

ASSESSMENT MEDICINE

MINIMUM QUALIFICATION REQUIREMENT FROM ASSESSMENT MEDICINE FOR THE FOREIGN STUDENTS OF MEDICAL FACULTIES

Contents:

1. The role and importance of the medical assessment service
2. The organisation and activities of the medical assessment service
3. Assessing state of health for the purposes of sickness insurance
4. Assessing state of health for the purposes of pension insurance
5. Assessing state of health for the purposes of state social support
6. Assessing state of health for the purposes of social care
7. Assessing state of health for the purposes of assistance in material need
8. Assessing state of health for the purposes of social services
9. Assessing state of health for the purposes of employment

1. The role and importance of the medical assessment service

We normally understand the term medical assessment service to mean a system of specialised medical assessment subjects operating as part of the organisational structures of the Ministry of Labour and Social Affairs. In a functional sense, this term then encompasses, for the most part, the performance of a defined range of medical assessment activities serving as a basis for the decisions made by administrative bodies in matters of individual social protection systems, and also to serve as the basis for decisions made by courts as part of a judicial review of the legality of decisions made by pension insurance administrations in pension insurance matters as part of the administrative justice process, as well as the performance of a defined sphere of other activities (e.g. control activities), which are conditional on or directly relate to medical assessment activity. It can thus be said that from an organisational viewpoint this is a ministerial assessment service, as it is included in the organisational structures of the bodies of the Ministry of Labour and Social Affairs. However, it is also necessary to point out that, aside from that, the medical assessment activity for the purposes of social protection systems is also performed outside of the MoLSA, namely at the Ministries of Defence, the Interior and Justice.

2. The organisation and activities of the medical assessment service

The medical assessment service of the Ministry of Labour and Social Affairs is currently a unit of the social system, having solely assessment rather than decision-making powers. As regards its organisational classification, it is a component of state administration, concretely included as part of the bodies of state administration for the social security area.

Medical assessment activity at the MoLSA is performed by:

- the medical assessment service operating within the organisational structures of the majority social insurance administration (Czech Social Security Administration and district social security administrations as their territorial branches), which performs assessment activity for pension and partly also for sickness insurance purposes; for the purposes of systems of state social support, social care, assistance in material need, social services and partly also for the purposes of the state employment policy system;
- the medical assessment service operating within the organisational structures of the Ministry of Labour and Social Affairs, concretely the assessment committees of the MoLSA, which perform medical assessment activity for the purposes of remedial proceedings in matters of pension insurance, state social support, social care, assistance in material need, social services and partly also for the purposes of the state employment policy system.

3. Assessing state of health for the purposes of sickness insurance

Legal regulation

Act No. 187/2006 Coll., on Sickness Insurance, as amended, regulates sickness insurance for the event of temporary work incapacity, quarantines, pregnancy and maternity, and treatment of or care for a family member, and the organisation and implementation of insurance. The implementation of insurance is understood to also include an assessment state of health for the purposes of sickness insurance. The purpose of sickness insurance is to secure the insured person by the payment of one of the sickness insurance benefits upon the occurrence of one of the defined health and social event (work incapacity, in that the reasons for work incapacity

may be diverse), if the insured person meets the conditions for entitlement to the benefit (namely participation in insurance, prescribed insurance period and a health condition).

Types of sickness insurance benefits:

- a) sickness benefits,
- b) maternity benefits,
- c) care benefits,
- d) pregnancy and maternity compensation benefits.

The role of the medical assessment service

As part of the sickness insurance system, the social security medical assessment service of first instance mainly controls state of health assessments made by attending physicians and controls the fulfilment of attending physicians' duties as prescribed by this legislation.

Assessing state of health for the purposes of sickness insurance

Assessing state of health for the purposes of sickness insurance includes assessing:

- a) temporary work incapacity,
- b) work capacity following the expiry of the support period,
- c) state of health for the purposes of providing maternity benefits, care benefits and pregnancy and maternity compensation benefits.

4. Assessing state of health for the purposes of pension insurance

Legal regulation

Act No. 155/1995 Coll., on Pension Insurance, as amended, regulates pension insurance for the event of the age, invalidity and death of the breadwinner.

Types of pensions

The following pensions are provided under pension insurance:

- a) old-age,
- b) full invalidity,
- c) partial invalidity,
- d) widow's and widower's,
- e) orphan's.

