



SPECIAL REPORT

Remarks by the Greek Ombudsman regarding the operation of the Disability Certification Center (KE.P.A.)

Deputy Ombudsman: Yannis Sakellis

Senior Investigators: C.Bartzeliotis, E.Skylakou, V.Galinou, with the contribution of:
E.Manta, A.Tzortzi.

February 2013

SUMMARY

In a special report focusing on disability issues, the Greek Ombudsman highlights the serious weaknesses that emerged in the operating process of the KE.P.A., which is the special body in charge of assessing the degree of disability a citizen may have and also of identifying what benefits correspond to each degree to disability. More specifically, as of the commencement of KE.P.A. operation in September 2011 and by 11-02-2013, the Greek Ombudsman had examined a significant number of reports (exceeding 350) submitted by citizens. The Independent Authority stresses the need for immediate improvement, as well as for the adoption of legislative and organizational incentives, aiming to the efficient and effective operation of KE.P.A Committees. Such incentives have to be implemented in cooperation with the Agencies which, on the basis of the committees' medical statements, provide social benefits or facilitate individuals with disabilities, always in accordance with the regulatory framework in effect.

The Greek Ombudsman approves the efforts made towards issuing certification of disability with the maximum guarantees of objectivity and scientific documentation. However, the Independent Authority's main finding is that there has been an increase in the waiting period (often exceeding six months) the citizens have to go through in order to be examined and assessed by the health committees. This is a malfunction in the system that results in the beneficiaries' deprivation either of their welfare allowances or their disability pension or their health booklet during the whole waiting period. Further findings record systemic weaknesses such as citizens having to undergo new medical examinations with additional costs both for themselves and for their insurance funds; issuance of medical statements supported by inadequate explanations and a limited period of validity; not taking into account other factors which influence the ability to earn a living such as age and work; lack of information and coordination of services with joint competence; examination costs to the detriment of citizens.

The main aim of the Greek Ombudsman's recommendations is to effectively contribute to the acceleration of the process which is necessary to take place until a final medical statement classifying a citizen as invalid is issued.

Additional measures are also recommended aiming both to better organize and staff the health committees and also to limit the tasks those committees undertake by minimizing the number of cases to be re-examined or of referral cases.

Some key recommendations of the Greek Ombudsman are the following:

- Emphasis on better collaboration between IKA-ETAM's (Social Insurance Institute) Directorate for Invalidity and Occupational Medicine with the appropriate EOPYY (National Health Services Organisation) services so as to better monitor the doctors who constitute the special body of KE.P.A. health committees. Emphasis is also placed on encouraging initiatives for the ESY (National Health System) doctors to participate in the KE.P.A. committees.
- Closer collaboration and coordination between the IKA Directorate for Invalidity and Occupational Medicine and the other insurance and welfare agencies so as to prevent cases already examined and judged from being referred to the health committees.
- Brief doctors who participate in the health committees as to their additional jurisdiction to rule on the degree to which occupational capacity has diminished (occupational invalidity).
- Add in the list a number of new diseases and defects for which invalidity for life is foreseen by application of Article 16, §1, Law 3846/2010.
- Re-examination of the insurance bodies' competence to bring action cases before health committees of Second Degree, compensated by intensification and systemization of sampling.
- Simplification of legislation pertaining to individuals with invalidity, especially through the uniform and homogeneous practice of referral by the ordinary legislator to the Uniform Table of Determination of Invalidity Percentage (FEK 1506, Issue B'/2012).
- Amending the foreseen process of providing the invalidity welfare benefits so that their commencement can be retroactive and correspond to the time the application was submitted to the KE.P.A.
- Continuation of pension benefits and extension of the health booklets' validity for the period re-examination by the health committee remains pending.
- Returning the voucher of 46.14 euros to those entitled to invalidity welfare benefits.