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SOCIAL SERVICES ACT

Chapter One GENERAL

Subject and goals

Art. 1. (1) The law regulates the provision, use, planning, financing, quality, control and monitoring of the social services in the Republic of Bulgaria.

(2) The purposes of this law are:

1. guaranteeing equal access to social services, meeting the individual needs of the persons;
2. guaranteeing the quality and efficiency of the social services;
3. guaranteeing the right of every person to support for living in a home environment and in the community;
4. promoting an integrated approach in providing support to individuals;
5. promotion and development of the public-private partnership in the provision of social services.

Principles

Art. 2. Social services shall be organized and provided in accordance with the following principles:

1. availability of different types of social services;
2. accessibility of social services;
3. individualization of the support;
4. comprehensiveness, integration and continuity of support;
5. prevention of institutionalization;
6. respect for the rights of the persons, using social services, and guaranteeing their active participation in the decision-making;
7. flexibility and transparency in the management of social services;
8. participation of all stakeholders and use of all available resources.

Social services

Art. 3. (1) The social services are activities for support of the persons for:

1. prevention and / or overcoming of the social exclusion;
2. realization of rights;
3. improving the quality of life.

(2) The social services shall be based on social work, individual approach and individual assessment of the needs.

Social work

Art. 4. Social work is an activity that is based on human rights and social justice and is aimed at supporting the individual, family, groups or communities to improve their quality of life by developing skills to use their own opportunities and those of the community in meeting their needs.

Individual approach

Art. 5. The individual approach includes carrying out professional actions to support and accompany the person, in which his / her specific needs, abilities and capabilities are placed at the center of the work.

Individual needs assessment

Art. 6. (1) The individual assessment of the needs is a professional study of the life situation and the psycho-social condition of the person in order to determine his emotional and social needs and needs for development and realization, which to direct the social work.

(2) The individual needs assessment shall include professional opinions, conclusions, conclusions and recommendations based on analysis.

Right to social services

Art. 7. (1) Every person who needs support for prevention and / or overcoming of the social exclusion, realization of rights or improvement of his quality of life, regardless of his age, health condition, education, income, has the right to social services. , social and property status.

(2) Every child has the right to social services, compliant with his / her best interests, age, physical, health and mental condition, level of development and individual needs.

Prohibition of discrimination

Art. 8. The provision of social services shall not discriminate directly or indirectly on persons based on sex, race, nationality, ethnicity, human genome, nationality, origin, religion or belief, education, beliefs, political affiliation, personal or social status. , disability, age, sexual orientation, marital status, property status or any other signs established by law or in an international agreement to which the Republic of Bulgaria is a party.

Respect for the rights and desires of individuals

Art. 9. (1) In the provision of social services shall not be allowed violation of the rights, freedoms, dignity and personal inviolability of the persons.

(2) Social services shall be provided according to the desire and the personal choice of the persons.

(3) When providing social services for children, the opinion of the child and the parents or of the persons who take care of the child shall be taken into account.

(4) The provision of social services shall guarantee the right of the persons who use them to freely express their opinion on the manner of provision and efficiency of the services, the possibilities for improving their quality and on all issues related to their rights and interests in using social services.

Advantage of support at home and in the community

Art. 10. (1) The use of social services for residential care shall be allowed only in case the possibilities for support of the persons through social services in home environment and in the community are exhausted.

(2) The use of social services for residential care shall be organized in a way, which does not allow isolation of the persons from the community.

Obligation to use social services

Art. 11. (1) Social services shall be used obligatorily only by order of the court and only in the cases, determined by law.

(2) Mandatory use of social services for residential care by adults shall not be allowed.

Chapter two

PROFILING OF SOCIAL SERVICES

Generally available and specialized social services

Art. 12. (1) The social services are generally accessible and specialized.

(2) Generally available social services are the services for:

1. informing, consulting and training for realization of social rights and for development of skills, which are provided for a term, not longer than two months;

2. mobile preventive community work.

(3) Specialized social services are the services, which are provided at:

1. the occurrence of a certain risk for the life, health, quality of life or development of the person;

2. need to satisfy a specific need of a certain group of persons.

Functions of social services

Art. 13. (1) Depending on their function the social services are:

1. preventive;

2. supporting;

3. restorative.

(2) Preventive are the social services, which are provided to all persons or to a certain group of persons without previously identified specific risk.

(3) Supporting are the social services, which are provided as a result of identified risk or for satisfaction of specific need.

(4) Rehabilitation are the social services, which offer highly specialized support for persons with special needs.

Profiling depending on users

Art. 14. (1) Depending on the age of the users the social services may be for children and for adults.

(2) Depending on the specific needs of the users, the social services may be for:

1. all children;

2. children at risk within the meaning of the Child Protection Act;

3. parents, adoptive parents, persons caring for children, candidates for adoptive parents and candidates for foster families;

4. children and adults with disabilities;

5. adults in a crisis situation or with a need to overcome the consequences of such a situation;

6. elderly people over working age;

7. persons who take care of adults.

(3) When providing social services, activities for support of the families and relatives of the consumers shall also be carried out.

Basic activities

Art. 15. Depending on the main groups of activities, the types of social services are:

1. informing and consulting;

2. advocacy and mediation;

3. community work;

4. therapy and rehabilitation;

5. training for acquiring skills;

6. support for acquiring work skills;

7. day care;

8. residential care;

9. providing shelter;

10. assistant support.

Duration of use of social services

Art. 16. (1) The term for provision of the social services shall be determined depending on

the individual assessment of the needs for support of the person and the results for the consumer, which are aimed at being achieved.

(2) The use of social services may be:

1. short-term - for a period of up to six months;
2. medium-term - for a period of up to one year;
3. long-term - for a period of one to three years.

(3) Depending on the manner of use, the social services may be:

1. hourly;
2. half-day;
3. all-day;
4. round the clock.

Environment for providing social services

Art. 17. (1) Depending on the environment in which they are provided, the social services are:

1. services in home environment;
2. services in a specialized environment;
3. services that are provided mobile.

(2) The residential care shall be provided only in a specialized environment.

(3) The assistant support shall be provided depending on the personal needs of the persons, as it is not limited only to their home environment.

(4) All social services may also be provided mobile, when this does not contradict the quality standards defined in the Ordinance on the quality of social services, and when the provision of a specialized environment is not required for their provision.

(5) Social services under art. 15, items 1 - 5 may be provided mobile and in:

1. medical establishments;
2. institutions in the system of pre-school and school education;
3. crèches;
4. places for support of children with illegal behavior;
5. centers for persons seeking and / or receiving international protection.

Organization of social services

Art. 18. (1) The organization of the provision of the social services shall be determined by the service provider in accordance with the quality standards, determined in the Ordinance for the quality of the social services.

(2) The organization of the provision of social services may depend on:

1. the age of the consumers;
2. the specific needs of the consumers;
3. the manner of service management.

(3) Depending on the manner of management the social services may be provided:

1. independently;
2. as a complex of different social services.

(4) The following principles shall be applied in the choice of organization and manner of management of the social services, which shall be financed from the state budget:

1. providing easy access to the services;
2. providing comprehensive support through various activities;
3. providing an opportunity for effective and efficient management of the services;
4. providing an opportunity for flexible use, direction and management of the employees carrying out the various activities;

5. ensuring high efficiency of the funds for financing the activities.

Chapter three

STATE AND LOCAL AUTHORITIES AND SOCIAL SERVICE PROVIDERS

Section I

Central level bodies

Council of Ministers

Art. 19. The Council of Ministers determines the state policy in the field of social services.

Ministry of Labor and Social Policy

Art. 20. (1) The Minister of Labor and Social Policy shall plan, develop, coordinate, conduct and control the implementation of the state policy in the field of social services.

(2) For performance of the functions under par. 1, the Minister of Labor and Social Policy shall be assisted by the Agency for Social Assistance and by the Agency for the Quality of Social Services.

Agency for Social Assistance

Art. 21. The Agency for Social Assistance to the Minister of Labor and Social Policy:

1. render methodological support in the assessment of the needs for social services, the planning, creation, provision and development of the social services;

2. coordinate the development and updating of the National Map of the social services;

3. give preliminary approval for creation, change of the number of users and change of the place of provision of the social services, which are financed from the state budget, in accordance with the National map of the social services;

4. develop proposals to the Minister of Labor and Social Policy for determination and updating of the standards for financing of the social services, which are financed from the state budget, and for the amount of the fees for their use;

5. participate in the development of normative changes in the field of social services;

6. maintain in the integrated information system of the agency information regarding the social services on the territory of the country.

Agency for the quality of social services

Art. 22. (1) For implementation of control and monitoring of the provision of the social services shall be established an Executive Agency for the quality of the social services at the Minister of Labor and Social Policy.

(2) The Agency for the quality of the social services shall be a legal entity on budgetary support to the Minister of Labor and Social Policy and shall be managed and represented by an executive director.

(3) The Agency for the quality of social services:

1. exercise control and monitoring of the provision of social services;

2. license the providers of social services;

3. make proposals to the Minister of Labor and Social Policy for development of normative standards and criteria for quality and efficiency of the social services;

4. render methodological support for observance of the normatively determined standards and criteria for quality of the social services;

5. develop criteria for analysis of good practices for high quality and efficiency of the social services, carry out selection of such practices and propose their approval at national level.

(4) (In force from 22.03.2019 - SG, issue 24 of 2019) The activity, the structure, the number of the personnel and the organization of the work of the Agency for the quality of the social services shall be determined by structural regulations, adopted by the Ministerial council on the proposal of the Minister of Labor and Social Policy.

Cooperation at national level

Art. 23. The state policy in the field of social services is planned, developed and implemented in cooperation with the state bodies, the regional administrations, the local self-government bodies, the social partners, the providers of social services, the non-profit legal entities for public benefit activity, higher schools, professional organizations of specialists providing social services, international organizations and persons using social services.

Section II

Bodies at regional and local level

District governors

Art. 24. The district governors support:

1. the coordination and the cooperation between the municipalities on the territory of the district in the assessment of the needs for social services, the planning and the provision of social services at regional level;

2. the interaction between the municipalities on the territory of the district and the territorial units of state bodies.

Local self-government bodies

Art. 25. (1) The municipal councils shall determine the municipal policy in the field of social services in accordance with the established needs at municipal level and the priorities of the state policy.

(2) The mayors of municipalities:

1. conduct the municipal policy in the field of social services in accordance with the decisions of the municipal council;

2. perform an analysis of the needs for social services in the municipality;

3. propose to the municipal council the organization and the manner of management of the social services on the territory of the municipality, which shall be financed with funds from the state and municipal budget;

4. propose to the municipal council creation, termination, change of the number of users and change of the place of provision of the social services, which are financed from the state budget, from the municipal budget and under the conditions of public-private partnership;

5. manage the provision of social services on the territory of the municipality, which are financed with funds from the state and municipal budget;

6. be responsible for observance of the standards for quality of the social services on the territory of the municipality, which are financed with funds from the state and municipal budget;

7. assign the provision of social services, which are financed with funds from the state and municipal budget, to private providers of social services;

8. exercise control and monitoring of the social services, which are provided on the

territory of the municipality and are financed with funds from the state and municipal budget;

9. monitor the lawful spending of the funds from the state and municipal budget for financing the social services on the territory of the municipality;

10. carry out an analysis of the condition and efficiency of the social services, which are provided on the territory of the municipality, and propose to the municipal council measures for improvement of the quality and efficiency of the services;

11. maintain up-to-date information for all social services, which are provided on the territory of the municipality, and for their providers;

12. exercise control over the timely collection of fees for the use of social services on the territory of the municipality, which shall be financed with funds from the state and municipal budgets.

Cooperation at the municipal level

Art. 26. The municipal policy in the field of social services is implemented in cooperation with:

1. the bodies of the local self-government of the other municipalities in the district;
2. the district administration;
3. territorial structures of the Ministry of Labor and Social Policy, the Ministry of Health, the Ministry of Education and Science, the Ministry of Interior and other state bodies;
4. private providers of social services on the territory of the municipality and the district;
5. non-profit legal entities for public benefit activity;
6. the persons using social services;
7. higher schools, training social workers on the territory of the municipality and the district.

Social Services Council

Art. 27. (1) In each municipality shall be established a council on the issues of the social services, in which shall be included representatives of the bodies and the persons of art. 26, pp. 3 - 7.

(2) The Council for Social Services shall:

1. support the performance of analysis of the needs for social services at municipal level and analysis of the condition and efficiency of the social services, which are provided on the territory of the municipality;
2. develop proposals for improvement of the quality and efficiency of the social services, which are provided on the territory of the municipality;
3. perform other functions assigned by the municipal council.

(3) The composition of the council on the issues of social services shall be determined by a decision of the municipal council upon proposal of the mayor of the municipality.

Section III

Social service providers

Social service provider

Art. 28. A social service provider is a person responsible for the provision of social services. The municipality as a provider of social services

Art. 29. (1) The municipalities may provide all social services.

(2) The municipalities shall be responsible for the provision of the social services, financed from the state and the municipal budget.

(3) The provision of social services, financed from the state and municipal budget, shall be ensured by the municipalities through:

1. independent organization and implementation of all activities related to the direct provision of social services;
2. legal entities specially created by the municipality for the provision of social services;
3. assignment of the provision of social services to private providers of social services.

Private providers of social services

Art. 30. Private providers of social services may be:

1. Bulgarian natural persons, registered under the Commercial Law, and legal entities;
2. natural persons, carrying out commercial activity, and legal entities, registered under the legislation of another member state of the European Union, or of another state - party to the Agreement on the European Economic Area.

Licensing

Art. 31. (1) The persons under art. 29, para. 3, item 2 and Art. 30 may provide social services on the territory of the Republic of Bulgaria after the issuance of a license by the Executive Director of the Agency for the Quality of Social Services.

(2) The persons under art. 29, para. 3, item 2 and Art. 30 may provide all social services for which they have been issued a license.

(3) The persons under art. 30, item 2, which according to the legislation of another member state of the European Union, or of another state - party to the Agreement on the European Economic Area, have the right to provide social services within the meaning of this law, are not subject to licensing when they perform these services once or temporarily without establishment on the territory of the Republic of Bulgaria.

