

**Regulations Regarding the Criteria, Time Periods and Procedures
Determining Predictable Disability, Disability, and the Loss of Ability to
Work**

*Issued pursuant to
Section 4, Paragraph two and Section 5, Paragraph two
of the Disability Law*

1. This Regulation prescribes:
 - 1.1. the criteria and time periods for determination of predictable disability, disability and loss of ability to work;
 - 1.2. the procedures by which the State Medical Commission for the Assessment of Health Condition and Working Ability (hereinafter – the Commission) shall conduct an expert-examination of predictable disability, disability, and loss of ability to work, and determine predictable disability, disability, and loss of ability to work.
2. In order to conduct an expert-examination of predictable disability, a person shall submit the following to the Commission:
 - 2.1. a submission;
 - 2.2. an individual rehabilitation plan prepared by a family doctor or an attending doctor (hereinafter – medical doctor);
 - 2.3. a sick-leave certificate B, if such has been issued.
3. In order to conduct an expert-examination of disability or working ability, a person shall submit the following to the Commission:
 - 3.1. a submission;
 - 3.2. a referral to the Commission (form No. 088/u “Referral to the State Medical Commission for the Assessment of Health Condition and Working Ability”);
 - 3.3. a self-assessment of the functional ability, if the expert-examination must be conducted for a person from 18 years of age (Annex 1);
 - 3.4. a questionnaire for evaluation of everyday activities and environment of the person filled in by a social worker of the local government social service office or ergotherapist (Annex 2), if the expert-examination must be conducted for determination of medical indications for special care;
 - 3.5. a sick-leave certificate B, if such has been issued;
 - 3.6. other documents, if the medical doctor or the person himself or herself is of the opinion that they are necessary for expert-examination.
4. A person may submit the documents referred to in Paragraphs 2 and 3 of this Regulation:
 - 4.1. in person;
 - 4.2. sending by post;
 - 4.3. in the form of an electronic document in accordance with the laws and regulations regarding drawing up of electronic documents;

4.4. electronically, in the single State and local government portal www.latvija.lv, by filling in a special online form, using the means of personal identification available in the portal.

5. The documents referred to in Paragraphs 2 and 3 of this Regulation may be submitted to the Commission also by the medical doctor, informing the person thereof:

5.1. in person;

5.2. sending by post;

5.3. in the form of an electronic document in accordance with the laws and regulations regarding drawing up of electronic documents;

5.4. electronically, in the single State and local government portal www.latvija.lv, by filling in a special online form, using the means of personal identification available in the portal.

6. If the Commission needs additional information for expert-examination of predictable disability, disability or loss of ability to work regarding the person, the Commission shall obtain such information in the single information system of health sector, request it from the person himself or herself, the medical doctor of the person, employer, educational institution, State or local government institution.

7. If in accordance with Annex 8 to this Regulation it is necessary to perform an assessment of everyday activities and environment of the person, a social worker of the local government social service office or ergotherapist shall, upon request of the Commission, perform it and fill in the questionnaire of everyday activities and environment of the person.

8. The expert-examination of predictable disability shall be conducted by a medical doctor-expert of the Commission (hereinafter – medical doctor-expert) without the person being present.

9. Upon conducting expert-examination of predictable disability, the medical doctor-expert shall assess the health disorders and functional restrictions diagnosed for the person, as well as the measures provided for in the individual rehabilitation plan, the time periods for the performance thereof and the results to be achieved. The medical doctor-expert shall describe the assessment and his or her conclusions in an expert-examination report in the State information system “Disability Informative System” of the Commission (hereinafter – Information System).

10. An official of the Commission, on the basis of the expert-examination report referred to in Paragraph 9 of this Regulation and the criteria laid down in Annex 3 to this Regulation, shall take a decision to determine predictable disability and its time period, as well as approve the individual rehabilitation plan drawn up by the medical doctor.

11. The expert-examination of disability or loss of ability to work shall be conducted for a person with physical or mental health disorders, due to which he or she has undergone continuous medical treatment at least six months prior to the day of conducting the expert-examination, he or she is suffering from stable functioning disorders, and it is confirmed by medical documents.

12. The expert-examination of disability or loss of ability to work may be conducted prior to the time period referred to in Paragraph 11 of this Regulation, if the person has severe health disorders and with unfavourable prognosis or is suffering from stable functioning disorders.

13. A person who has been determined disability or loss of ability to work has the right to request that a repeat expert-examination of disability or loss of ability to work is conducted at any time, if the functional condition of the person has deteriorated significantly and is considered stable.

14. The expert-examination of disability or loss of ability to work shall be conducted by a medical doctor-expert without the person being present.

15. If the Commission does not have sufficient information at its disposal or it is contradictory, the assessment of health and functional ability of the person shall be performed in the presence of the person:

15.1. at the department of the Commission;

15.2. at the place of residence of the person, medical treatment institution, long-term social care and social rehabilitation institution or place of imprisonment.

