Elder Law
2025, VOL. 9, NO. 1, 5-7
DOI: 10.47297/wspelWSP2515-824401.20250901

Legal Supervision Problems and Improvement Strategies of Private Elderly Care Institutions

Yiren Zhang

School of Sociology, Nankai University, Tianjin, 300350, China

ABSTRACT
With the intensification of population aging, private elderly care institutions occupy an increasingly important position in the pension service system. However, at present, private elderly care institutions are faced with many difficulties in legal supervision, including imperfect supervision norms, imperfect risk prevention and control norms, and the absence of application norms for new institutional pension models. These problems not only affect the healthy development of private pension institutions, but also pose a threat to the protection of the legitimate rights and interests of the elderly. In view of this, this article deeply analyzes these issues and proposes improvement strategies such as optimizing the legal supervision of private elderly care institutions, improving the risk prevention and control norms for the development of private elderly care institutions, and perfecting the application norms of new elderly care models in private elderly care institutions, so as to build a scientific, efficient, and perfect legal supervision system for private elderly care institutions, and promote the standardization and sustainable development of the elderly care service industry.

KEYWORDS
Private elderly care institutions; Legal supervision; Regulatory norms; Perfect strategy

1 Introduction

Experts expect that by 2030, China's elderly population will be close to 300 million, and the proportion of empty nest elderly households will reach 90%, which means that China has entered the rapid development of population aging. In this context, the demand for private elderly care institutions has increased sharply, and private elderly care institutions have gradually become an important force in the supply of elderly care services. However, in the actual operation process, private elderly care institutions frequently expose various problems, such as low service quality and numerous safety hazards in some institutions. These phenomena reflect that there are still loopholes and deficiencies in the legal regulatory system of private elderly care institutions, which lead to the inability to effectively regulate and constrain them. Therefore, the in-depth study of the legal supervision of private elderly care institutions and the exploration of practical and feasible improvement strategies is of great practical significance for guaranteeing the quality of life of the elderly in their later years and promoting the orderly development of private elderly care institutions.

2 The current situation of legal supervision of private elderly care institutions

At the legislative level, the current legislation on private elderly care institutions is mainly based on departmental rules and local laws and regulations, such as "The measures for the administration of pension institutions" issued by the Ministry of Civil Affairs, but there is still a lack of a unified, high-level special law to comprehensively regulate the establishment, operation, management and other aspects of private elderly care institutions. This leads to insufficient legal authority, and it is difficult to form a unified and effective regulatory system. At the same time, existing laws and regulations on some key issues are not clear and detailed. For example, there is still a lack of clear and accurate norms in the definition of property rights, service quality standards, charge management and responsibility definition of private elderly care institutions, which makes it easy to have ambiguity zones and disputes in the actual supervision process. In terms of regulatory entities, in fact, the management of private elderly care institutions involves multiple departments. In this process, the Ministry of Civil Affairs is the main regulatory department for private elderly care institutions, while departments such as fire department and the Ministry of Health also undertake corresponding regulatory responsibilities. However, at present, there is still a phenomenon of overlapping responsibilities and inadequate coordination and cooperation between different departments. The coordination and cooperation between various departments are not smooth enough, and the information sharing is not timely, resulting in low efficiency of supervision and unable to form a regulatory force. At the same time, in the face of the large number and wide distribution of private elderly care institutions, the regulatory authorities are often faced with human, material and financial constraints, and it is difficult to achieve comprehensive, timely and effective supervision. Especially in some grassroots areas, the number of regulatory personnel is limited, and their professional knowledge and skills are insufficient, which cannot fundamentally meet the actual needs of regulatory work in private elderly care institutions.

3 Common problems of legal supervision of private elderly care institutions

3.1 Regulatory norms are still not robust enough

On the one hand, private elderly care institutions in China started relatively late compared to developed countries. In the early stages of development, private elderly care institutions have a relatively small industry scale and low social attention, and relevant legal supervision is still in the exploratory stage. With the rapid growth of elderly care demand, the number of private elderly care institutions has increased sharply. However, the speed of formulating regulatory norms has not kept up with the pace of industry development, resulting in many gaps and imperfections in regulatory norms. On the other hand, the formulation of legal regulatory norms requires a series of complex legislative procedures. In this process, for the complex social service field of private elderly care institutions, it is necessary to have a deep understanding of the actual operation of private elderly care institutions and the characteristics of the needs of the elderly. This makes the legislative process more complex and makes it difficult to update and improve regulatory norms in a timely manner. At the same time, the field of elderly care still lacks a comprehensive, high-level law as a guide, and the existing are mostly departmental rules and local regulations. There is a lack of coordination and unity among these rules and regulations, and various departments tend to start from their own responsibilities when formulating rules, such as the Ministry of Civil Affairs pays attention to the registration management and service quality of private elderly care institutions, and the health department focuses on the provisions of medical care. This decentralized legislative model makes it difficult to form a complete and systematic system of legal supervision and norms.