Chapter four

PLANNING AND FINANCING OF SOCIAL SERVICES

Section I

Planning of social services

Planning of social services at national level

Art. 32. (1) The planning of the social services at national level aims at ensuring equal access to social services on the territory of the whole country.

(2) The planning of the social services at national level shall determine:

1. all social services, which are financed in whole or in part by the state budget;
2. the social services, which are financed in whole or in part from the state budget, which are provided at municipal level;
3. the social services, which are financed in whole or in part from the state budget, which are provided at regional level;
4. the maximum number of users of all social services for which full or partial financing is provided from the state budget.

(3) The social services, which are financed entirely or partially from the state budget, are services, which correspond to the priorities of the state policy in the field of social services.

Social services at municipal and district level

Art. 33. (1) Social services at municipal level are services, which are provided for satisfaction of the needs of the population in the municipality.

(2) Social services at regional level are services, which are provided for satisfaction of the needs of:

1. the population from the whole district;
2. persons from all over the country.

(3) The municipalities in which social services are established at regional level for satisfaction of the needs of the population from the whole district shall be determined on the basis of an agreement between the municipalities in the respective district in compliance with the criteria defined in the Ordinance for planning social services.

(4) The municipalities in which social services are established at regional level for meeting the needs of persons from all over the country shall be determined on the basis of an agreement between the Social Assistance Agency and the municipalities in the respective district in compliance with the criteria set out in the Planning Ordinance. of social services.

National map of social services

Art. 34. (1) The planning of the social services at national level shall be carried out through a National map of the social services, adopted by the Council of Ministers upon proposal of the Minister of Labor and Social Policy.

(2) The criteria for determining the services and the maximum number of the users in the National map of the social services shall be determined in the Ordinance for the planning of the social services according to the number and the demographic profile of the population.

Development of the National Map of Social Services

Art. 35. (1) The national map of the social services shall be developed on the basis of:

1. analysis of the municipalities regarding the needs for social services at municipal and regional level, which are financed in full or in part from the state budget;
2. proposals of the municipalities as a result of the analysis under item 1 for the planning of the social services at municipal and regional level, which are financed in full or in part from the state budget.

(2) On the basis of the analyzes and the proposals of the municipalities under para. 1 The Social Assistance Agency analyzes the needs at national level for social services, which are fully or partially financed from the state budget, and develops a proposal for a National Map of Social Services.

Update of the National Map of Social Services

Art. 36. The National Map of Social Services shall be updated by the Council of Ministers upon proposal of the Minister of Labor and Social Policy:

1. after each census;
2. in case of change of the criteria for determining the services and of the maximum number of users in the card, defined in the Ordinance for the planning of social services;
3. in case of change of the indicators according to the criteria for determination of the services and of the maximum number of the users in the National map of the social services, determined in the Ordinance for the planning of the social services, on the basis of which the map is developed;
4. in case of occurrence of serious unforeseen circumstances, leading to significant increase or decrease of the needs for certain services in some municipalities and / or districts.

Annual planning of social services at national level

Art. 37. (1) The annual planning of the social services at national level shall aim to

determine the social services according to the National map of the social services and the number of their users, for which financing from the state budget will be provided within the calendar year.

(2) The annual planning at national level of the social services, included in the National map of the social services, shall be carried out through:

1. annual planning at municipal level;
2. annual planning for the whole country.

Municipal annual plan for social services

Art. 38. (1) Upon proposal of the mayor of the municipality the municipal council shall adopt an annual plan for social services, which shall include the planning of social services according to the National map of social services, and the planning of social services, which shall be financed from the municipal budget.

(2) The content of the municipal annual plans for the social services shall be determined in the ordinance of art. 40.

Annual planning of social services for the whole country

Art. 39. The annual planning of social services for the whole country according to the National Map of Social Services shall be carried out on the basis of the planning in the municipal annual plans of social services and in accordance with the priorities of the state policy in the field of social services.

Ordinance on the planning of social services

Art. 40. (In force from 22.03.2019 - SG, issue 24 of 2019) Upon proposal of the Minister of Labor and Social Policy, the Council of Ministers shall adopt an Ordinance on the planning of social services, in which shall be determined:

1. the criteria for determining the services and the maximum number of users in the National Map of Social Services;
2. the criteria, the order and the conditions for elaboration by the municipalities of the analysis of the needs and the proposals under art. 35, para. 1;
3. the procedure for development and updating of the National Map of social services;
4. the procedure for implementation of coordination, cooperation and coordination at national, regional and municipal level in the development of the National map of social services;
5. the procedure for the development, coordination and coordination of the municipal annual plans for social services.

Section II

Financing of social services

Sources of funding

Art. 41. (1) The social services shall be financed by:

1. the state budget;
2. the municipal budgets;
3. private providers of social services.

(2) The social services and the creation of the specialized environment necessary for their provision may also be financed by:

1. European structural and investment funds;
2. European and international programs and projects;
3. international financial institutions;
4. natural and legal persons;

5. other sources.

Long-term planning of the financing from the state budget

Art. 42. The long-term planning of the financing of social services from the state budget shall be carried out on the basis of the National Map of Social Services.

Principles of financing from the state budget

Art. 43. (1) From the state budget through the budgets of the municipalities shall be financed only social services, included in the National map of the social services.

(2) The financing from the state budget of the social services may not exceed the maximum number of the users, determined in the National map of the social services.

(3) The standard for activity delegated by the state, for which a social service is financed from the state budget, may not exceed the amount of the expenses for its provision.

(4) The municipalities and the private providers of social services shall not have the right to receive revenues from the provision of social services, which shall be financed from the state budget.

Management of state budget funds

Art. 44. (1) The funds from the state budget for financing of the social services shall be provided to the municipalities, which are responsible for the provision of these services.

(2) The mayors of municipalities shall be responsible for the management and the lawful spending of the funds provided to them from the state budget for financing of social services.

(3) The funds from the state budget for financing of social services may be used only for financing of the social services for which they are provided.

(4) The transfer of funds, not spent due to lower number of real users of the social service than planned, to social services, for which there is a waiting list due to reached maximum number of users, shall be carried out by the order of the Public Finance Act.

Standards for financing social services from the state budget

Art. 45. (1) Each social service, included in the National map of the social services, shall be financed from the state budget according to the standard for activity delegated by the state, which is intended for financing of expenses for its provision and expenses for directing by the municipality for use of the service. .

(2) The standard for activity delegated by the state for each social service, which is financed from the state budget, shall be determined depending on:

1. the type of the social service under art. 15;
2. the manner of using the social service;
3. the environment for providing the social service;
4. the group of users of the social service;
5. the duration of the provision of the social service;
6. the standards for quality of the social service;
7. the requirements for the necessary specialists.

(3) For social services, through which daily or resident care is provided for persons in impossibility for self-service, for persons with aggressive and problematic behavior, for persons in need of constant medical supervision and medical care, supplementary standards shall be developed.

(4) The activities for recruitment, evaluation and training of candidates for foster families, mutual adaptation, support and monitoring of the upbringing of the child by families of relatives or close and foster families shall be financed from the state budget as a social service according to a common standard.

(5) The elements of the expenses, which form the sizes of the standards for the activities

delegated by the state for the different social services and the services for which a supplementary standard is developed, shall be determined in the regulations for application of the law.

(6) The standards for financing of social services from the state budget shall be developed and adopted annually by the order of the Public Finance Act.

Fees for using social services

Art. 46. (1) On the basis of the developed standards for the social services, which shall be financed from the state budget, the Agency for social assistance shall prepare a proposal for the amount of the fee for use of each of these services.

(2) The amounts of fees for use of social services, financed from the state budget, shall be determined by a tariff, approved by the Council of Ministers upon proposal of the Minister of Labor and Social Policy.

(3) The manner for formation of the amount of fees for use of social services, financed from the state budget, shall be determined in the regulations for application of the law.

Financing of social services from the municipal budget

Art. 47. (1) The municipal council shall determine the social services, which shall be financed from the municipal budget, the number of their users and the amount of the financing.

(2) The municipal budget shall finance the social services provided by the municipality, which:

1. are not financed from the state budget;
2. are partially financed from the state budget according to the National map of the social services;

3. are included in the National map of the social services, but for them financing from the state budget is not provided in the law for the state budget for the respective year.

(3) The amounts of fees for use of the social services provided by the municipality, which are not financed from the state budget, shall be determined by the municipal council according to the Law for the local taxes and fees.

(4) The amounts of fees for use of the social services provided by the municipality, which are partially financed from the state budget according to the National map of the social services, shall be determined in the tariff under art. 46, para. 2.

Funding from private social service providers

Art. 48. (1) The private providers of social services shall finance the social services, which they provide.

(2) When the provision of social services is assigned by the municipality to private providers of social services, the financing of the provision of these services by the private providers shall be with funds from the state and / or municipal budget.

(3) The amounts of fees for use of the social services under para. 1 shall be determined by the private supplier.

Mixed financing of social services

Art. 49. (1) The financing of the social services shall be mixed, when it is provided by two or more sources of financing.

(2) All social services, which are partially financed from the state budget according to the National map of social services, shall be provided under the conditions of mixed financing from the state and municipal budget.

(3) The social services, which are financed entirely from the state budget, may be provided under the conditions of mixed financing, as from the municipal budget and / or from natural or legal persons additional financing shall be provided for the provision of the service:

1. an additional number of users, exceeding the planned for financing from the state budget;

2. by standards for financing, exceeding the amount of the adopted standards for financing of the service from the state budget.

(4) The additional financing under par. 3 may be provided by natural and legal persons also for social services, which are partially financed from the state budget according to the National Map of Social Services.

(5) The additional financing by a natural or legal person shall be on the basis of a contract under art. 69.

Responsibility for collecting fees for using social services

Art. 50. (1) The fees for the social services, which shall be financed from the state budget, shall be collected by the mayor of the municipality or by officials determined by him.

(2) Fees for the social services, which are financed from the municipal budget, shall be collected by the order of the Law for the local taxes and fees.

(3) Fees for social services, which are provided by private providers, shall be collected by the provider, when the services are not financed from the state or municipal budget.

(4) The fees for the social services, which are financed from the state budget, for which mixed financing is provided, shall be collected by the order of para. 1.

Information on fees due and collected

Art. 51. In the integrated information system of the Agency for social assistance appointed by the mayor of the municipality officials from the municipal administration shall enter information on:

1. the number and the types of social services on the territory of the municipality, which are financed from the state budget;

2. the maximum number of the persons for whom financing for use of social services is provided, and the number of the persons, who use social services, financed from the state budget, on separate services;

3. the persons who owe fees for social services, financed from the state budget, and amount of the due fees;

4. the total amount of the due fees;

5. the amount of the collected fees for social services, which are financed from the state budget;

6. the amount of the uncollected fees and the persons who owe them.

Distribution of collected fees for social services

Art. 52. (1) The funds from the fees collected by the municipality for use of social services, which shall be financed from the state budget, shall be paid under the budget of the Ministry of Labor and Social Policy by the 25th day of the month following the month for which they are due. .

(2) When the social service is financed from the state and municipal budget, by the order of para. 1 shall be paid the part of the total amount of the collected fees for the use of the service, which corresponds to the part of the financing of the service from the state budget.

Chapter five

ESTABLISHMENT, TERMINATION AND ASSIGNMENT OF THE PROVISION OF SOCIAL SERVICES

Section I

Establishment and termination of the provision of social services

Creation of social services by the municipalities

Art. 53. (1) All social services according to the National map of the social services shall be established with a decision of the municipal council upon proposal of the mayor of the municipality, which will be responsible for the management and provision of the service, after preliminary approval by the Agency for social assistance.

(2) The decision of the municipal council shall also determine the date from which the mayor of the municipality is obliged to ensure the provision of the social service.

(3) All social services, which are not included in the National map of social services and which are financed from the municipal budget, shall be created and terminated by a decision of the municipal council upon proposal of the mayor of the municipality.

(4) The procedure for the establishment of social services according to the National Map of Social Services shall be determined in the regulations for application of the law.

Prior approval

Art. 54. (1) The preliminary approval by the Agency for social assistance shall be regarding:

1. the compliance of the social service and the number of users with the National map of the social services, the annual planning of the social services for the whole country and the law for the state budget for the respective year;

2. the provision of the necessary funds for financing the social service according to the law for the state budget for the respective year;

3. the conformity of the social service with the quality standards, determined in the Ordinance for the quality of the social services.

(2) The approval under para. 1, item 3 shall be carried out after an opinion of the Agency for the quality of the social services on the basis of a description of the social service submitted by the municipality in view of the provision of the quality standards.

(3) If necessary, the Agency for the quality of the social services shall carry out an on-site inspection for establishing circumstances, indicated by the municipality in the description of the social service.

(4) When the service for which preliminary approval is requested from the municipality is an integrated health and social service, the Agency for the quality of the social services shall request an opinion from the respective regional health inspection.

(5) The procedure for the preliminary approval by the Social Assistance Agency shall be determined in the regulations for application of the law.

Agreement between municipalities for services at district level

Art. 55. (1) After the adoption of a decision under art. 53, para. 1 for establishment of a social service at regional level for meeting the needs of the population from the whole district an agreement shall be concluded between the municipality, which is responsible for the management and provision of the service, and the other municipalities in the district, in which the responsibilities of the municipalities are determined.

1. providing access to the service for all persons in the district;

2. the amount of the participation in the financing of the service, when it is provided under

the conditions of mixed financing;

3. the provision and maintenance of the specialized environment for the provision of the service;

4. the assistance for providing the necessary specialists;

5. ensuring the implementation of activities in the municipalities that do not manage the service;

6. the provision of other assistance for the provision of the service if necessary.

(2) The financing from the state budget for social service at regional level, included in the National map of social services, shall be provided to the municipality, which manages the service.

(3) Agreements between municipalities for provision of social services at regional level, which are financed only with funds from the municipal budget, shall be concluded by the order of the Law for the local self-government and the local administration.