Essential conditions for the awarding and payment of the appropriate type of pension are: participation in insurance, meeting of the necessary insurance period and the meeting of the

defined social event (age, old age, death, invalidity). As of 1. 1. 2010, the existing full and partial disability pensions shall change to a disability pension provided in three benefit levels according to the acknowledged disability level (disability level I., II., and III.). The recognition of disability is thus of importance to the awarding of an invalidity pension. An invalidity pension may not be awarded to a person who is younger than 18 years of age.

The role of the medical assessment service

The state of health and decrease in systematic income-earning ability/work capacity invalidity is assessed by the district social security administration (assessing physician) in conjunction with the invalidity pension proceedings:

- a) during the course of fact-finding inspections, for the needs of the authority deciding on the entitlement to the invalidity pension,
- b) during the course of fact-finding inspections, during which a control is made as to whether the conditions for entitlement (i.e. disability) are still being met.

Social security's medical assessment service – a physician of the district/Prague Social Security Administration (the assessment committee of the MoLSA for the purposes of court proceedings) assesses whether the disability is full or partial and, after 1. 1. 2010, whether it is a level I., II., or III disability.

5. Assessing state of health for the purposes of state social support

Legal regulation

Act No. 117/1995 Coll., on State Social Support, as amended, regulates the state's contribution to the cost of food and other basic personal needs of children and families and also provides these in the event of some other social situations. The costs of state social support are covered by the state. In certain situations, state social support is provided to a circle of entitled persons depending on income (income decisive for an entitlement to the benefit) and in certain situations is dependent on the state of health (disability level).

Types of benefits

The following benefits are paid from state social support:

- a) child allowance,
- b) social allowance,
- c) housing allowance,
- d) parental allowance,

- e) foster care benefits,
- f) birth grant,
- g) funeral grant.

An entitlement to state social support benefits and the amount of benefits in the case of a parental allowance, a securing allowance, a foster care benefit and a social allowance is dependent on an adverse state of health and on the disability level suffered by the entitled person, or by the persons being assessed in conjunction with the entitled person. The recognition of a disability level of 50 % or more is of special importance to parents with a disabled child as far as their entitlement to a parental allowance, which can be paid (differentially) up to the child's 10 years of age and, as of 1. 1. 2010, up to the child's 15 years of age.

The role of the medical assessment service

The level of disability is assessed by the district social security administration (assessing physician) at the request of the appropriate labour office (administrative authority), which decides on the matter. An appeal against a decision of a labour office shall be ruled upon by the regional office. Social security's medical assessment service – a physician of the district/Prague Social Security Administration (the assessment committee of the MoLSA in appeal proceedings) assesses whether a case involves a dependent child suffering a long-term illness, a person with a long-term disability or a person with a severe long-term disability.

6. Assessing state of health for the purposes of social care

Legal regulation

Act No. 100/1988 Coll., on Social Security, as amended, and Decree No. 182/1991 Coll., implementing the Social Security Act, as amended, regulates the area of social care and benefits for severely disabled citizens. Social care is provided by the state to citizens whose day-to-day living needs are not adequately covered from income derived from employment activity, pension or sickness insurance benefits, or from other income sources, and to citizens who need social care in view of their state of health or age or who are unable to overcome a difficult social situation or adverse living circumstances without society's assistance.

Types of benefits

- a) Extraordinary benefits for severely disabled citizens
- b) Allowances (pursuant to Decree No. 182/1991 Coll., as amended)
- c) Compensatory aids

The role of the medical assessment service

The level of disability is assessed by the district/Prague Social Security Administration (assessing physician) at the request of the appropriate municipal office (administrative authority), which decides on the matter. An appeal against a decision of a municipal office shall be ruled upon by the regional office.

Social security's medical assessment service – a physician of the district/Prague Social Security Administration (the assessment committee of the MoLSA in appeal proceedings) assesses the state of health of citizens in social care matters, i.e. whether a citizen has a severe disability, for the purposes of awarding:

- extraordinary benefits,
- allowance towards apartment modifications, the payment for using an apartment or garage with wheelchair access, the purchase, complete reconstruction and special modification of a motor vehicle,
- allowance towards individual transport.

7. Assessing state of health for the purposes of assistance in material need

Legal regulation

Act No. 111/2006 Coll., on Assistance in Material Need, as amended, regulates the provision of assistance in order to provide the basic conditions for living to natural persons who find themselves in material need, by way of benefits of assistance in material need.

Benefits

The benefits provided as part of the system of assistance in material need are as follows:

- a) living allowance,
- b) housing supplement,
- c) extraordinary immediate assistance.

