- (1) The body responsible for providing practical training must
  1. Implement the training in a form required by its purpose, according to plan and organised in terms of time and materially in such a way that the training objective can be achieved within the envisaged training period,
  2. Provide the student, free of charge, with the training aids, instruments and apparatus necessary for practical training and for taking the respectively prescribed examination,
  3. Ensure that the practical training is implemented in accordance with Section 4 Para. 3.
- (2) Students may only be assigned activities that serve the purpose of the training; they must be appropriate to their train-

ing level and their capacities.

#### Section 16

Students must endeavour to acquire the knowledge, abilities and skills necessary for achieving the training objective. In particular, they are obliged

1. To take part in the prescribed training events,
2. To conscientiously perform the tasks and activities assigned to them in the context of their training,
3. To comply with the secrecy regulations applicable to employees of the respective facilities and maintain secrecy regarding business secrets.

#### Section 17

(1) The body responsible for providing practical training must pay the student a reasonable training allowance for the entire duration of the vocational training, insofar as the student has no claim to a maintenance allowance according to Book III of the Social Security Code or to bridging benefits according to the regulations applicable to occupational rehabilitation, and no other comparable monetary benefits from public budgets are granted.

(1a) In the third training year of continuing education as a geriatric nurse commencing after 31 December 2005, the body responsible for providing practical training must, in addition to paying the training allowance, reimburse to the student the costs of continuing education according to Section 79 Para. 1 Nos. 2 to 4 of Book III of the Social Security Code, insofar as they are incurred in the third training year.

(2) Remuneration in kind can be deducted to the amount of the values stipulated by the ordinance according to Section 17 Para. 1, first sentence, No. 3 of Book IV of the Social Security Code, but not beyond 75 percent of the gross allowance. If the remuneration in kind cannot be accepted for a justified reason in the period for which the training allowance is to be paid, it is to be paid out in accordance with the value of the remuneration in kind.

(3) Employment exceeding the agreed, regular daily or weekly training time is only permissible in exceptional cases and must be remunerated separately.

#### Section 18

The vocational training relationship commences with the probationary period. This period lasts six months.

#### Section 19

- (1) The vocational training relationship ends upon expiry of the training period, regardless of the time of the state examination.
- (2) If the respectively prescribed examination is not passed, the vocational training relationship is, on written request, prolonged until the time of the next possible repeat examination, but by a maximum of one year.

#### Section 20

- (1) The vocational training relationship can be terminated at any time during the probationary period, without observing a period of notice.
- (2) After the probationary period, the vocational training relationship can only be terminated:
  1. For an important reason, without observing a period of notice,
  2. By the student, observing a period of notice of four weeks.
- (3) Notice of termination must be given in writing and, in the cases of Para. 2 No. 1, stating the grounds for termination.
- (4) Termination for an important reason is invalid if the facts on which it is based have been known to the party entitled to terminate for longer than two weeks. If envisaged conciliatory proceedings before an extrajudicial agency have been initiated, this period is suspended until the end of the proceedings.

#### Section 21

If the student continues to be employed at the end of the vocational training relationship, without any express agreement being reached on this, an employment relationship for an indefinite period is deemed to have been established.

#### Section 22

Any agreement deviating from the regulations stipulated in Part 4 of this Act to the detriment of the student is null and void.

#### Section 23

Sections 13 to 22 are not applicable to students who are members of the Social Services Agency of the Protestant Church in Germany, or of religious communities.

Part 5  
**Cost regulations**

Section 24

The body responsible for providing practical training can take the costs of the training allowance, and also the continuing education costs to be reimbursed by it in accordance with Section 17 Para. 1a, into account in the compensation and remuneration for its services.

The following are excepted:

1. Expenditure on providing, repairing or maintaining training facilities,
2. Regular operating costs (personnel and material costs) of the training facilities, and
3. Administrative costs for an equalisation procedure according to Section 25.

In the case of facilities approved for the provision of out-patient, part-time or full-time institutional care for persons in need of long-term care according to Book XI of the Social Security Code (approved nursing facilities), and in the case of facilities with agreements according to Section 75 Para. 3 of Book XII of the Social Security Code, consideration of the costs of the training allowance and the continuing education costs to be reimbursed in accordance with Section 17 Para. 1a, including a training levy (Section 25), in the remunerations is governed exclusively by these laws.

Section 25

(1) The Länder governments are authorised to decide by means of ordinances that, in order to raise the funds for the costs of the training allowance and the continuing education costs to be reimbursed in accordance with Section 17 Para. 1a, equalisation payments are to be levied on the facilities specified in Section 4 Para. 3, first sentence, regardless of whether segments of practical training are carried out there. However, this only applies if an equalisation procedure is necessary in order to prevent or eliminate a shortage of training places.

(2) If a Länder government introduces an equalisation procedure, the total amount of the equalisation payments may not exceed the expected funding required to finance an adequate offer of training places. The Länder governments regulate the details of calculation of the equalisation of costs and the equalisation procedure. They determine the agency responsible for the implementation of cost equalisation. Section 24, second and third sentences, remains unaffected.

(3) If a Länder government has introduced an equalisation procedure according to Para. 1, it is obliged to review the need for its continuation at reasonable intervals.

Part 6

**Competences**

Section 26

- (1) The decision regarding the licence according to Section 2 Para. 1 is taken by the competent authority of the Land in which the applicant took the examination; in the cases defined in Section 2 Paras. 3 to 5, the decision on the licence is taken by the authority of the country in which the application was filed.
- (2) The decisions according to Sections 6, 7 and 8 are taken by the competent authority of the Land in which the applicant wishes to take part, or takes part, in vocational training.
- (3) The Länder decide on the authorities competent for implementation of this Act.

Part 7

**Penalty regulations**

Section 27

- (1) It is an offence to use the occupational title "geriatric nurse" without a licence according to Section 1.
- (2) The offence can be punished by a fine of up to three thousand euros.

Part 8

**No application of the Vocational Training Act**

Section 28

The Vocational Training Act is not applicable to vocational training for the occupations regulated in this Act.

Part 9

**Transitional provisions**

Section 29

- (1) Recognition as a state-recognised geriatric nurse granted under the regulations of Länder law prior to entry into force of this Act is considered to be a licence according to Section 1. The certificate issued in the Land of Bremen according to the Guidelines for Vocational Training and Final Examinations at Private Professional Schools for Geriatric Nurses of 29 August 1979 (Official Journal of the Free Hanseatic City of Bremen 1979, p. 545) is likewise considered to be a licence according to Section 1.
- (2) Vocational training as a state-recognised geriatric nurse commenced prior to entry into force of this Act is to be com-

pleted in accordance with the previously existing regulations under Länder law. Following completion of the vocational training, the applicant receives a licence according to Section 1, provided that the requirements of Section 2 Para. 1 Nos. 2 and 3 are met.

#### Section 30

Geriatric nursing schools which, under the provisions of Länder law, have received state recognition or a licence under school law prior to entry into force of this Act, are considered to be state-recognised or licensed under school law according to Section 5 Para. 1, provided that the recognition or the licence under school law is not withdrawn.

#### Section 31

In the Free and Hanseatic City of Hamburg, vocational training for the occupations regulated in this Act will continue to be implemented in accordance with the Vocational Training Act until 31 July 2006.