Agreement between municipalities for services at the municipal level

Art. 56. (1) For provision of social service at municipal level by one municipality for persons and by other municipalities after the adoption of the decision for establishment of the service shall be concluded an agreement between the municipality, which is responsible for its management and provision, and the other municipalities, in which the responsibilities of the municipalities regarding:

1. the provision of access to the service for the persons from the respective municipalities;

2. the amount of the participation in the financing of the service, when it is provided under the conditions of mixed financing;

3. the provision and maintenance of the specialized environment for the provision of the service;

4. the assistance for providing the necessary specialists;

5. ensuring the implementation of activities in the municipality / municipalities that do not manage the service;

6. the provision of other assistance for the provision of the service if necessary.

(2) Agreement under para. 1 shall be concluded, provided that:

1. the social service is included in the National map of social services;

2. the municipality, which manages the service, agrees to ensure its provision to more than the determined number of users for this municipality according to the National map of the social services;

3. the municipalities, which do not manage the service, do not have an objective possibility for ensuring its provision and the respective municipal councils have adopted decisions for ensuring the provision of the social service by the municipality under item 2.

(3) The municipality does not have an objective possibility for providing the provision of social service when:

1. cannot provide the specialized environment for providing the service in accordance with the quality standards, determined in the Ordinance for the quality of the social services, regardless of the efforts made for that;

2. cannot ensure the appointment of the necessary specialists;

3. has not received prior approval for the establishment of the service due to non-compliance with the quality standards set out in the Ordinance on the quality of social services;

4. has terminated the provision of the social service after termination of the financing from the state budget due to non-compliance with the quality standards, determined in the Ordinance

for the quality of the social services.

(4) The financing from the state budget for social service at municipal level, included in the National map of social services and for which an agreement under para 1 has been concluded. 1, shall be provided to the municipality, which manages the service.

(5) Agreements between municipalities for provision of social services at municipal level, which are financed only with funds from the municipal budget, shall be concluded by the order of the Law for the local self-government and the local administration.

Creation of social services by private providers

Art. 57. (1) The private providers shall create the social services, which they shall finance independently, in observance of the following conditions:

1. the provider has issued a license for the provision of the social service;
2. the provider has informed the mayor of the municipality on whose territory the service will be provided about the analysis of the needs for the service, the activities to be provided, the scope of the users and the term for providing the service.

(2) Upon termination, change of the number of users, change of the place and term of provision of a social service, established by the order of para. 1, the private supplier shall inform the mayor of the municipality.

Termination of the provision of social services by the municipalities

Art. 58. (1) The provision of social services, created according to the National card of the social services, shall be terminated with a decision of the municipal council upon proposal of the mayor of the municipality, when:

1. the social service is no longer included in the National Map of Social Services after its update;
2. a lack of users of the social service has been established for a period of three months;
3. the social service will be provided by another municipality by the order of art. 56.

(2) The Agency for social assistance shall notify in writing the mayor of the municipality upon occurrence of any of the circumstances under para. 1, items 1 and 2 and for the termination of the financing of the social service from the state budget.

(3) In case the municipal council does not adopt a decision for termination of the provision of the social service after the notification under para. 2, its financing shall be provided by the municipality.

(4) The change of the number of the users and the place of provision of social service according to the National card of the social services shall be carried out by the order of art. 53, para. 1.

(5) The procedure for changing the number of users and the place of provision of social services according to the National Map of Social Services, as well as for termination of the provision of social services under para. 1 shall be determined in the regulations for the application of the law.

Termination due to non-compliance with quality standards

Art. 59. (1) In case of non-compliance with the quality standards, determined in the Ordinance for the quality of the social services, the provision of all social services shall be terminated, regardless of their source of financing.

(2) Upon ascertainment by the Agency for the quality of social services of non-compliance with the quality standards defined in the Ordinance on the quality of social services, the executive director of the agency shall issue a mandatory prescription for elimination of the non-compliance within a term determined by him. improving the quality of service.

(3) When the social service is financed from the state and / or municipal budget, the

obligatory prescription shall be issued to the mayor of the municipality, and when the provision of the service is assigned to a private provider - prescriptions shall be issued to the mayor of the municipality and to the provider.

(4) In case of full or partial non-fulfillment of the obligatory prescription, established after inspection by the Agency for the quality of the social services, the executive director of the agency shall determine an additional term, but not longer than three months, for elimination of the discrepancy.

Acts for termination of the provision of social services

Art. 60. (1) In case of ascertained non-fulfillment of the obligatory prescription under art. 59, para. 2 within the additional term the executive director of the Agency for the quality of the social services shall issue:

1. obligatory prescription of the mayor of the municipality for conducting a procedure for assigning the provision of the social service to a private provider - in the cases when the service is included in the National card of the social services;

2. obligatory prescription of the mayor of the municipality for termination of the provision of the social service, when it is financed from the municipal budget;

3. order for revocation of the license of the private supplier.

(2) In case of impossibility for fulfillment of the obligatory prescription under para. 1, item 1, the executive director of the Agency for the quality of social services shall make a motivated proposal to the Minister of Labor and Social Policy for termination of the financing of the social service from the state budget.

(3) Social service, which does not correspond to the quality standards, determined in the Ordinance for the quality of social services, shall not be financed from the state budget, as the Minister of Labor and Social Policy shall notify the Minister of Finance for termination of its financing from the state budget.

Measures at the municipal level in case of discontinued provision of social services

Art. 61. In case of terminated financing of social service from the state budget and in case of terminated provision of social service financed by the municipal budget, due to non-compliance with the quality standards defined in the Ordinance on the quality of social services, the municipal council may decide on:

1. fulfillment of the obligatory prescription under art. 59, para. 2 for the purpose of resumption of the provision of the social service by the municipality;

2. providing an opportunity for the provision of the social service at municipal level by another municipality;

3. ensuring the provision of the social service by assigning a private provider under the conditions of a public-private partnership.

Resumption of the provision of social services

Art. 62. (1) The resumption of the provision by the municipality of a social service, when it has been terminated due to non-compliance with the quality standards, determined in the Ordinance for the quality of the social services, shall be carried out by the order for creation of the service.

(2) The resumption of the provision by the municipality of a social service, which is financed from the municipal budget, shall be carried out after a positive opinion of the Agency for quality of social services regarding the compliance of the service with the quality standards defined in the Ordinance on quality of social services.

(3) The opinion under para. 2 shall be prepared after an inspection by the Agency for the quality of the social services at the request of the mayor of the municipality.

(4) The resumption of the provision by a private provider of a social service, when it has been terminated due to non-compliance with the quality standards defined in the Ordinance on the quality of social services, shall be carried out after the issuance of a new license.

Section II

Assignment of the provision of social services and public-private partnership

Forms of assignment

Art. 63. (1) The provision of all social services, financed by the state and / or the municipal budget, may be assigned to private providers of social services.

(2) The assignment of the provision of social services, which are financed from the state and / or the municipal budget, may be:

1. assignment of the provision of social services, which have been established by the municipality;
2. assignment of the provision of social services, which the municipality does not have an objective opportunity to create.

Competition for awarding services created by the municipality

Art. 64. (1) The mayor of the municipality shall assign the provision of social services created by a decision of the municipal council to private providers after the holding of a competition.

(2) Assignment under para. 1 is allowed under the following conditions:

1. financing for the social service is provided from the state and / or the municipal budget;
2. the material base, the furniture and the equipment, which are required for the provision of the service, are provided by the municipality;
3. the private provider has issued a license for the social service;
4. the license of the private supplier has not been revoked on the grounds of art. 158, para. 1, items 1 - 6 under the conditions of art. 148, para. 4;
5. the license of the private supplier has not been revoked on the grounds of art. 158, para. 1, item 7.

(3) Competition for assignment under par. 1 may be held for:

1. social services, which are already provided by the municipality;
2. social services, which have been established, but whose provision has not started or has been terminated due to non-compliance with the quality standards, determined in the Ordinance for the quality of the social services.

(4) The procedure for conducting the competition for assignment of the provision of social services created by a decision of the municipal council shall be determined in the regulations for the application of the law.

Contract for assignment of services created by the municipality

Art. 65. (1) The mayor of the municipality and the winner of the competition under art. 64 private providers conclude a contract for outsourcing the provision of social services.

(2) The term of the contract for assignment of the provision of the social service may not be shorter than two years and longer than 5 years, as an assessment of its implementation shall be made every year.

(3) The private provider shall not have the right to use the provided financing for other

services, activities and expenses beyond the ones indicated in the contract for assignment of the provision of the social service.

(4) A contract for assignment of the provision of social service may be concluded also in the presence of a single candidate.

(5) The main content of the contract under para. 1 and the criteria for evaluation of its implementation shall be determined in the regulations for the application of the law.

Public-private partnership for the provision of social services

Art. 66. Public-private partnership between a municipality and natural and legal persons for the provision of social services shall be implemented through:

1. assignment to a private provider of the provision of social services, which the municipality does not have an objective opportunity to create;

2. provision of mixed financing by a natural and legal person for a social service, which is provided by the municipality;

3. joint provision of social services through provided financing from the municipal budget and a private provider.

Competition for awarding services that have not been created by the municipality

Art. 67. (1) The mayor of the municipality shall assign to private providers the provision of social services, which the municipality does not have an objective opportunity to create, after conducting a competition.

(2) Assignment under para. 1 for provision of social services according to the National map of social services is allowed under the following conditions:

1. the municipality does not have an objective possibility for ensuring the provision of the social service according to art. 56, para. 3;

2. for the social service is provided financing from the state budget, and in the cases of mixed financing - also from the municipal budget;

3. the private provider has issued a license for the social service and at least one year of experience in its provision;

4. the private provider has created and provides the same type of social service - subject of the assignment;

5. the service provided by a private provider meets the quality standards defined in the Ordinance on the quality of social services;

6. the private provider has at its disposal the necessary material base, furniture and equipment, which are required for the provision of the service, as well as with the necessary specialists;

7. the license of the private supplier has not been revoked on the grounds of art. 158, para. 1, items 1 - 6 under the conditions of art. 148, para. 4;

8. the license of the private supplier has not been revoked on the grounds of art. 158, para. 1, item 7.

(3) Assignment under para. 1 for provision of social services, financed from the municipal budget, shall be carried out in accordance with the conditions, determined by a decision of the municipal council.

(4) One social service may be provided by more than one private provider by assignment by the order of para. 1.

(5) Upon assignment by the order of par. 1 the service is managed by the private provider who provides it.

(6) The procedure for conducting the competition for assignment to private providers of the provision of social services, which the municipality does not have an objective opportunity to

create, shall be determined in the regulations for the application of the law.

Public-private partnership contract

Art. 68. (1) The mayor of the municipality and the winner of the competition under art. 67 private providers enter into a public-private partnership contract for the award of the provision of the social service.

(2) The term of the contract under para. 1 may not be shorter than one year and longer than 5 years, as an assessment of its implementation shall be made every year.

(3) The private provider shall not have the right to use the provided financing for other services, activities and expenses, apart from the ones indicated in the contract for public-private partnership for assignment of the provision of the social service.

(4) A contract for public-private partnership for assignment of the provision of social service, which the municipality does not have an objective possibility to create, may be concluded also in the presence of a single candidate.

(5) The main content of the contract under para. 1 and the criteria for evaluation of its implementation shall be determined in the regulations for the application of the law.

Public-private partnership agreement with mixed financing

Art. 69. (1) Mixed financing by a natural and legal person for a social service, which is provided by the municipality, shall be provided by concluding a contract between the person and the mayor of the municipality.

(2) When the mixed financing is provided by a private provider, to which the provision of the social service has been assigned, the issues related to the provided financing shall be settled in the contract for assignment.

(3) The main content of the contract under para. 1 shall be determined in the regulations for the application of the law.

Public-private partnership in joint provision of services

Art. 70. (1) Joint provision of social service shall be when a municipality and a private provider:

1. jointly create the service;
2. share the responsibility for the management, financing and provision of the service.

(2) Joint provision of social services shall be carried out on the basis of a contract between a private provider, which holds a license for the service, and the mayor of the municipality after approval by the municipal council.

(3) A contract for joint provision of social services may not be concluded for social services, which are financed from the state budget.

Providing funds from the state and municipal budgets

Art. 71. (1) At the conclusion of a contract for assignment of the provision of social services the mayor of the municipality shall be obliged to provide to the private provider the whole amount of the means for financing the provision of the respective services, when they are financed from the state budget, within the terms, in which the subsidies from the state budget are provided.

(2) The mayor of the municipality shall exercise control over the lawful spending of the provided funds to the private provider, as in case of established violations shall notify the Agency for the quality of the social services for carrying out an inspection.

(3) Upon confirmation of the violations in the spending of the provided funds:

1. The Agency for the Quality of Social Services shall revoke the license of the private provider;
2. the mayor of the municipality terminates the contract for assignment of the provision of

social services;

3. the mayor of the municipality shall undertake the necessary actions for reimbursement by the private supplier of the illegally spent funds.

Continuity in the provision of social services

Art. 72. (1) The mayor of the municipality shall be obliged not to allow interruption in the provision of the created social services, included in the National map of the social services.

(2) Not later than two months before the expiration of the term of contract for assignment the mayor of the municipality shall organize the provision of the services by the municipality or shall hold a competition for assignment of the provision of the services to a private provider.

Chapter six PROVISION OF SOCIAL SERVICES

Section I General rules for the provision of social services

Targeting for the use of social services

Art. 73. (1) The direction for use of social services shall include:

1. informing the persons about the existing social services, which have the right to use, the conditions and the terms for their use;

2. informing the persons about the conditions for payment and full and partial exemption from payment of a fee for use of social services;

3. carrying out a preliminary assessment of the needs for social services;

4. assistance and consultation of the persons for selection of social services suitable for them.

(2) The preliminary assessment of the needs for social services shall contain a proposal for the appropriate social services, which the person has the right to use, and the social services chosen by him.

(3) The order for the direction for use of social services shall be determined in the regulations for the application of the law.

Referral from the Social Assistance Directorate

Art. 74. (1) Directorate "Social assistance" shall carry out directing for use of social services:

1. by children, parents, families and persons who take care of children, in the cases when the services are provided as a measure for protection of the child by the order of the Law for protection of the child;

2. by persons placed under guardianship;

3. by persons in crisis situation, persons, victims of domestic violence, and victims of trafficking;

4. when the services are provided at regional level for persons from all over the country.