The role of the medical assessment service

The ability of a person to increase his/her income as a result of his/her own work in view of his/her state of health, is assessed by the district/Prague Social Security Administration (assessing physician) at the request of the appropriate municipal office (administrative authority), which decides on the matter. An appeal against a decision of a municipal office shall be ruled upon by the regional office. Social security's medical assessment service – a physician of the district/Prague Social Security Administration (the assessment committee of the MoLSA in appeal proceedings) assesses whether a natural person is capable of increasing his/her income as a result of his/her own work in view of his/her state of health.

8. Assessing state of health for the purposes of social services

Legal regulation

Act No. 108/2006 Coll., on Social Services, as amended, regulates the conditions of providing assistance and support to natural persons who find themselves in an adverse social situation (hereinafter referred to as a "person") via social services and care allowances, the conditions for issuing a licence to provide social services, the performance of public administration in the area of social services, inspections of the provision of social services and the prerequisites for the performance of activities in social services and prerequisites for the performance of the profession of a social worker.

Care allowance

A care allowance (hereinafter referred to as an "allowance") is paid to persons dependent on assistance provided by another natural person. The costs of this allowance are remitted from the state budget.

The role of the assessment service

The district/Prague Social Security Administration (assessing physician) assesses the level of dependence at the request of the appropriate municipal office of a municipality with extended powers (administrative authority), which decides on the matter. An appeal against a decision of the municipal office of a municipality with extended powers shall be ruled upon by the regional office. For the purposes of appellate proceedings, the level of dependence is assessed by the Ministry via its assessment committees. The municipal office of a municipality with extended powers shall send a request the appropriate district social security administration to

assess the dependency level of the person in question; this request shall include a written record of the social inquiry and a copy of the allowance application submitted by the person in question. The district social security administration shall advise the appropriate municipal office of a municipality with extended powers of the dependency level of the person in question it has determined, its reason for coming to this determination and the validity period of this assessment.

Dependency

The dependency levels are prescribed in Section 8 of the legislation.

A person is deemed dependent on assistance provided by another person with a

- a) dependency level of I (light dependency) if, for reason of his/her long-term adverse state of health, he/she requires assistance or supervision, on a daily basis, during the course of performing more than 12 acts of personal care and self-sufficiency,
- b) dependency level of II (medium heavy dependency), if, for reason of his/her long-term adverse state of health, he/she requires assistance or supervision, on a daily basis, during the course of performing more than 18 acts of personal care and self-sufficiency,
- c) dependency level of III (heavy dependency), if, for reason of his/her long-term adverse state of health, he/she requires assistance or supervision, on a daily basis, during the course of performing more than 24 acts of personal care and self-sufficiency,
- d) dependency level of IV (full dependency), if, for reason of his/her long-term adverse state of health, he/she requires assistance or supervision, on a daily basis, during the course of performing more than 30 acts of personal care and self-sufficiency.

9. Assessing state of health for the purposes of employment

Legal regulation

Act No. 435/2004 Coll., on Employment, as amended, regulates the assurance of the state employment policy, the aim of which is to attain full employment and to act as protection against unemployment.

The role of the medical assessment service

The ability of a person with a handicapped status is assessed by the district/Prague Social Security Administration (assessing physician) at the request of the appropriate labour office (administrative authority), which decides on the matter. An appeal against a decision of a labour office shall be ruled upon by the Ministry of Labour and Social Affairs.

Social security's medical assessment service – a physician of the district/Prague Social Security Administration (the assessment committee of the MoLSA in appeal proceedings) assesses whether a natural person is handicapped.

Disabled persons

Disabled persons [Section 67(2) of the Employment Act] are natural persons who are

- a) recognised by a social security body as being fully disabled / suffering from level III. disability) – persons with a severe disability,
- b) recognised by a social security body as being partially disabled / suffering from level I. or II. disability,
- c) recognised pursuant to a decision of a labour office as being handicapped.

Assessment of the status of a handicapped person

A handicapped person [pursuant to Section 67(3) of the Employment Act] is deemed to be a natural person whose capability to perform systematic employment or other gainful activity is preserved, but whose capability

- to be or remain employed,
- to perform the existing occupation, or
- to utilise his/her existing qualifications, or
- to attain qualifications,

are significantly limited due to his/her long-term adverse state of health.

A long-term adverse state of health is deemed, for the purposes of the Employment Act, to be an adverse state of health which should last in excess of one year, according to medical findings, and which significantly limits a person's mental, physical or sensory abilities and thus also this person's employment opportunities.