

Establishment of prognosticable disability

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On January 1, 2011, the Disability Law and related Regulations No. 1209 issued by the Cabinet of Ministers on December 28, 2010, "Regulations on Criteria, Time Limits and Sequence of the Establishment of Prognosticable Disability, Disability and Loss of Capacity for Work" comes into the force.

Previous legal norms did not include that [the State Medical Commission for the Assessment of Health Condition and Working Ability](#) which performs a disability examination performs also the examination of prognosticated disability. Until January 1, 2011, family/ attending physician appointed a person to the State Commission in two cases: for establishment of disability and extending the sick-leave certificate for the period of temporary incapacity for work. Responsibility of family doctor or attending physician was to fill out the appointment to the State Commission (Form No. 088/u) and did not include any other activity. Therefore persons who had disability risk received health, social and vocational rehabilitation services according to the normative acts, namely, without alleviations or without rights to receive the above mentioned services prioritarily. Thus the lack of operative support in many cases increases the risk of disability. In order to prevent it, the amendments in Medical Law came into the force on January 1, 2011. In the second part of Article 3 it is set forth that for pregnant women, children and persons with prognosticable disability health care is a priority.

The 1st part of Article 8 of Disability Law foresees that physicians-experts of the State Commission perform the disability examination. Definition of prognosticable disability is provided in the first part of Article 4 of Disability Law. That is, prognosticable disability is restrictions caused by the illness or trauma that can be the reason for establishing disability if the necessary medical or rehabilitation services are not provided. Criteria for establishing prognosticable disability are set forth in the above mentioned appendix of Regulations No. 1209 of the Cabinet of Ministers. Therefore if family/ attending physician thinks that it is necessary to extend the sick-leave certificate for the temporary incapacity for work and/or person's health condition does not comply with the criteria for establishing the disability, but complies with the criteria for establishing the prognosticable disability, he/she is entitled to appoint the person to do the examination of prognosticable disability:

employed person - simultaneously with an appointment to extend the sick-leave certificate for the period of temporary incapacity for work;

unemployed person - if it has been under the regular supervision of family doctor or attending physician for the last six month which is substantiated by the records in person's out-patient health record.

We direct your attention that by appointing the person to extend the sick-leave certificate for the period of temporary incapacity for work, it is not required to simultaneously appoint the person to establish the prognosticable disability.

In order to perform the examination of prognosticated disability, person or his/her legal representative submits an application in person, electronically as set forth in normative acts regarding executing the electronic documents or sending it via mail to the State Commission asking to perform the disability examination. The following documents are to be enclosed to the application:

appointment from family doctor or attending physician to the Commission (Form No. 088/u);

other medical documents of the person if family or attending physician or person himself thinks that it is necessary for the disability examination;

draft of the individual rehabilitation plan for the person with prognosticable disability which family doctor/ attending physician must elaborate in compliance with Regulations No.9 issued by the Cabinet of Ministers on January 4, 2011, "Regulations on Individual Rehabilitation Plan to the Person with Prognosticable Disability and Person with Disability."

State Commission adopts a decision whether to establish a prognosticable disability for a person on the basis of the results of examination. Prognosticable disability is established for a certain period (from six months to one year). Day when person has submitted an application to State Commission asking to perform the examination of prognosticable disability is considered the date of establishment of prognosticable disability.

Person with established prognosticable disability is entitled to prioritarily receive services intended for reducing the disability risk: medical services in compliance with the normative acts which regulate the sequence of health care organization and financing, social rehabilitation services and vocational rehabilitation services. Types, volume, conditions and sequence of state-funded medical, social and vocational rehabilitation services provided prioritarily to the person with a prognosticable disability in order to reduce the disability risk are stipulated in Regulations No. 1207 issued by the Cabinet of Ministers on December 28, 2010, "Regulations on Criteria, Time Limits and Sequence of the Establishment of Prognosticable Disability, Disability and Loss of Capacity for Work."

In case of establishing a prognosticable disability the elaboration of the individual rehabilitation plan is mandatory and it is a duty of a physician. Since January 1, 2011, the plan is elaborated as follows:

When appointing the person for the examination of prognosticated disability family/attending physician fills out the second section of the Individual rehabilitation plan and together with a patient - the first section of the above mentioned plan.

When establishing a prognosticable disability the State Commission confirms for a person the project of the Individual rehabilitation plan elaborated by the attending physician and in case of necessity suggests family/ attending physician to appoint the person for additional examination and specify the diagnosis and suggests social and vocational rehabilitation enterprises to be included in the Individual rehabilitation plan and fills out the 3rd section. State Commission contacts the Municipal social service if Commission believes that the person needs care or in case the attending physician has appointed for the regular medical treatment.

If a prognosticable disability is established for a person family/ attending physician specifies, if necessary, the rehabilitation measures set forth in the Article 22.1 and medical rehabilitation treatment and the period of treatment and hands out to the person with prognosticable disability the original rehabilitation plan if the person has agreed to the treatment included in the plan and has signed it.

When elaborating and executing the Individual rehabilitation plan for the person with prognosticable disability family/ attending physician cooperates with the social service from the municipality in person's declared place of residence, State Commission and other specialists.

In order to receive social or vocational rehabilitation services person submits a respective application to the service provider in order to receive the service included in the rehabilitation plan and documents in compliance with the normative acts on the sequence of receiving the social or vocational rehabilitation services.

<https://www.lm.gov.lv/en/establishment-prognosticable-disability>