(2) Each person shall have the right to be informed and consulted by the Social Assistance Directorate regarding the social services included in the National Map of Social Services and the services within the territorial scope of the directorate, which shall be financed by the municipality.

(3) The referral for use of social services as a measure for protection of the child in a family

environment shall be carried out by the order of the Law for protection of the child and in observance of art. 73, para. 1.

(4) The direction for use of social services by the persons under par. 1, items 2 - 4 shall be carried out by social workers appointed by the director of the "Social Assistance" directorate.

Direction by the municipality

Art. 75. (1) The municipality shall carry out directing for use of social services, which are financed from the state and / or the municipal budget, by all persons with the exception of the persons of art. 74, para. 1.

(2) Every person has the right to be informed and consulted by the municipality about the social services it provides.

(3) The direction for use of social services shall be carried out by employees of the municipal administration, its structural units and / or by employees, who carry out activities for provision of social services, appointed by the mayor of the municipality.

(4) The direction for use of social services at regional level for persons from the whole district shall be carried out by all municipalities from the district according to the conditions, determined in the agreement of art. 55, para. 1.

(5) The direction for use of social services at municipal level, which are provided by one municipality for persons from other municipalities, shall be carried out by the municipalities according to the conditions, determined in the agreement of art. 56, para. 1.

Targeting coordination

Art. 76. (1) The directorates "Social assistance" and the municipalities shall coordinate the activities for directing for use of social services, shall exchange information and shall render assistance.

(2) For the performance of the preliminary assessment during the referral the Social Assistance Directorate and the municipality may request information and opinions from other bodies and institutions at central, regional and local level, from the family and the relatives of the person, from the personal doctor of the person, from medical establishments, institutions in the system of pre-school and school education and providers of social services, as they are obliged to provide them within the term determined by the directorate or the municipality.

(3) When the person who is directed for use of a social service needs specialized support for understanding the information and choice of service, the Social Assistance Directorate and the municipality may require support from providers of social services.

(4) In case of need of the person for support, which cannot be rendered by providing social services, he shall have the right to assistance for receiving the support from another body or service.

Use of social services without referral

Чл. 77. (1) Всяко лице има право да ползва общодостъпните социални услуги без насочване от дирекция "Социално подпомагане" или общината и без предварителна оценка на потребностите.

(2) В случай че при предоставянето на общодостъпна социална услуга се установи, че лицето има нужда от специализирана услуга, доставчикът му оказва съдействие за насочване от дирекция "Социално подпомагане" или от общината за ползване на услугата.

(3) В случай на необходимост от спешна подкрепа на лице в кризисна ситуация, на лице, пострадало от домашно насилие, или на лице – жертва на трафик, социалните услуги се предоставят без насочване, като доставчикът на услугата незабавно уведомява дирекция "Социално подпомагане" за предприемането на необходимите действия по чл. 73.

(4) Лице с увреждане, което има издадено по Закона за хората с увреждания направление за предоставяне на социални услуги, има право да ползва тези услуги без насочване от дирекция "Социално подпомагане" или общината и без предварителна оценка на потребностите.

Избор за предоставяне на социални услуги

Чл. 78. (1) Лицето, което иска да ползва социална услуга, има право да избере доставчика на услугата.

(2) Когато социалната услуга се предоставя на общинско ниво, лицето има право да избере услуга по настоящия си адрес с изключение на случаите, в които услугата се предоставя съгласно споразумение по чл. 56, ал. 1.

(3) Когато социалната услуга се предоставя на областно ниво за лица от цялата област, лицето има право да избере услуга, която се предоставя в рамките на областта, в която е общината по настоящия му адрес.

(4) Социални услуги на областно ниво за лица от цялата страна се ползват независимо от настоящия адрес на лицата.

(5) Доставчик на социална услуга, която се финансира от държавния бюджет, може да откаже предоставянето на услуга само когато:

1. не предоставя исканите от лицето социални услуги;
2. след извършване на индивидуалната оценка на потребностите се установи, че чрез социалните услуги, които предлага, не могат да се удовлетворят потребностите на лицето.

(6) Редът за отказ за предоставяне на социална услуга, финансирана от държавния бюджет, се определя в правилника за прилагането на закона.

Списък на чакащи за ползване на социални услуги

Чл. 79. (1) При невъзможност на избрания доставчик да предостави социалната услуга поради достигнат максимален брой на потребителите лицето има право да бъде включено в списък на чакащите за ползването ѝ.

(2) Всеки доставчик на социална услуга, финансирана от държавния бюджет, поддържа списък на чакащите лица за ползване на предоставяните от него услуги.

(3) Осигуряването на социални услуги за лицата, включени в списъка на чакащите, става съгласно поредността на вписване.

(4) Поредността на вписване не се прилага в случаите на нужда от спешна подкрепа на лица в кризисна ситуация, на лица, пострадали от домашно насилие, и на лица – жертви на трафик.

Оценка на потребностите и план за подкрепа

Чл. 80. (1) Предоставянето на социални услуги е въз основа на индивидуална оценка на потребностите и индивидуален план за подкрепа на лицето, които се изготвят в съответствие със следните принципи:

1. обективност и пълнота;
2. всеобхватност на анализа на потребностите на лицето;
3. включване на лицето във всеки етап.

(2) Индивидуалната оценка на потребностите и индивидуалният план за подкрепа на лицето се изготвят от мултидисциплинарен екип от служители, осъществяващи дейност по предоставянето на социалната услуга, определени от ръководителя на услугата, която лицето е избрало да ползва.

(3) Целите и дейностите за удовлетворяване на потребностите на лицата, ползващи социални услуги, и резултатите, които следва да бъдат постигнати, се включват в индивидуалния план за подкрепа на лицето.

Art. 77. (1) Every person has the right to use the publicly available social services without referral from the directorate "Social assistance" or the municipality and without preliminary assessment of the needs.

(2) In case during the provision of a publicly available social service it is established that the person needs a specialized service, his provider shall render assistance for referral by the Social Assistance Directorate or by the municipality for use of the service.

(3) In case of need of urgent support to a person in crisis situation, to a person, victim of domestic violence, or to a person - victim of trafficking, the social services shall be provided without referral, as the service provider shall immediately notify the Social Assistance Directorate. for undertaking the necessary actions under Art. 73.

(4) A person with a disability, who has a direction for provision of social services issued under the Law for the disabled, shall have the right to use these services without referral from the Social Assistance Directorate or the municipality and without preliminary assessment of the needs.

Choice to provide social services

Art. 78. (1) The person, who wants to use a social service, shall have the right to choose the provider of the service.

(2) When the social service is provided at municipal level, the person shall have the right to choose a service at his current address, except for the cases in which the service is provided according to an agreement under art. 56, para. 1.

(3) When the social service is provided at regional level for persons from the whole district, the person has the right to choose a service, which is provided within the district, in which the municipality is at its current address.

(4) Social services at regional level for persons from all over the country shall be used regardless of the current address of the persons.

(5) A provider of a social service, which is financed from the state budget, may refuse the provision of a service only when:

1. does not provide the social services requested by the person;
2. after performing the individual assessment of the needs it is established that through the social services it offers, the needs of the person cannot be satisfied.

(6) The procedure for refusal to provide a social service, financed from the state budget, shall be determined in the regulations for the application of the law.

Waiting list for social services

Art. 79. (1) In case of impossibility of the selected provider to provide the social service due to reached maximum number of users the person shall have the right to be included in a list of those waiting for its use.

(2) Each provider of social service, financed from the state budget, shall maintain a list of the waiting persons for use of the services provided by it.

(3) The provision of social services for the persons, included in the waiting list, shall be done according to the order of entry.

(4) The order of entry shall not be applied in the cases of need for urgent support of persons in crisis situation, of persons, victims of domestic violence, and of persons - victims of trafficking.

Needs assessment and support plan

Art. 80. (1) The provision of social services shall be on the basis of an individual assessment of the needs and an individual plan for support of the person, which shall be prepared in accordance with the following principles:

1. objectivity and completeness;
2. comprehensiveness of the analysis of the needs of the person;
3. inclusion of the person in each stage.

(2) The individual needs assessment and the individual plan for support of the person shall be prepared by a multidisciplinary team of employees, carrying out activity for the provision of the social service, determined by the head of the service, which the person has chosen to use.

(3) The goals and activities for satisfying the needs of the persons, using social services, and the results, which should be achieved, shall be included in the individual plan for support of the person.

(4) The procedure for the preparation and updating of the individual needs assessment and of the individual support plan shall be determined in the regulations for the application of the law.

Assistance in preparing the evaluation and the support plan

Art. 81. (1) (Declared unconstitutional by Decision № 9 of the Constitutional Court of the Republic of Bulgaria - issue 65 of 2020)

In preparing the individual needs assessment and the individual support plan, the social service provider may request information, assistance and opinions from state authorities, the municipality, the personal physician of the person, the family and relatives of the person, medical institutions, institutions in the preschool system. and school education and other institutions and providers of social services, and they are obliged to provide them within the period determined by the provider.

(2) When the person has chosen to use different social services from one provider, a general assessment and a general plan for the provision of all services shall be prepared.

(3) When the person uses social services from different providers, they shall be jointly responsible for the preparation of the assessment and of the plan by an order, determined in the regulations for the application of the law.

Assistance in using social services

Art. 82. (1) Information about the existing social services shall be provided by directorates "Social assistance" of the medical establishments, the institutions in the system of the pre-school and school education, the nurseries, the places of imprisonment, the places for support of children with illegal behavior, the directorates. "Labor Office", the centers for persons seeking and / or receiving international protection, the migration and police bodies of the Ministry of Interior.

(2) In case of necessity the institutions and the bodies under par. 1 shall inform the persons for the social services, which they could use, as well as shall signal the directorate "Social assistance" or the municipality for the necessity of directing for use of social services.

Provision of social services without evaluation and support plan

Art. 83. (1) The publicly available social services shall be provided without preparation of individual assessment of the needs and individual plan for support.

(2) The use of the publicly available services shall be in accordance with the general conditions determined by the service provider.

Case management when using a social service

Art. 84. (1) The case management in the provision of specialized social services shall include:

1. preparation and updating of the individual assessment of the needs and of the individual plan for support of the person;
2. management and coordination of all activities for providing the support for the person in the provision of the social service;
3. coordination with other providers of social services, which the person uses;
4. coordination with the Social Assistance Directorate, the municipality and with other institutions;
5. tracking the achieved results.

(2) For each person who uses a specialized social service, the provider of the social service shall determine the employees who are responsible for the management of the case.

(3) The director of the directorate "Social assistance" shall appoint a leading social worker, with whom the employees, who are responsible for managing the case, shall coordinate when using specialized social services after referral by the directorate.

(4) The municipality shall support the coordination and the interaction between the providers of specialized social services, which the person uses after referral by the municipality.

Concluding a contract for the use of social services

Art. 85. (1) The social services shall be provided after concluding a contract between the person and the provider of the social service.

(2) The contract for use of social services shall be concluded after the preparation of the individual assessment of the needs of the person.

(3) A contract shall not be concluded for the use of publicly available social services.

(4) The minimum content of the contract for use of social services and the conditions for its termination and continuation shall be determined in the regulations for the application of the law.

Reporting on the activity of providing social services

Art. 86. (1) The provision of social services, financed from the state budget, shall be reported through the information entered by the providers of social services in the integrated information system of the Agency for social assistance.

(2) In the integrated information system of the Agency for social assistance the providers of social services shall enter information on:

1. the activities carried out by the supplier;
2. the employees, carrying out activities for management and provision of social services;
3. consumers;
4. the concluded contracts for use of social services;
5. those waiting to use social services;
6. revenues and expenses by types of activities;
7. costs for the activity by type of the provided services.

(3) The providers of social services are administrators of personal data according to the Personal Data Protection Act.

Section II

Special rules for the provision of social services

Prohibition of denial of support for children

Art. 87. (Declared unconstitutional by Decision № 9 of the Constitutional Court of the Republic of Bulgaria - issue 65 of 2020)

(1) When a child has requested support from a social service provider, the provider shall be obliged to inform and consult the child, except for the cases of a request for use of residential care.

(2) If the provider of the social service does not offer activities for the requested support, he shall be obliged in an appropriate way to inform and consult the child about the way of using the desired service.

(3) In case the child who has sought support is under 14 years of age or is a child at risk within the meaning of the Child Protection Act, the provider shall immediately notify the Social Assistance Directorate.

(4) In case the child who has sought support is over 14 years of age, the provider shall, with the consent of the child, notify his parents.

(5) If the child is not at risk within the meaning of the Child Protection Act, the use of social services by the child and by his parents shall be by the order of this law.

Social services as child protection measures

Art. 88. (1) All social services in implementation of measures for protection of the child shall be provided by the order of the Law for protection of the child.

(2) The parents and the persons, who take care of children, shall be obliged to use the social services determined by the court and the directorate "Social assistance" in implementation of measures for protection of the child.

Term of use of residential care

Art. 89. (1) The use of residential care shall always be for a certain term, compliant with the needs of the person and with the results, which are intended to be achieved.

(2) The term for use of residential care by adults may be extended at their request, in case there is no possibility for support and care in home environment.

(3) The individual assessment of the needs of the persons, accommodated in a social service for resident care with a court decision under art. 98, para. 1, shall be obligatorily updated in a term not longer than 12 months from the date of accommodation.

Residential care for children

Art. 90. (1) The use of residential care by children shall be obligatorily subject to judicial control with the exception of the use of residential care up to 30 days a year by children with permanent disabilities, who need constant medical supervision and medical care, when the grounds are not present. for accommodation outside the family under Art. 25, para. 1 of the Child Protection Act.

(2) Provision of residential care to children up to three years of age shall not be allowed, except for the provision of residential care to children with permanent disabilities, who need constant medical supervision and medical care, when they cannot be provided in another way.

(3) For the children up to 18 years of age the term for use of residential care as a measure for protection of the child may not be longer than two years, as it shall be obligatorily reviewed every 6 months.

(4) The term under par. 3 may be extended only if the children do not have the opportunity to be reintegrated into the biological family, adopted, placed in a family of relatives and / or relatives or in a foster family.