3.2 Risk prevention and control standards are still incomplete

On the one hand, the elderly care service targets of private elderly care institutions are mostly disabled and semi disabled elderly people, and the homogenization of vulnerable individuals has led to elderly care institutions becoming a de facto high-risk area for damage. At present, the risk assessment indicators of private elderly care institutions mainly focus on hardware facilities, personnel qualifications, and other aspects, but there is insufficient attention to some potential risks such as social opinion risks and cultural differences risks. For example, in some private elderly care institutions in multi-ethnic areas, if cultural differences are not taken into account, such as dietary taboos, religious conflicts, etc., it may lead to conflicts between the elderly and the private elderly care institutions, affecting the normal operation of the institutions. On the other hand, when elderly residents suffer damage in private elderly care institutions, their disadvantaged status makes private elderly care institutions more likely to be recognized as at fault on a moral level. Private elderly care institutions are "soft" services that directly benefit people, with complex goals and tasks, which increases the difficulty of establishing a single evaluation standard, and the significant personalized color determines the high complexity of service quality identification.

3.3 The application norms of the new private elderly care institutions is lacking

In order to change the previous dilemma of inefficient resource utilization and limited service level in public nursing homes, local governments have begun to promote the transformation of nursing homes, contracting them to market entities for operation, and opening them up to the elderly in society to meet profitability. The integrated operation mode of medical and elderly care includes the establishment of medical consultation rooms within elderly care institutions, the establishment of elderly care institutions within medical institutions, and the agreement cooperation between private elderly care institutions and medical institutions. However, the current regulations mainly focus on the first two modes, with less attention paid to the latter mode. In the agreement cooperation mode, both elderly care and medical services are directly related to the rights and interests of elderly residents. In emergency situations such as sudden illness of elderly residents, their legitimate rights and interests may be damaged due to mutual evasion of responsibility among institutions. In addition, the causal relationship between damage and elderly care and medical services is often difficult to clearly define, and the scope of responsibility between institutions is prone to disputes.

4 Strategies for improving legal supervision of private elderly care institutions

4.1 Strengthen the legal supervision of private elderly care institutions

On the one hand, private elderly care institutions should fulfill their obligation to care for and comfort the elderly in accordance with relevant laws and regulations, including providing a suitable living environment, ensuring the quality of life of the elderly, and paying attention to their spiritual needs. At the same time, government departments should strengthen the legal supervision of private elderly care institutions, regularly inspect and evaluate private elderly care institutions, ensure that these institutions comply with relevant laws and regulations, timely propose rectification opinions and supervise their implementation. On the other hand, private elderly care institutions should strengthen legal knowledge training for employees, enhance their legal awareness, and ensure that they strictly abide by relevant laws and regulations in their daily work, so as to safeguard the legitimate rights and interests of the elderly. At the same time, all sectors of society should actively participate in the supervision of private elderly care institutions to ensure their lawful operation. The media can regularly report on private elderly care institutions, reveal existing problems and promote the rectification of private elderly care institutions. In addition, various regions can encourage volunteers and social organizations to participate in volunteer service activities of private elderly care institutions, and strengthen supervision of private elderly care institutions through public observation and feedback.

4.2 Improve the risk prevention and control standards for the development of private elderly care institutions

On the one hand, relevant personnel conduct regular inspections and maintenance of the buildings, facilities, and equipment of private elderly care institutions to ensure their safety and reliability. Especially for key facilities such as electrical circuits and fire-fighting equipment, it is necessary to strengthen inspection and maintenance to prevent the occurrence of safety accidents such as fires. At the same time, private elderly care institutions need to sign detailed elderly care service contracts with elderly residents or their families, clarify the rights and obligations of both parties and avoid disputes due to unclear contract terms. On the other hand, private elderly care institutions can directly identify the risk of personal information leakage as damage by comprehensively considering the sensitivity of the personal information involved, the possibility and consequences of future damage, and the possibility of preventive measures.

4.3 Improve the application norms of the new pension model for private pension institutions

On the one hand, it is necessary to implement the concept of collaborative governance of science and technology and law, give full play to the self-regulation effect of technology governance, and ensure the standardized operation of the new pension model of private elderly care institutions from the source. Based on the "double-edged sword" characteristics of technological development and application, private elderly care institutions should adhere to humanistic care in the development and design of smart elderly care related products, take the protection of the rights and values of the elderly as the goal orientation, and ensure that private elderly care institutions practice the concept of science and technology for the good. On the other hand, private elderly care institutions should adhere to the concept of "elderly friendly", continue to promote the upgrading of elderly products and services "suitable for aging", and promote the elderly to cross the "digital divide". All regions should promote the realization of the goal of "active rather than passive, prevention rather than remedy" through technical governance, reduce the risks that the elderly may face, make up for the limitations of legal regulations, especially post-relief, and provide compound guarantee for the development of the new pension model of private elderly care institutions.

References

[1] Han Ye, Ji Ran, Fu Jiaping. The Dilemma and Solution of the Sustainable Development of Private Old-Care Institutions [J]. Population Journal, 2021, 43 (4): 89-97.

[2] Cui Xiao, Cheng Min, and Dun Shuai. A Game Analysis of Service Supply of Ｒesidential Care Facilities under the Background of Market-Oriented Reform[J]. Operations Research and Management Science, 2022,31 (10): 61-67.