16. If the presence of the person is required for assessment of health and functional ability, the Commission shall contact the person and invite him or her for assessment or co-ordinate the time of assessment at the location of the person.

17. Upon conducting the expert-examination of disability or loss of ability to work, a medical doctor-expert shall:

17.1. evaluate the documents referred to in Paragraph 3 of this Regulation;

17.2. assess health disorders of the person and their severity, as well as the functional ability of the person and its restriction in accordance with the criteria referred to in Annex 4 or 5 to this Regulation, but, if expert-examination is conducted due to an accident at work or occupational disease, or a disease, which is related to the rectification of the consequences of the accident at the Chernobyl Atomic Power Plant – in accordance with the criteria referred to in Annex 6 to this Regulation;

17.3. examine the questionnaire of assessment of everyday activities and environment of the person, if the expert-examination is conducted in order to determine medical indications for special care, and, if necessary, request that the social worker of the local government social service office or ergotherapist clarifies answers to questions of the questionnaire, if they are unclear or contradictory;

17.4. enter the assessment of health and functional ability of the person and conclusions in the act of expert-examination in the Information System.

18. On the basis of the expert-examination report referred to in Sub-paragraph 17.4 of this Regulation, an official of the Commission shall take a decision and determine:

18.1. for children up to 18 years of age – disability in accordance with the criteria referred to in Annex 4 to this Regulation and the term of disability;

18.2. for a person from 18 years of age until attaining the age necessary for granting the State old-age pension – a disability group and loss of ability to work in percentage in accordance with the criteria laid down in Annex 5 to this Regulation, as well as the cause and time period of disability;

18.3. for persons after attaining the age necessary for granting the State old-age pension – a disability group in accordance with the criteria laid down in Annex 5 to this Regulation, as well as the cause and time period of disability;

18.4. for persons from 18 years of age – a disability group and/or loss of ability to work in percentage in accordance with the criteria referred to in Annex 6 to this Regulation, if the expert-examination is conducted due to an accident at work or occupational disease, or a disease, which is related to the rectification of the consequences of the accident at the Chernobyl Atomic Power Plant, as well as the cause and time period of disability.

19. If disability or loss of ability to work is determined for a person after 18 years of age, the cause of disability is indicated in the decision – “disease”, except:

19.1. “disease from childhood” – on the basis of medical or other documents, which were or might have been the basis for determination of disability for a child up to 18 years of age in accordance with the criteria, which were provided for in the respective time period in laws and regulations for determination of disability;

19.2. “accident at work” – on the basis of an act, which has been issued in accordance with the laws and regulations regarding the procedures for the investigation and recording of accidents at work;

19.3. “occupational disease” – on the basis of an opinion of the medical commission of the Occupational and Radiation Medicine Centre of the State limited liability company “Pauls Stradins University Clinical Hospital”;

19.4. “disease related to the rectification of the consequences of the accident at the Chernobyl Atomic Power Plant or to being located in the accident zone of the Chernobyl Atomic Power Plant” – on the basis of an opinion of the medical commission of the Occupational and Radiation Medicine Centre of the State limited liability company “Pauls Stradins University Clinical Hospital”;

19.5. “disease or disfigurement related to the participation by the person in the rectification of the consequences caused by such *force majeure*, unexpected event or exceptional circumstance, which endangered or could have endangered public safety or order” – on the basis of a statement issued by a medical treatment institution regarding a disease or trauma and a statement issued by a law enforcement institution regarding the participation in the rectification of the consequences;

19.6. “injury (disfigurement, contusion), which has been contracted while fulfilling the duties of military service, or a disease acquired during the period of military service while fulfilling the duties of military service” – on the basis of the decision of the expert commission of the Central Medical Expert-examination Commission of the National Armed Forces;

19.7. “disease or injury, which has been contracted during service in foreign armed forces while fulfilling service duties” – on the basis of the original war medical documents or their derivatives at the disposal of the person, which have been certified in accordance with the procedures laid down in the laws and regulations regarding the legalisation of public documents;

19.8. “injury or health disorder which is related to the participation of a civil expert in an international mission” – on the basis of a statement issued by such institution regarding the participation of the person in an international mission, which sent the relevant civil expert, and a statement issued by a medical treatment institution regarding the injury, disfigurement, contusion or disease;

19.9. “injury (disfigurement, contusion) which is related to the fulfilment of work (service) duties under the employment of the State President, a Member of the *Saeima*, a member of the Cabinet, a Parliamentary Secretary, a civil servant or another person employed in a State institution, during an official travel in the region of international operations” – on the basis of a statement issued by a medical treatment institution or a law enforcement institution regarding the injury (disfigurement, contusion).

20. Disability and loss of ability to work shall be determined for the following time period:

20.1. for a person up to 18 years of age:

20.1.1. for six months, one, two or five years;

20.1.2. for the time period until attaining 18 years of age, if the anatomical defects or health disorders referred to in Annex 7 to this Regulation are detected;

20.2. for a person over 18 years of age:

- 20.2.1. for six months, one, two or five years;
- 20.2.2. without a repeat time period for a disability expert-examination (for life), if the person:
 - 20.2.2.1. has been detected the anatomical defects or health disorders referred to in Annex 7 to this Regulation;
 - 20.2.2.2. has stable and irreversible functioning restrictions, due to which the disability has been previously been determined continuously for not less than five years.