Advantage of the wishes of the persons placed under guardianship

Art. 91. (1) The provision of social services to an adult person, placed under guardianship, and the termination of their use shall be in accordance with the desire of the person and the opinion of his guardian or trustee, as in case of contradiction the desire of the person in need of social service.

(2) In case of a stated wish for termination of the use of a social service for resident care, the Social Assistance Directorate shall immediately take the actions under Art. 100, when the person is placed under full guardianship, and when the person is placed under limited guardianship, para. 1.

(3) The "Social Assistance" Directorate may request support from providers of social services for research of the wishes of the persons, placed under guardianship.

(4) The guardian or trustee of a person placed under guardianship shall be obliged to comply with the wish of the person and to assist him for the direction and use of the social service chosen by him.

Right to substitute care

Art. 92. (1) The parents of children with permanent disabilities, the families under art. 26 of the Child Protection Act, families and persons caring at home for adults with permanent disabilities incapacity for self-care and for elderly people incapacity for self-care have the right to substitute care under conditions and in accordance with the procedure specified in the regulations for the application of the law.

(2) The substitute care shall be provided for a term not longer than 30 days within one calendar year.

(3) The substitute care may be provided in a home environment, a specialized environment in which residential or day care is provided, and in the homes of foster families.

(4) Foster families shall provide substitute care only for children.

(5) The financing of the substitute care from the state budget shall be carried out according to the standard for activity delegated by the state for the respective social service, through which the care is provided, or by the order of the Child Protection Act in the cases when the care is provided by a foster family.

(6) If the persons under par. 1 receive remuneration or financial assistance, financed from the state budget, in connection with the care provided by them for the children or for other members of the family, they cannot receive them for the term in which the substitute care is provided without payment of fees by the persons.

Assistant support

Art. 93. (1) The assistant support is a specialized social service, which includes support by an assistant for:

1. self-service;
2. movement and movement;
3. change and maintenance of the position of the body;
4. performance of daily and household activities;
5. communication.

(2) Assistant support under this law shall be provided for:

1. persons of over working age in impossibility for self-service, who do not have a degree of reduced working capacity determined by the respective order;

2. children with permanent disabilities and adults with permanent disabilities with certain foreign assistance, who do not use assistance support, assistance for providing assistance support or for whom assistance for home care is not received by the order of another law.

(3) The direction for use of assistant support, which shall be financed from the state and municipal budget, shall be carried out only by the municipality, which provides the service.

(4) The municipality shall organize the provision of the assistant support in a way that will allow complex provision of the different types of social services in home environment.

(5) Assistant support shall not be provided to persons using residential care, as well as for the time during which substitute and all-day care is used, and for the time of stay in a medical establishment.

(6) The control of the activity of the assistants and of the reporting of the provided assistant support shall be carried out by the municipality, when the service is financed from the state and municipal budget.

Participation of persons receiving residential care

Art. 94. (1) The provider of social service for resident care shall be obliged to provide to the persons, who use it, an opportunity for participation in making decisions regarding the organization of the daily activities and the improvement of the quality of the service.

(2) The persons, using social service for resident care, shall create councils of the consumers, through which they participate in the taking of decisions under para. 1.

(3) Consumers' councils may also be established by persons using other types of social services.

Section III

Use of residential care by persons placed under full incapacity

Request for accommodation in a social service for residential care

Art. 95. (1) The accommodation in a social service for resident care of adults, placed under full incapacity, shall be carried out by the regional court at the present address of the person.

(2) The request for accommodation under para. 1 before the district court at the present address of the person shall be made by the Social Assistance Directorate on the basis of a written declared wish by the person and an opinion of the guardian in accordance with Art. 91.

(3) To the request under par. 2 shall apply:

1. a report, which also contains an opinion on the possibilities for taking care of the person at home;

2. the preliminary assessment under art. 73;

3. reference on the existing appropriate social services for residential care within the district and the vacancies.

Temporary accommodation in a social service for residential care

Art. 96. (1) The Social Assistance Directorate at the present address of the person, placed under full incapacity, may carry out only temporary accommodation in a social service for resident care by administrative order, in case there is no other possibility for laying a court decision. facial care.

(2) The temporary accommodation under par. 1 shall be carried out by an order of the director of the "Social Assistance" directorate at the present address of the person on the basis of a written declared wish by the person and an opinion of the guardian in accordance with art. 91.

(3) Within one month from the issuance of the order under para. 2, the Social Assistance Directorate shall make a request for accommodation in a social service for resident care to the district court at the present address of the person.

(4) The acts of the director of the directorate "Social assistance" shall be issued and appealed by the order of the Administrative Procedure Code.

Court proceedings for accommodation in a social service for residential care

Art. 97. (1) The requests for accommodation of a person, placed under full incapacity, in a social service for resident care shall be subject to jurisdiction of the regional court at the present address of the person.

(2) In the proceedings under para. 1, the court may collect evidence on its own initiative and shall obligatorily examine the will of the person, whose accommodation is requested, including through participation of experts.

(3) The court shall immediately consider the request in an open session with the participation of the "Social Assistance" directorate, of the person and of his guardian.

(4) In case the person, whose accommodation is requested, cannot personally participate in the sitting under para. 3, it shall be held outside the court building.

Decision for accommodation in a social service for residential care

Art. 98. (1) The court shall pronounce within one month term from the date of the request under art. 96, para. 3 with a decision, which shall be announced to the parties and shall be executed immediately.

(2) The court may grant the request for placement in a social service for residential care of a person, placed under full incapacity, only in case within the framework of the proceedings no possibility for care and provision of support for the person in home environment is established and in the community.

(3) In the decision under par. 1 shall be indicated the term of the accommodation, which may not be longer than three years.

Appeal to the district court

Art. 99. (1) The decision under art. 98, para. 1 shall be subject to appeal before the district court within 7 days.

(2) In case of a filed appeal or protest the court shall schedule the case in a term not longer than 7 days.

(3) The district court shall pronounce with a decision, which is final.

Termination of placement in a social service for residential care

Art. 100. (1) The accommodation of a person, placed under full incapacity, in a social service for resident care shall be terminated by the order for carrying out the accommodation by the regional court at the request of directorate "Social assistance" on the basis of declared wish by the person and opinion of the guardian. in accordance with Art. 91.

(2) Until the pronouncement of the court termination of the accommodation shall be carried out temporarily by an order of the director of directorate "Social assistance" on the basis of declared wish by the person and opinion of the guardian in accordance with art. 91.

(3) Upon expiration of the determined term of the accommodation in the decision under art. 98, para. 1 and in case of death of the person para. 1 and 2 shall not apply.

(4) The decision of the regional court may be appealed before the district court, as the appeal shall not suspend the execution.

(5) The decision of the district court shall be final and shall not be subject to cassation appeal.

(6) The decision for termination of the placement in a social service for residential care of a person, placed under full incapacity, shall be executed by administrative order.

Extension of the term of accommodation and relocation

Art. 101. (1) The extension of the term of the placement in a social service for resident care

and the transfer to another service for resident care of a person, placed under full incapacity, shall be carried out by the order for the performance of the placement by the regional court.

(2) The term of the placement in a social service for residential care of a person, placed under full incapacity, may be extended, if for the person there is no possibility for support and care in home environment.

Section IV

Payment for the use of social services

Fees for using social services

Art. 102. (1) The use of social services shall be paid.

(2) In case of non-payment for more than three months of a fee for use of a social service, which is financed from the state budget, by a person, apart from the ones indicated in art. 103, para. 1, the provision of the service to the person shall be terminated, unless he pays the due fees within one month.

Exemption from payment of fees

Art. 103. (1) The use of social services, which are financed from the state budget, shall not be paid by:

1. the persons up to 18 years of age and until the completion of secondary education;
2. the young people from 18 to 21 years of age, who until reaching the age of majority have used residential care by the order of the Law for protection of the child;
3. the persons who do not have incomes and deposits.

(2) The cases in which the persons do not pay the full amount of the fee for use of social services, financed from the state budget, shall be determined in the regulations for the application of the law.

Social services for which no fee is paid

Art. 104. (1) The use of social services financed from the state budget shall not be paid for:

1. support for the formation of parenting skills;
2. consulting and support of parents on the issues of the early child development and the upbringing of children;
3. prevention of the abandonment of children and support of parents for reintegration by the order of the Child Protection Act;
4. early intervention of the disabilities for children;
5. emergency provision of support in case of a crisis situation - until the emergency disappears;
6. support and provision of shelter to persons, victims of domestic violence, and to persons - victims of trafficking;
7. providing shelter to homeless persons;
8. substitute care up to 14 calendar days a year for children and persons with permanent disabilities with certain type and degree of disability or degree of reduced working capacity 90 and over 90 per cent and with certain foreign assistance and for children placed outside the family by the order of The Child Protection Act;
9. support and training of family members who take care in a home environment for persons with permanent disabilities and for persons of working age incapable of self-care, for which they do not receive remuneration or financial assistance;

10. support and training of candidates for adoptive parents and foster families;
11. support of adoptive parents and foster families and families of relatives and friends under the Child Protection Act;

12. mobile preventive community work.

(2) All activities, which are performed by the provider of social service, for informing and for consulting for the purpose of assessment of the needs and development of a plan for support shall not be paid by the persons.

(3) The social services, financed from the state budget, for which the full amount of the fee is not paid by the persons, who use them, shall be determined in the regulations for the application of the law.

Chapter seven

QUALITY, EFFICIENCY, CONTROL AND MONITORING OF SOCIAL SERVICES

Quality standards

Art. 105. The standards for quality of social services are for:

1. organization and management of the service;
2. qualification and professional development of the employees, who carry out the activity for the provision of the service;
3. the efficiency of the service in view of the achieved results for the persons, who use it, in response to their needs.

Implementation of a quality standard

Art. 106. The fulfillment of a standard for quality of a social service shall be assessed by criteria for the correspondence between the provided social service and the standards for its quality.

Control of the provision of social services

Art. 107. The control of the provision of social services is monitoring of the observance of the normative requirements for the provision of the services and of the standards for their quality and timely taking of measures for its improvement.

Monitoring the quality of social services

Art. 108. (1) The monitoring of the quality of the social services is a process of systematic collection, summarization and analysis of information on the basis of the criteria for implementation of the standards for quality of the social services.

(2) Monitoring of the quality of the social services shall be carried out by the providers of social services, by the municipalities and by the Agency for the quality of the social services.

(3) Monitoring of the quality of the social services may also be carried out by persons independent of para. 2 international, European and national organizations.

Ordinance on the quality of social services

Art. 109. (1) (In force from 22.03.2019 - SG, iss. 24 in 2019) The social services shall be provided in accordance with the Ordinance for the quality of the social services, which shall be adopted by the Council of Ministers upon proposal of the Minister of labor and social policy.

(2) In the ordinance under par. 1 shall be determined:

1. the standards for quality of the social services;
2. the criteria for fulfillment of the standards for quality of the social services;

3. the basic principles for development by the providers of social services of programs for development of the quality of the social services, which they provide;
4. the methods for monitoring the quality of the social services;
5. the procedure for control, monitoring and evaluation of the quality and efficiency of the social services.

Obligation to comply with quality standards

Art. 110. (1) The standards for quality of the social services, determined in the Ordinance for the quality of the social services, shall be obligatory for all providers of social services, regardless of the source of financing.

(2) All providers of social services shall have the right to methodological support from the Agency for the quality of social services, which shall develop and provide methodological guidelines for the application of the quality standards.

Responsibility for compliance with quality standards

Art. 111. The responsibility for the observance of the quality standards, defined in the Ordinance for the quality of the social services, is on:

1. the mayor of the municipality, of the persons who manage and of the employees who carry out the activity for providing the services - for the social services, which are financed from the state and / or the municipal budget;

2. the mayor of the municipality, of the provider of the social service, of the persons who manage and of the employees who carry out the activity for provision of the services - for the social services, the provision of which is assigned by the order of art. 64 and Art. 67;

3. the service provider, the persons who manage and the employees who carry out the activity for providing the services - for the social services, which are financed by private providers.

Control and monitoring by the supplier

Art. 112. (1) The providers of social services shall develop their own programs for development of the quality of the social services provided by them, which shall also include the activities for carrying out periodic and annual control and monitoring of the quality.

(2) Upon ascertainment by the provider of a social service of discrepancies with the requirements of the Ordinance on the quality of social services, the provider shall take measures for their elimination and improvement of the quality of the service.

(3) By 31 March each year, the providers of social services shall submit in electronic format to the Agency for the quality of social services a report with summarized information on:

1. the results achieved in the provision of social services;

2. the results of the implementation of the program for development of the quality of the provided social services;

3. the results of the conducted annual control and monitoring.

(4) When the social services are provided by a private provider on the basis of a contract for assignment, the report under para. 3 shall also be presented to the mayor of the municipality.

Control and monitoring by the municipality

Art. 113. (1) With regard to the provided social services on the territory of the municipality, which shall be financed with funds from the state and municipal budget, the mayor of the municipality shall perform:

1. control and monitoring of the quality and efficiency;

2. monitoring of the activities for ensuring access to social services;

3. control of the spending of the funds for financing of the social services;

4. control in assigning the provision of services to private suppliers;

5. control regarding the collection of fees for use of social services.

(2) Every year until April 30 the mayor of the municipality shall submit in electronic format to the Agency for the quality of the social services an analysis of the condition and the efficiency of the social services, which are provided on the territory of the municipality.

(3) The analysis of the condition and the efficiency of the social services, which are provided on the territory of the municipality, shall include:

1. summarized information regarding the achieved results in the provision of social services by the municipality;

2. results from the conducted control and monitoring under para. 1;

3. report on the spent funds from the state budget, and in case of assignment of the provision of social services to private providers - and annual assessment of the implementation of the assignment contracts;

4. assessment of the municipality of the efficiency of the social services it provides.

