

99106023153000

Heruntergeladen am 17.07.2025

<https://fimportal.de/xzufi-services/95843/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99106023153000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Long-term care insurance; application for arbitration proceedings
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	

Modul	Sachverhalt
Fachlich freigegeben am	24.03.2025
Fachlich freigegeben durch	Bayerisches Staatsministerium für Gesundheit, Pflege und Prävention (Bavarian State Ministry of Health, Care and Prevention)
Handlungsgrundlage	<a href="https://www.gesetze-bayern.de/Content/Document/BayAVSG">https://www.gesetze-bayern.de/Content/Document/BayAVSG</a> <a href="https://www.gesetze-bayern.de/Content/Document/BayAVSG">https://www.gesetze-bayern.de/Content/Document/BayAVSG</a> <a href="https://www.gesetze-im-internet.de/sgb_11/">https://www.gesetze-im-internet.de/sgb_11/</a> <a href="https://www.gesetze-im-internet.de/sgb_11/">https://www.gesetze-im-internet.de/sgb_11/</a>
Teaser	In certain cases provided for by law, service providers and cost bearers in long-term care can appeal to the Arbitration Board in accordance with Section 76 SGB XI (Social Long-Term Care Insurance Arbitration Board) if they cannot reach agreement in negotiations.
Volltext	<p>If service providers and cost bearers fail to reach an agreement in negotiations, either party can appeal to the Social Care Insurance Arbitration Board regarding the points in dispute. Its office is located at the State Office for Long-Term Care. The Arbitration Board decides upon application and determines the content of agreements in the absence of agreement.</p> <p>The Social Long-Term Care Insurance Arbitration Board is responsible in the following cases:</p> <ul style="list-style-type: none"> <li>• Failure to reach agreement on inpatient care fees (= care rates) and outpatient care fees as well as on fees for accommodation and meals in care homes.</li> <li>• Non-agreement on inpatient and outpatient framework agreements in accordance with § 75 SGB XI</li> <li>• Reduction of care remuneration due to breach of duty in the provision of high-quality services.</li> <li>• If, in the case of decisions to be taken jointly by the state associations of long-term care insurance funds with the working groups of the local social welfare providers or the supra-local social welfare providers, no agreement is reached with the representatives of social welfare in two consecutive resolutions (e.g. conclusion or termination of care contracts or conclusion of framework agreements in accordance</li> </ul>

## Modul

## Sachverhalt

with Section 75 SGB XI).

The following are not subject to arbitration

- the remuneration of additional services in accordance with § 88 SGB XI and
- investment costs in accordance with § 82 Para. 2 SGB XI.

The following information is required:

The parties to the proceedings before the arbitration board must be named, stating the respective long-term care insurance fund/working group or the respective supra-local social welfare provider with a summonable address. The declaration that contract negotiations have definitively failed and therefore no agreement has been reached after one of the contracting parties has requested the corresponding negotiations in writing. Information must be provided on the individual matters on which no agreement could be reached. The application must describe the results of the previous negotiations. The application should contain a specific request. This must be substantiated by submitting the relevant documents.

## Erforderliche Unterlagen

- Power of attorney, if applicable
- Additional documents may be required depending on the individual case. Please contact the State Office for Nursing Care.

## Voraussetzungen

It must be a matter for which the SGB XI provides for a decision by the arbitration board and the requirements set out in the respective facts must be met.

- 75 Para. 4 SGB XI: A framework agreement is not concluded in whole or in part within six months after one of the contracting parties has requested contract negotiations in writing (this also applies to contracts with which existing framework agreements are to be amended or replaced by new contracts).
- 85 Para. 5 SGB XI: A care rate agreement (nursing home) is not concluded within six weeks after a contracting party has requested care rate negotiations in writing.

**Modul**
**Sachverhalt**

- 89 Para. 3 Sentence 4 SGB XI: A remuneration agreement for outpatient care services is not concluded within six weeks after a contracting party has requested negotiations in writing.
- 87 sentence 3 SGB XI: An agreement on remuneration for board and lodging in a nursing home is not reached within six weeks of a written request for negotiations by one of the contracting parties.
- Section 81 (2) sentence 2 SGB XI: If two resolutions are passed in succession, no agreement is reached between the state associations of long-term care insurance funds and the working groups of social welfare providers.
- § Section 115 (3) SGB XI: No agreement on the amount of the reduction in care remuneration due to a breach of duty in the provision of quality services.

**Kosten**

Fees of EUR 260.00 to EUR 7,700.00 and the expenses pursuant to Art. 10 of the Costs Act are charged for the proceedings of the Arbitration Board

**Verfahrensablauf**

The application to initiate arbitration proceedings must be submitted in writing to the State Office for Care together with the necessary documents. It must be signed by the applying party or their legal representative or a representative authorized by them.

The arbitration board will decide on the application. In an oral hearing, the arbitration board first attempts to reach an amicable agreement between the contracting parties. If this is not successful, a decision is made by resolution. If the parties agree, a decision can also be made in a written procedure.

**Bearbeitungsdauer**
**Frist**

The application for arbitration proceedings can be made in the case of remuneration negotiations, at the earliest six weeks after a written request for negotiations; in cases of Section 85 Para. 7 SGB XI or Section 89 Para. 3 Sentence 4 in conjunction with Section 89 Para. 3 Sentence 4 SGB XI (unforeseeable significant changes to the assumptions on which the agreement or determination of the care rates or outpatient care remuneration was based), a request to determine the care rates or outpatient care

**Modul**
**Sachverhalt**

remuneration can be made after one month at the earliest. In the case of framework agreement negotiations, after six months at the earliest, in the case of decisions by the state associations of long-term care insurance funds together with the social welfare providers, if no agreement is reached after two successive resolutions. There is no time limit for the reduction of care remuneration in accordance with Section 115 Paragraph 3 Sentence 3 SGB XI.

**weiterführende Informationen**
**Hinweise**
**Rechtsbehelf**

Legal recourse against the Arbitration Board's decisions on remuneration issues is open to the social courts without the need for preliminary proceedings. The action must be brought against the Arbitration Board. The action only has a suspensive effect in the event of a reduction in remuneration.

**Kurztext**
**Ansprechpunkt**
**Zuständige Stelle**
**Formulare**
**Ursprungsportal**

BayernPortal, BayernPortal