21. Concurrently with taking a decision to determine disability or loss of ability to work or after taking thereof, an official of the Commission shall provide:

21.1. opinions:

21.1.1. on the medical indications for the acquisition of a specially adjusted car and the receipt of an allowance for the compensation of transport expenses in accordance with the criteria referred to in Annex 9 to this Regulation;

21.1.2. on the necessity of special care:

21.1.2.1. for a person up to 18 years of age – in accordance with the criteria referred to in Chapter II of Annex 4 to this Regulation;

21.1.2.2. for a person from 18 years of age – in accordance with the criteria referred to in Annex 8 to this Regulation;

21.1.3. on exemptions for the commencement of the naturalisation procedure for the acquisition of Latvian citizenship laid down in laws and regulations;

21.1.4. on the extension of a sick-leave certificate during transitional work disability period, which continues for more than 26 weeks if work disability is continuous, but not longer than 52 weeks in a period of three years, if work disability repeats with intervals;

21.1.5. on the necessity of the service of an assistant;

21.2. recommendations:

21.2.1. for receipt of professional suitability and professional rehabilitation services;

21.2.2. for inclusion of social and professional rehabilitation services into an individual rehabilitation plan for a person with predictable disability.

22. The Commission shall notify the decision, opinion and recommendations to the person in accordance with the Law On Notification.

23. If the expert-examination of disability or loss of ability to work is conducted in accordance with Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, or bilateral international agreements on co-operation in the field of social security:

23.1. the Commission shall evaluate the documents received from the State Social Insurance Agency (hereinafter – the Agency) or foreign competent authority and determine a disability and the degree of loss of ability to work for the person in accordance with the criteria referred to in this Regulation. In determining the time period of disability and loss of ability to work, the time period determined in the foreign state is taken into account, but if it is not indicated in the received documents, the time period is determined in accordance with this Regulation;

23.2. the Commission shall send the decision on the determined disability or degree of the loss of ability to work to the Agency.

24. If it is necessary for the parent or guardian of the child in requesting an old-age pension according to preferential conditions due to taking care of a disabled child, and the advisory

medical committee or the attending doctor has until 31 December 2003 for a child up to 16 years of age or the Commission for a child from 16 to 18 years of age had not determined disability:

24.1. the interested person shall submit a submission, as well as medical documentation on health condition of the person to be taken care of up to 18 years of age, if such is at the disposal of the person, to the Commission:

24.1.1. in person;

24.1.2. sending by post;

24.1.3. in the form of an electronic document in accordance with the laws and regulations regarding drawing up of electronic documents;

24.1.4. electronically, in the single State and local government portal www.latvija.lv, by filling in a special online form, using the means of personal identification available in the portal;

24.2. the Commission shall evaluate the medical documentation submitted and, if necessary, request additional information from medical treatment institutions;

24.3. the Commission shall provide an opinion on the conformity of the health condition of a person up to 18 years of age with the criteria for determination of disability, which were provided for in laws and regulations for determination of disability during the time period of taking care of the person:

24.3.1. from 14 December 1979 until 16 September 1990 – according to the Order No. 1265 of the U.S.S.R. Ministry of Health Protection of 14 December 1979, On the Procedures for Issuing a Medical Finding Regarding Disabled Children from Childhood until 16 Years of Age;

24.3.2. from 17 September 1990 until 26 December 1999 – according to the Order No. 214 of the Ministry of Health Protection of the Republic of Latvia of 17 September 1990, On Assistance to Disabled Children;

24.3.3. from 27 December 1999 until 31 December 2003 – according to the Order No. 424 of the Ministry of Welfare of 27 December 1999, On Medical Indications for Determination of Disability for Children up to 16 Years of Age.

25. In order to ensure equivalent determination of the percentage amount of predictable disability, disability or loss of ability to work, the Commission shall issue an internal regulatory enactment for the application of the criteria referred to in Annexes 3, 4, 5, and 6 to this Regulation.

26. The expert-examination of disability or the loss of ability to work for persons who have submitted a submission for conducting an expert-examination of predictable disability, disability or loss of ability to work by 31 December 2014, is conducted in accordance with the provisions regarding the criteria for determination of predictable disability, disability or loss of ability to work and the procedures, which were in force until 31 December 2014.

27. Cabinet Regulation No. 1209 of 28 December 2010, Regulations Regarding the Criteria, Time Periods and Procedures for the Determination of Predictable Disability, Disability and the Loss of Ability to Work (Latvijas Vēstnesis, 2011, No. 3; 2012, No. 117; 2013, No 80), is repealed.

28. The Regulation shall come into force on 1 January 2015.

Prime Minister

Laimdota Straujuma

Minister for Welfare

Uldis Augulis