Control and monitoring by the Agency for Quality of Social Services

Art. 114. The Agency for the Quality of Social Services:

1. check the observance of the standards for quality of the social services, determined in the Ordinance for the quality of the social services;

2. carry out inspections for the compliance with the requirements of this law and the normative acts, adopted in implementation of this law, of the activity of the providers of social services, the municipalities, the territorial structures of the Agency for social assistance and other bodies, responsible for their application;

3. check the observance of the rights of the users of social services;

4. carry out inspections for the manner in which the municipalities and the private providers of social services spend funds from the state budget;

5. carry out monitoring, on the basis of which it prepares annually an analysis regarding the condition and the efficiency of the social services, which it presents to the Minister of Labor and Social Policy;

6. give obligatory prescriptions for elimination of admitted violations and determine an appropriate term for their implementation according to the gravity and degree of the committed violation;

7. enter data for committed violations in the register of the licensed providers of social services;

8. prepare opinions in connection with the preliminary approval of the establishment of social services according to the National Map of Social Services;

9. issue obligatory prescriptions to the mayors of municipalities for termination of the provision of social services, financed from the municipal budget, and for assignment of the provision of social services to private providers;

10. make motivated proposals for termination of the financing of social services from the state budget;

11. prepare statements under art. 62, para. 2.

Control of newly created social services

Art. 115. (1) The first inspection under art. 114, items 1 - 4 of the provision of a newly established social service by a municipality shall be carried out not earlier than three months and not later than 6 months from the date of commencement of the activity for provision of the service according to the decision of the municipal council.

(2) The first inspection under art. 114, items 1 - 3 of a newly licensed social service by a private provider shall be performed not earlier than three and not later than 6 months from the

date of commencement of the activity for provision of the service according to the notification under Art. 160, para. 1, item 1.

Execution of control functions

Art. 116. (1) In performing their control functions the employees of the Agency for the quality of the social services shall have the right:

1. to visit and check the persons under art. 114, item 2;
2. to visit and check the places where social services are managed and provided;
3. (declared unconstitutional by Decision № 9 of the Constitutional Court of the Republic of Bulgaria - issue 65 of 2020)

to visit the persons who use social services in the home environment;

4. to visit and check the places where there is a signal or information that an activity for provision of social services is carried out without a license;

5. to check the activity of all natural and legal persons for whom there are data that they carry out activity in violation of this law and the normative acts for its application;

6. to require explanations, data and provision of documents, inquiries and information related to the controlled social service and activity;

7. (declared unconstitutional by Decision № 9 of the Constitutional Court of the Republic of Bulgaria - issue 65 of 2020)

to receive directly from the persons using social services the necessary information.

(2) The performance of the control functions by the employees of the Agency for the quality of social services shall be in accordance with this law, with the Ordinance for the quality of the social services and with the code of ethics of the employees of the agency, approved by its executive director.

Obligations in performing the control activity

Art. 117. (1) The employees of the Agency for the quality of the social services shall be obliged to observe the normative requirements for protection of the personal data and for protection of the classified information, which has become known to them during or on the occasion of the performed inspections.

(2) The employees of the Agency for the quality of social services shall be obliged to respect the rights, honor and dignity of the persons, using social services, of the persons, who carry out activities for management of social services, and of the employees, who carry out the activity for providing social services. services.

(3) Upon establishing violations of the competence of other bodies, the executive director of the Agency for the quality of social services shall immediately notify them, and in case of established violations, which contain data for committed crime, shall immediately notify the

bodies of the prosecution.

(4) The state bodies and the respective officials shall be obliged to provide information and to render assistance to the employees of the Agency for the quality of the social services in the performance of their functions.

Monitoring efficiency at the national level

Art. 118. (1) The Agency for the quality of the social services shall carry out monitoring of the social services by an order, determined in the Ordinance for the quality of the social services, on the basis of:

1. the results of the control activity of the agency;
2. the information from the annual reports of the providers of social services;
3. the annual analyzes of the municipalities regarding the condition and the efficiency of the social services.

(2) The annual analysis of the condition and efficiency of the social services, which the Agency for the quality of the social services shall prepare as a result of the monitoring under para. 1, includes an analysis of:

1. providing access to social services at national level;
2. the implementation of the standards for quality of the social services;
3. the efficiency of the invested resources.

Chapter eight

EMPLOYEES PERFORMING GUIDANCE ACTIVITIES FOR THE USE AND PROVISION OF SOCIAL SERVICES

Requirements for employees engaged in the provision of services

Art. 119. The Ordinance on the quality of social services shall determine:

1. the minimum requirements for the number and the qualification of the necessary employees, who carry out the activity for providing the different types of social services;
2. the requirements to the activity carried out by the employees for providing the different types of social services;
3. the obligations of the providers of social services for ensuring professional and career development of their employees.

Right to education

Art. 120. (1) The employees, carrying out activity for provision of social services, shall have the right to introductory and upgrading trainings.

(2) The trainings shall be provided by the provider of the social service according to a program developed by the provider for introductory and upgrading training of the employees.

(3) For employees who for the first time carry out activity on provision of social services, the provider of the social service shall obligatorily appoint mentors who shall support them methodically for a period of 6 months from the date of their appointment.

(4) The employees in the directorate "Social assistance" and the municipalities, which carry out the activity for referral for use of social services, shall have the right to introductory and upgrading trainings, which shall be provided by the appointing body.

Obligation to participate in trainings

Art. 121. (1) The employees, carrying out activity for directing for use and for providing

social services, shall be obliged to participate in the organized under art. 120 trainings and to increase their knowledge and skills in order to improve the quality of their work.

(2) The employees, carrying out activity for orientation for use and for provision of social services, shall be obliged to participate in the activities organized for them for exchange of experience and acquaintance with good practices.

Right to supervision

Art. 122. (1) The employees, carrying out activity for provision of social services, shall have the right to regular supervision in the process of work.

(2) The supervision under para. 1 shall be provided by the social service provider through:

1. employees of the provider, who carry out activity for providing the service;
2. persons external to the specific social service.

(3) The employees in the directorate "Social assistance" and the municipalities, which carry out the activity for referral for use of social services, shall have the right to regular supervision in the process of work, which shall be provided by the appointing body.

Workload standards

Art. 123. (1) The Minister of Labor and Social Policy shall approve standards for workload of:

1. the employees of the provider, carrying out activity for provision of social services;
2. the employees of the Social Assistance Directorate and the municipalities, which carry out the activity of referral for the use of social services.

(2) The standard for workload shall determine the maximum number of cases in which an employee may work within one month, depending on the specifics of the activity performed by him.

Remuneration of employees for the provision of services

Art. 124. (In force from 22.03.2019 - SG, iss. 24 in 2019) The remunerations of the employees, carrying out activities for provision of social services, which are financed from the state budget, shall be determined according to the standards for payment of their labor. , approved in an ordinance adopted by the Council of Ministers on the proposal of the Minister of Labor and Social Policy.

Right to participate

Art. 125. (1) The employees, who carry out activities for provision of social services, shall have the right to participate in:

1. the development and updating by the provider of the program for development of the quality of the social service;
2. the development and updating by the provider of the program for introductory and upgrading training of the employees;
3. making decisions for improving the quality of the social service, the working conditions and the organization of the work process.

(2) The employees, who carry out activities for provision of social services, shall have the right to associate in a form chosen by them for the purpose of participation in the development of strategies, programs and plans on the issues of social services at local level.

Volunteers in providing social services

Art. 126. (1) Volunteers may be included in the provision of social services.

(2) The inclusion of volunteers in the provision of social services shall be carried out according to developed programs by the providers of social services, in which shall be determined:

1. the conditions under which the inclusion of volunteers in the provision of social services

is allowed;

2. the type of activities that the volunteers can carry out;
3. the rights and obligations of the volunteers;
4. the obligations of the provider for providing training, methodological support and supervision of the volunteers.

(3) The provider of the social service shall be responsible for the activity of the volunteers.
Conducting an internship in the social services system

Art. 127. The internship of students in the provision of social services shall be carried out after concluding agreements between the providers and the respective higher education institutions.

Code of Ethics

Art. 128. (1) The Minister of Labor and Social Policy shall approve a code of ethics of the employees, carrying out activities for provision of social services.

(2) The providers of social services, the employees, who carry out activities for management and provision of social services, the volunteers and the trainees shall be obliged to observe the code of ethics.

(3) The code of ethics shall be developed with the participation of representatives of the municipalities, the providers of social services, the employees, carrying out activities for provision of social services, and of higher schools.

Chapter nine

INTEGRATED APPROACH AND INTEGRATED SERVICES

An integrated approach

Art. 129. The integrated approach to the provision of social services includes:

1. the coordination and the interaction with other systems;
2. the coordination and the interaction within the system for social services;
3. the provision of integrated cross-sectoral services.

Coordination and interaction with other systems

Art. 130. The coordination and interaction with other systems is carried out through:

1. assistance under Art. 76, para. 2 - when performing the referral by the municipality and by the Social Assistance Directorate for the use of social services;
2. assistance under Art. 81, para. 1 - in the preparation by the providers of social services of the individual assessment of the needs, and assistance under art. 82 - for use of social services;
3. integrated provision of support.

Integrated support of different systems

Art. 131. (1) Integrated provision of support by different systems is when the persons are supported by activities and / or services from different sectors, as each activity and service is provided, organized, managed, controlled and financed according to the established for it order.

(2) All social services may be provided as part of an integrated provision of support for individuals.

(3) The integrated provision of support may be organized by the municipalities, bodies, institutions or providers through:

1. creation of a common environment in which to carry out the activities and services;
2. ensuring the access of the persons to the various activities and services;
3. ensuring the coordination and joint work of the specialists performing the activities and services from the different sectors.

(4) Residential care may not be provided as part of an integrated provision of support by creating a common environment under para. 3, item 1.

Coordination mechanism for integrated support of different systems

Art. 132. (1) For integrated provision of support by different systems the bodies, institutions and service providers, which are responsible for the activities and the services for the person, shall prepare a joint plan for providing the support.

(2) The preparation of the plan shall be coordinated by the provider of the social service, which is part of the integrated support, by an order, determined in the regulations for application of the law.

(3) The case management in the integrated provision of support from different systems shall be carried out by the social service provider, which is part of the integrated support, by an order, determined in the regulations for application of the law.

(4) All bodies, institutions and providers, which provide activities and services as part of the integrated support of the person, shall be obliged to fulfill the obligations determined in the plan.

Coordination from the Social Assistance Directorate

Art. 133. (1) The coordination and the interaction at the integrated provision of support by different systems for the persons of art. 74, para. 1 shall be carried out under the direction of the Social Assistance Directorate.

(2) The coordination and the interaction in case of integrated provision of support by different systems to the persons under art. 74, para. 1, item 1 shall be carried out by the order of the Child Protection Act.

(3) For integrated provision of support by different systems to the persons under art. 74, para. 1, items 2 - 4, the Social Assistance Directorate, with the obligatory participation of the bodies, institutions and service providers, which are responsible for the activities and services for the person, shall prepare a joint plan for providing the support.

(4) The elaboration of the plan and its implementation shall be coordinated by a leading social worker appointed by the director of the Social Assistance Directorate.

Integrated provision of support through social services

Art. 134. (1) Integrated provision of support through social services shall be when a person is provided with complex support through different types of social services.

(2) The integrated provision of social services, financed from the state budget, shall be organized by the municipality.

(3) The providers of social services may provide integrated all types of social services, as integrated provision of separate social services for residential care in a general specialized environment shall not be allowed.

(4) In the integrated provision of social services by one provider the person shall conclude a contract with him for the use of all services.

(5) In the integrated provision of social services by different providers the person shall conclude a contract with each of the providers.

Coordination mechanisms for integrated provision of support through social services

Art. 135. (1) The coordination and the interaction at the integrated provision of social services by different providers of social services shall be organized and carried out by the

providers.

(2) At the request of the suppliers, the Social Assistance Directorate and the municipality shall render assistance and support the coordination between them.

(3) The coordination and the interaction in the integrated provision of social services for the persons under art. 74, para. 1 shall be carried out under the direction of the Social Assistance Directorate.

(4) The procedure for carrying out the management of the case in case of integrated provision of support through social services by different providers and the leading functions in the management of the case shall be determined in the regulations for the application of the law.

Social work in other systems

Art. 136. (1) The social work, performed by employees for the purpose in medical establishments, institutions in the system of the pre-school and school education, nurseries, places for imprisonment and in places for support of children with illegal behavior, shall be financed by the respective bodies responsible for the management of these establishments or institutions.

(2) The social work under par. 1 cannot be financed by the order of this law.

(3) Providers of social services may provide mobile social services for information, consultation and training in the establishments and in the institutions under para. 1 by the order of this law.

Support from specialists from other systems

Art. 137. (1) The providers of social services may seek assistance, consultation and support in the assessment of the needs and the provision of social services by specialists from medical establishments, institutions in the system of the pre-school and school education, nurseries, places for support of children with illegal behavior, the centers for persons seeking and / or receiving international protection, the migration and police bodies of the Ministry of Interior.

(2) The specialists under para. 1 are obliged to render the requested assistance, consultation and support within their competence.

Integrated cross-sectoral services

Art. 138. (1) The integrated intersectoral services shall be services for support of the persons through activities from different sectors within general organization and management.

(2) Integrated cross-sectoral services may be established only when the specific needs of the persons who should use the service cannot be met without the support for them being provided within a common organization and management.

(3) Only specialized social services may be provided as part of an integrated cross-sectoral service.

(4) Integrated cross-sectoral services may be financed from two or more sources of financing.

(5) The financing, payment, creation, termination of the provision, change of the number of users and the place of provision of the integrated intersectoral services shall be carried out according to the general rules for social services under this law, as far as no special rules are provided in this chapter.

Providers of integrated cross-sectoral services

Art. 139. (1) All providers of social services may provide integrated intersectoral services.

(2) The persons under art. 29, para. 3, item 2 and Art. 30 may provide integrated cross-sectoral services after issuing a license under Chapter Ten.

(3) For the issuance of a license for integrated intersectoral service the Agency for quality of social services shall require an opinion from the body, which is responsible for the control of the activities, which are included in the intersectoral service outside the scope of social services.

Quality of integrated cross-sectoral services

Art. 140. (1) The standards for quality of the integrated intersectoral services shall be determined in the Ordinance for the quality of the social services.

(2) The providers of integrated intersectoral services shall have all obligations under this law.

(3) The control over the observance of this law by the providers of integrated intersectoral services and the observance of the quality standards shall be carried out by the Agency for quality of social services with the participation of representatives of the body responsible for the control of the activities included in the intersectoral service. outside the scope of social services.

Residential care as part of an integrated cross-sectoral service

Art. 141. (1) Residential care as a part of an integrated intersectoral service, regardless of its source of financing, may be provided only as a part of an integrated health and social service.

(2) Residential care as part of an integrated health and social service may not be provided in medical establishments.

Integrated cross-sectoral services that can be financed from the state budget

Art. 142. (1) Only integrated health and social services may be financed from the state budget by the order of this law.

(2) The integrated health and social services, which are financed entirely or partially from the state budget, shall be included in the National map of the social services by the order, determined in the ordinance of art. 40.

(3) In coordination with the Minister of Health shall be carried out:

1. the determination of the criteria under art. 40, items 1 and 2 regarding the integrated health and social services;

2. the planning in the National map of the social services and the updating of the map regarding the integrated health and social services;

3. the development of the quality standards of the integrated health and social services and the criteria for their implementation.

(4) The integrated health and social services may be financed under the conditions of art. 49, as well as with funds from the state budget, provided by two or more sources of financing.

Integrated health and social services

Art. 143. (1) The integrated health and social services shall be services for specialized support of the persons through activities from the sphere of the health care and the social services, which shall be provided within the framework of general organization and management.

(2) The support through integrated health and social services shall be provided by medical specialists and by specialists, providing social services.

Providers of integrated health and social services

Art. 144. (1) All providers of social services and the medical establishments may provide integrated health-social services.

(2) For the issuance of a license for integrated health and social service to persons under art. 29, para. 3, item 2 and Art. 30 and of medical establishments, the Agency for the Quality of Social Services shall request an opinion from the regional health inspection at the address indicated by the provider or by the medical establishment for the place of provision of the service.

(3) The control over the observance of this law by the providers of integrated health and social services and the observance of the quality standards in their provision shall be carried out by the Agency for quality of social services with the participation of representatives of the regional health inspection at the address where the service is provided. .

Users of integrated health and social services

Art. 145. (1) Integrated health and social services may be provided for:

1. children and persons with permanent disabilities;
2. persons with chronic diseases;
3. persons in working age in impossibility for self-service.

(2) The referral for use of integrated health and social services for residential care shall be carried out on the basis of specialized expert assessment of the health condition and the needs of the persons for medical care from medical establishments for hospital care, determined by order of the Minister of Health.

(3) The medical establishments under par. 2 shall assist and consult the providers of integrated health and social services for residential care in the performance of the individual needs assessment, the development of the individual support plan and in the provision of the service.

(4) The permanent medical supervision and the medical care, which are provided through integrated health-social services for resident care, shall be provided according to the methodology of the Minister of Health.

Chapter ten

TERMS AND CONDITIONS FOR ISSUANCE OF A LICENSE FOR PROVISION OF SOCIAL SERVICES

Лиценз

Чл. 146. (1) Лицензът за предоставяне на социални услуги е поименен и правата, произтичащи от него, не подлежат на прехвърляне и преотстъпване.

(2) Лиценз се издава за всяка отделна социална услуга.

(3) Лицензът съдържа:

1. титуляр на лиценза;
2. код по БУЛСТАТ/единен идентификационен код;
3. седалище и адрес на управление;
4. социална услуга, за която се издава лицензът;
5. дата на издаване и срок на лиценза;
6. номер на лиценза.

Срок на лиценза

Чл. 147. (1) Лицензът се издава за срок 5 години.

(2) След изтичането на срока по ал. 1 лицензът може да бъде подновен.

Условия за издаване на лиценз

Чл. 148. (1) Лицензът се издава, когато кандидатът:

1. е лице по чл. 29, ал. 3, т. 2 или чл. 30;
2. не е обявен в несъстоятелност или не е в производство за обявяване в несъстоятелност;
3. не е в ликвидация;
4. не е осъждан за престъпление от общ характер, като за юридическите лица това изискване се отнася за членовете на управителните им органи;
5. предлага социални услуги, които отговарят на стандартите за качество, определени в Наредбата за качеството на социалните услуги.

(2) Лица, които предоставят социални услуги без издаден лиценз, нямат право на лицензиране за срок три години считано от датата на установяване на нарушението.

(3) Лица, чийто лиценз е бил отнет по реда на чл. 158, нямат право на лицензиране за срок една година считано от датата на влизането в сила на заповедта за отнемане на лиценза.

(4) Когато нарушението по чл. 158 е довело до опасност за живота и здравето на лица, ползващи социални услуги, или представлява престъпление, срокът по ал. 3 е три години считано от датата на влизането в сила на заповедта за отнемане на лиценза.

Заявление за издаване на лиценз

Чл. 149. (1) За издаване на лиценз кандидатите подават до изпълнителния директор на Агенцията за качеството на социалните услуги заявление по утвърден от него образец, като посочват единен идентификационен код или код по БУЛСТАТ и представят описание на социалната услуга с оглед на осигуряването на стандартите за качество, определени в Наредбата за качеството на социалните услуги.

(2) Към заявлението по ал. 1 лицата по чл. 30, т. 2 представят и официален превод на български език на:

1. документите, удостоверяващи регистрацията по националното им законодателство;
2. декларация, че кандидатът не е обявен в несъстоятелност, не е в производство за обявяване в несъстоятелност и не е в ликвидация;
3. свидетелство за съдимост на чуждите граждани, а за чуждите юридически лица – свидетелства за съдимост на членовете на управителните им органи.

(3) Заявлението и приложените към него документи се подават лично или от упълномощено лице с пълномощно с нотариална заверка на подписа, по пощата с обратна разписка или по реда на Закона за електронния документ и електронните удостоверителни услуги.

(4) Обстоятелствата по чл. 148, ал. 1, т. 1 – 4 за българските граждани и юридическите лица се установяват служебно от Агенцията за качеството на социалните услуги.

Разглеждане на заявленията за издаване на лиценз

License

Art. 146. (1) The license for provision of social services shall be named and the rights, deriving from it, shall not be subject to transfer and assignment.

(2) A license shall be issued for each separate social service.

(3) The license shall contain:

1. holder of the license;
2. BULSTAT code / unified identification code;
3. seat and address of management;
4. social service for which the license is issued;
5. date of issue and term of the license;
6. license number.

License term

Art. 147. (1) The license shall be issued for a term of 5 years.

(2) After the expiration of the term under par. 1 the license may be renewed.

Conditions for issuing a license

Art. 148. (1) The license shall be issued when the applicant:

1. is a person under art. 29, para. 3, item 2 or Art. 30;
2. has not been declared bankrupt or is not in bankruptcy proceedings;
3. is not in liquidation;

4. has not been convicted of a crime of a general nature, as for the legal entities this requirement shall apply to the members of their managing bodies;

5. offer social services that meet the quality standards defined in the Ordinance on the quality of social services.

(2) Persons who provide social services without an issued license shall not have the right to licensing for a period of three years as of the date of establishment of the violation.

(3) Persons whose license has been revoked by the order of art. 158, shall not be entitled to licensing for a period of one year from the date of entry into force of the order for revocation of the license.

(4) When the violation under art. 158 has led to danger for the life and health of persons, using social services, or represents a crime, the term under para. 3 is three years from the date of entry into force of the order for revocation of the license.

License application

Art. 149. (1) For issuing a license the candidates shall submit to the executive director of the Agency for quality of social services an application according to a sample approved by him, indicating a unique identification code or BULSTAT code and present a description of the social service with a view to ensuring the standards for quality defined in the Ordinance on the quality of social services.

(2) To the application under par. 1 the persons under art. 30, item 2 shall also present an official translation into Bulgarian of:

1. the documents certifying the registration under their national legislation;

2. a declaration that the applicant has not been declared bankrupt, is not in bankruptcy proceedings and is not in liquidation;

3. certificate for criminal record of the foreign citizens, and for the foreign legal entities - certificates for criminal record of the members of their managing bodies.

(3) The application and the documents attached to it shall be submitted personally or by an authorized person with a power of attorney with notarized signature, by mail with return receipt or by the order of the Law for the electronic document and the electronic certification services.

(4) The circumstances under art. 148, para. 1, items 1 - 4 for the Bulgarian citizens and the legal entities shall be established ex officio by the Agency for the quality of the social services.

Examination of license applications

Art. 150. (1) The Agency for the quality of the social services shall consider the applications for issuance of a license within two months from their receipt.

(2) Upon ascertainment of discrepancies and / or incompleteness in the submitted documents, the Agency for Quality of Social Services shall give the applicant instructions and a 14-day term for their elimination, as the term for consideration of the application shall start from elimination of the discrepancies and / or from the provision of additional information.

(3) If necessary, the Agency for the quality of the social services shall request opinions from other state bodies, which shall provide them within 7 days.

(4) The Agency for the quality of the social services shall establish ex officio the lack of the circumstances under art. 148, para. 2 - 4.

(5) If necessary, the Agency for the quality of the social services shall carry out an on-site inspection for establishing circumstances, indicated in the description of the social service submitted by the applicant.

(6) In case the discrepancies and / or the incompleteness in the submitted documents are not eliminated within the term under para. 2, the proceedings shall be terminated by an order of the executive director of the Agency for the quality of social services, which shall be notified in

writing to the applicant within three days from the date of its issuance and shall be subject to appeal under the Administrative Procedure Code.

Issuance of a license

Art. 151. (1) The license shall be issued within two months from receipt of the application under art. 149 by order of the Executive Director of the Agency for the Quality of Social Services.

(2) The order for issuance of a license shall be communicated in writing to the applicant within three days from the date of its issuance and shall be subject to appeal by the order of the Administrative Procedure Code.

(3) The license shall be issued according to a sample approved by the executive director of the Agency for the quality of social services.

Obtaining the license

Art. 152. (1) The issued license shall be received within one month from the date of its issuance personally by the person representing the license holder or by a person authorized by him with a power of attorney with notarization of the signature, and in case of explicit statement of intent - shall be sent to the address for correspondence indicated in the application and / or to the address where the applicant is registered, with a letter with return receipt.

(2) The licensed provider of social service shall be obliged within 12 months from the receipt of the license to start activity for provision of the service.

Refusal to issue a license

Art. 153. (1) The executive director of the Agency for the quality of the social services with an order shall refuse the issuance of a license, when the applicant does not meet the conditions of art. 148.

(2) The order for refusal to issue a license shall be notified in writing to the applicant within three days from the date of its issuance and shall be subject to appeal by the order of the Administrative Procedure Code.

Duplicate license

Art. 154. If the issued license is lost or destroyed, the executive director of the Agency for the quality of the social services upon written application of the person under art. 29, para. 3, item 2 or Art. 30 may issue a duplicate of the license within 14 days from the receipt of the application.

Changing circumstances

Art. 155. (1) In case of change of the circumstances, certified in the issued license, the social service provider shall notify in writing the executive director of the Agency for the quality of the social services within 14 days from the occurrence of the change and shall apply the respective documents proving it.

(2) On the basis of an order of the executive director of the Agency for the quality of the social services the occurred change of the circumstances shall be reflected within 14 days from the notification under para. 1 in a new license, without changing the term of validity of the originally issued license.

License renewal

Art. 156. (1) Before the date of expiration of the term of the license for provision of social service the service provider may request renewal of the license, when:

1. intends to continue providing the service after the expiration of the license and meets the conditions for issuing a license;

2. during inspections carried out by the Agency for the quality of social services it has been established that no mandatory prescriptions have been issued for elimination of established

violations in the provision of the service, or it fulfills the prescriptions, as well as that no penal decrees have been issued under Art. 171 on imposed acts for violations;

3. has submitted reports under Art. 112, para. 3 within the term of validity of the license.

(2) For renewal of a license the providers of social services shall submit an application according to a sample, approved by the executive director of the Agency for the quality of the social services, and if they are persons under art. 30, item 2, shall also apply the documents under Art. 149, para. 2 not later than three months before the date of expiration of the license.

(3) The submitted after the term under par. 2 applications shall not be considered and the applicant shall be informed of the need to apply for the issuance of a new license.

(4) When there is no change in the circumstances, certified in the initially issued license, the renewal of the license shall be carried out within 14 days from the date of receipt of the application for renewal of the license by order of the executive director of the Agency for quality of social services.

(5) When there is a change in the circumstances, certified in the initially issued license, the renewal of the license shall be carried out within the term and by the order of art. 150.

(6) The order for renewal or refusal for renewal of a license shall be notified in writing to the applicant within three days from the date of its issuance and shall be subject to appeal by the order of the Administrative Procedure Code.

Termination of license

Art. 157. (1) With an order of the executive director of the Agency for the quality of the social services shall be terminated issued license:

1. when the holder has requested in writing its termination with an application in which he has stated reasons for the termination;

2. upon termination of the legal entity and upon deletion from the commercial register of the natural person registered under the Commercial Law;

3. in case of non-implementation of activity for provision of the service within 12 months from the receipt of the license;

4. when the holder within the term under art. 160, para. 1 has not notified the executive director of the Agency for the quality of the social services for starting the activity for providing the service for which he is licensed;

5. when the holder within the term under art. 160, para. 1 has not notified the executive director of the Agency for the quality of social services about the address / addresses of provision of the service for which he is licensed - in the cases where it is applicable.

(2) The executive director of the Agency for the quality of the social services shall determine to the provider of social service an appropriate term for elimination of the violation under para. 1, items 4 and 5, but not more than three months.

(3) In case that within the term under par. 2 the violation is not eliminated, the license is terminated.

(4) The order for termination of the license shall be communicated in writing to the interested persons within three days from the date of its issuance and shall be subject to appeal by the order of the Administrative Procedure Code.

Revocation of license

Art. 158. (1) By order of the executive director of the Agency for the quality of the social services shall be revoked issued license at:

1. non-observance of the quality standards, determined in the Ordinance for the quality of the social services;

2. carrying out activity in violation of the issued license;

3. non-fulfillment in time of a mandatory prescription, issued by the executive director of the Agency for the quality of the social services;

4. non-fulfillment of the obligation under art. 155, para. 1;

5. suspension of the provision of the social service for more than three months, without stating a valid reason for that;

6. non-submission by March 31 of the calendar year of the report under Art. 112, para. 3;

7. terminated assignment of management of a social service due to established violations, related to illegal spending of the provided funds from the state and / or municipal budget.

(2) The executive director of the Agency for the quality of the social services shall determine to the provider of social service an appropriate term for elimination of the violation under para. 1, items 1 - 6, but not more than three months.

(3) In case that within the term under par. 2 the violation is not eliminated, the license is revoked.

(4) The order for revocation of the license shall be communicated in writing to the interested persons within three days from the date of its issuance and shall be subject to appeal by the order of the Administrative Procedure Code.

License revocation

Art. 159. (1) The executive director of the Agency for the quality of the social services with an order shall delete an issued license, in case within three months from its issuance the provider has not received it and / or has not declared its receipt in another way.

(2) The non-receipt of the issued license shall be certified by noting this circumstance on the returned letter with the return receipt.

(3) The order for deletion of an issued license shall be communicated to the interested persons within three days from the date of its issuance and shall be subject to appeal by the order of the Administrative Procedure Code.

Notification obligations

Art. 160. (1) Within 14 days from the beginning of the activity for provision of the service the licensed provider shall be obliged to notify in writing the executive director of the Agency for the quality of the social services for:

1. the date of commencement of the activity for provision of the service for which he has received a license;

2. the address / addresses of the provision of the service, with the exception of the mobile services, for which an address for correspondence shall be indicated.

(2) In case the licensed provider of social service suspends its provision for more than three months, he shall be obliged within 14 days from their expiration to notify the executive director of the Agency for the quality of social services of the occurred circumstance, indicating the respective reasons. .

Licensing fees

Art. 161. (1) For consideration of the documents for issuance of a license and renewal of an issued license shall be due fees, which shall be paid to the Agency for the quality of the social services.

(2) (In force from 22.03.2019 - SG, issue 24 of 2019) For consideration of the documents for issuance and renewal of a license shall be collected fees at a tariff, approved by the Council of Ministers upon proposal of the Minister of Labor and social policy.

Register of licensed social service providers

Art. 162. The Agency for the Quality of Social Services in accordance with the requirements of the Personal Data Protection Act shall keep a register of the licensed providers of

social services, which shall contain:

1. the information specified in the issued license;
2. the number and the date of the issued license;
3. the date of service of the license and the names of the person, who has received the license;
4. the date of renewal, termination, deletion or revocation of the license and the grounds for that;
5. changes in the circumstances, indicated in the issued license;
6. data for the social services, which the licensed provider provides;
7. data for established violations in the provision of social services.

Notification for provision of social services

Art. 163. (1) In the cases of art. 31, para. 3 the persons shall submit a written notification to the executive director of the Agency for the quality of the social services according to a sample approved by him within 14 days before the beginning of the activity for providing the social service.

(2) In the notification under para. 1 persons indicate:

1. data for the registration under their national legislation in connection with art. 30, item 2;
2. seat, address of management and address for correspondence;
3. data for the person's representative;
4. the social services in the sense of this law, which will be provided on the territory of the Republic of Bulgaria;
5. description of the social services under item 4 in view of the provision of the quality standards, determined in the Ordinance for the quality of the social services;
6. place or territorial scope of the activity for the provision of social services within the meaning of this law on the territory of the Republic of Bulgaria;
7. term for provision of social services in the sense of this law on the territory of the Republic of Bulgaria.

(3) To the notification under par. 1, the persons shall attach an official translation into Bulgarian of a document issued by the respective member state of the European Union or by another state party to the Agreement on the European Economic Area, which certifies the right of the person to provide social services within the meaning of this law. in the country where it is established.

(4) The information for the persons under art. 31, para. 3 shall be entered in the register of the licensed providers of social services.

Storage of information related to the issuance of a license

Art. 164. (1) The Agency for the quality of the social services shall keep a register for the received applications for issuance and renewal of a license.

(2) The submitted documents shall be stored in the Agency for the quality of the social services according to the Law for the National Archive Fund and the Law for protection of the personal data.

Access to information

Art. 165. (1) The Agency for social assistance shall ensure access of the Agency for the quality of the social services to the information regarding the social services in its integrated information system.

(2) The Agency for the quality of the social services shall ensure access of the Agency for social assistance to the register of the licensed providers of social services.

Chapter Eleven

ADMINISTRATIVE CRIMINAL RESPONSIBILITY

Responsibility for providing social services without a license

Art. 166. A person who provides social services without a license shall be imposed a fine of BGN 3,000 to 5,000 or a pecuniary sanction of BGN 5,000 to 7,000 - in case of a first violation, and a fine of BGN 5,000 to 7,000 or a pecuniary sanction of BGN 7,000 to 10. BGN 000 - in case of repeated violation.

Liability in case of non-fulfillment of an obligation

Art. 167. An official, who guiltily violates this law and the normative acts, adopted in implementation of this law, shall bear administrative penal responsibility regardless of the disciplinary and property responsibility for the same act.

Fines for officials

Art. 168. For non-fulfillment by an official of an obligation under this law and of the normative acts, adopted in implementation of this law, the fine shall be from 500 to 1000 BGN - in case of first violation, and from 1000 to 2000 BGN - in case of repeated violation, if the act does not constitute a crime.

Failure to comply with a mandatory prescription

Art. 169. A fine of BGN 2,000 to 3,000 or a pecuniary sanction of BGN 3,000 to 5,000 shall be imposed on a person who fails to comply with an obligatory prescription under this Act and the normative acts adopted in implementation of this Act - in case of a first violation, and a fine from BGN 3,000 to 5,000 or a property sanction from BGN 5,000 to 10,000 - in case of repeated violation.

Responsibility of the governing body

Art. 170. A body of management of social service, which does not fulfill an obligation under this law and the normative acts, adopted in implementation of this law, shall be imposed a fine from 3000 to 5000 BGN or a property sanction from 5000 to 7000 BGN - in case of first violation, and a fine from BGN 5,000 to 7,000 or a property sanction from BGN 7,000 to 10,000 - in case of repeated violation, if the act does not constitute a crime.

Establishment of violations and imposition of fines and sanctions

Art. 171. (1) The violations under this law and the non-fulfillment of the obligatory prescriptions shall be established by an act for establishment of an administrative violation, drawn up by an employee of the Agency for the quality of the social services.

(2) The penal decree shall be issued by the executive director of the Agency for the quality of the social services or by an official authorized by him.

(3) The establishment of the violations, the issuance, the appeal and the execution of the penal decrees shall be carried out by the order of the Law for the administrative violations and punishments.

Assistance in establishing violations

Art. 172. In establishing violations, the employees of the Agency for the Quality of Social Services may seek assistance from the police bodies of the Ministry of Interior.

ADDITIONAL PROVISION

§ 1. Within the meaning of the law:

1. "Social exclusion" is a condition in which the person due to personal or objective reasons does not have conditions and opportunities for full participation in various spheres of public life.

2. "Support in the home environment" is the provision of activities for providing personal care in the home to children and persons with permanent disabilities and persons in overtime incapable of self-care, aimed at meeting their daily needs for self-care, movement, relocation, communication, household activities, organization of everyday life and participation in public life.

3. "Community support" is the provision of social, emotional and material support to persons and families or groups of persons with special needs, which are carried out in the environment in which they live or work.

4. "Crisis situation" is a situation in which one person is in helplessness, instability or in danger of life, is not subject to hospitalization and is not able to cope alone or with the help of another.

5. "Institutionalization" is a condition in which a person finds it difficult to lead an independent life due to dependence on care from other persons, as a result of living in an environment that restricts the right to choice, privacy and independence and creates conditions for human dignity.

6. "Information and consultation" under Art. 15, item 1 is an activity for research and understanding together with the person of problems and difficulties, which he encounters for achieving the main goals in his life, and getting acquainted with and considering the possible solutions and actions for overcoming them.

7. "Advocacy" under Art. 15, item 2 is an activity for support of the person to protect and defend his / her rights and needs within the framework of available legal and administrative procedures.

8. "Mediation" under Art. 15, item 2 is the implementation of interaction and coordination between an employee performing activities for the provision of social services, with an employee / employees from other services or from various institutions, organizations and administrative bodies in the interest of an interested person who needs specific support to realize their rights and needs.

9. "Community work" under Art. 15, item 3 is a set of activities that are carried out in vulnerable communities or groups, aimed at prevention and protection, as well as at stimulating community development.

10. "Therapy" under Art. 15, item 4 is a set of different activities for developing, restoring, maintaining or improving social skills, self-care skills, communication, resolving emotional conflicts, controlling behavior, reducing anxiety, improving self-esteem, work opportunities and others, as well as socializing activities for persons at high risk of social exclusion.

11. "Rehabilitation" under Art. 15, item 4 is an activity that aims to improve the physical strength and functional health of persons with disabilities and persons with problems in the musculoskeletal system and joints, as well as recovery and development of sensory skills of persons with disabilities, outside the scope of medical rehabilitation.

12. "Training for acquisition of skills" under Art. 15, item 5 is an activity that is carried out in a specialized environment or mobile, for preparation of children and adults for acquiring skills for independence, independent living, independent coping with problems and difficulties, as well as skills for care and support for children and for dependent family members.

13. "Support for acquisition of labor skills" under Art. 15, item 6 is an activity, which is carried out in a specialized environment or mobile, for preparation and accompaniment of

persons with permanent disabilities for acquisition of skills for participation in labor activities.

14. "Day care" under Art. 15, item 7 is an activity for providing in a specialized environment support individually and in groups for children and adults with permanent disabilities within not less than 4 hours a day, through which the meeting of their daily needs and related to their needs for activities to develop basic skills depending on the age and personal needs of individuals.

15. "Resident care" under Art. 15, item 8 is an activity for providing accommodation for children, young people up to 25 years of age, persons with permanent disabilities and persons over working age and depending on the individual needs - for providing 24-hour care to meet the daily needs, needs and developmental needs of individuals or to provide support for leading an independent lifestyle.

16. "Provision of shelter" under Art. 15, item 9 is provision of temporary accommodation (for a certain part of the day) for homeless persons and families and temporary accommodation in a safe environment of persons in crisis situation and of persons, victims of domestic violence, and persons - victims of trafficking.

17. "Services that are provided mobile" are services for which a specialized environment is not required for the implementation of the activities and for achieving the goals of the service.

18. "Quality of the social services" is a set of characteristics of the social services, which satisfy the needs of the persons, who use them, and lead to prevention and / or overcoming of the social exclusion, realization of rights and improvement of the quality of life.

19. "Supervision" is professional support of the employees, carrying out activity on the provision of social services, and of the employees, performing the referral for use of social services, for increase of their professional skills, knowledge and attitudes in order to achieve and maintain professional competence, guaranteeing high quality of social work, as well as for overcoming difficulties of professional, psychological and emotional nature.

20. "Substitute care" is short-term care, which is provided for support of parents of children with permanent disabilities, families of relatives or friends, foster families, families and persons who take care at home for adults with permanent disabilities incapacity for self-care and for elderly people unable to self-care in the event that carers are unable to provide it, or to prevent separation by providing short-term support to the carer.

21. "Specialized support for understanding the information and choosing a service" is support by using necessary and appropriate for the condition of the person ways and means for presenting the information, for its understanding and for expressing the wishes and the choice of the person.

22. "Assistant" is a person providing hourly care in a home environment for persons with permanent disabilities or persons over working age incapable of self-care in order to support self-care, movement and mobility, change and maintain body position, perform daily and household activities and communication, receiving remuneration for the care provided.

23. "Early intervention for children with disabilities" is specialized support for children with disabilities and children at risk of developmental delays up to 7 years of age and their families, which includes early identification of risks to children's health and development, implementation of measures for early intervention in order to improve the condition and development of children and to build skills for their upbringing.

24. "Children with permanent disabilities" are children with certain 50 and over 50 per cent type and degree of disability or degree of permanently reduced working capacity.

25. "Adults with permanent disabilities" shall be persons with certain 50 and over 50 per cent degree of permanently reduced working capacity or type and degree of disability.

26. "Elderly people over working age" shall be persons who have completed the definition in art. 68, para. 1 - 3 of the Social Insurance Code age for acquiring the right to a pension for insurance length of service and age.

27. "Persons incapable of self-care" are persons who cannot independently satisfy their daily needs of a domestic nature (shopping, cooking, eating, maintaining personal hygiene and home hygiene), making social contacts and inclusion in community life.

28. "Persons with aggressive and problematic behavior" are persons with behavior that endangers the health, life, safety and quality of life of the person or others.

29. "Persons in need of constant medical supervision and medical care" are persons who are not in an active medical condition for hospital treatment, but to whom the health condition requires periodic medical supervision and medical manipulations.

30. "Persons who take care of adults" are members of the family or household who take care of a person with permanent disability or a person of working age incapacity for self-care, for which they do not receive remuneration or other form of financial support. .

31. "Homeless persons" shall be the persons who do not own or co-own residential property on the territory of the whole country and have been left without shelter due to incidental circumstances, as well as persons who have chosen homelessness as a way of life.

32. "Person who manages the activity of providing the service" is a person, appointed by the provider of the social service for implementation of management and who is an employer of the employees, carrying out the activity of providing the service.

33. "Volunteers" shall be natural persons, who by their own choice and outside their labor or official legal relations perform activities, determined by a provider of social services, as for the performed activities they do not receive remuneration.

34. "Good practice for high quality and efficiency of social services" is the one that achieves better results for the users of the service in terms of cost efficiency and is a model and guide for the service providers and their employees.

35. "Specialized environment" is a physical space that provides the necessary material conditions (building stock, equipment, furniture, etc.) for the provision of social services.

36. "Temporary provision of social services" under Art. 31, para. 3 is the provision of social services for a period of up to 6 months within one calendar year.

37. "On-site inspection" shall be establishment of circumstances, indicated by a municipality, by an applicant for issuing a license or by a private provider of social service, at the place, where it is planned to provide social service.

38. "Repeated violation" shall be the violation, committed within one year from the entry into force of the penal decree, by which the violator is punished for the same type of violation.

39. "Income" shall be all gross income of the person, which are taxable under the Personal Income Tax Act, as well as the received pensions, benefits, allowances and scholarships.

TRANSITIONAL AND FINAL PROVISIONS

Not translated