

## Abstract

Citizens health state assessment is a very important part of social security law. The institute of medical health state assessment has come through a long historical development and since its beginning it has been connected with the first attempts of the society to form institutes focused on the possibility to have an influence on the consequences of health defects of individual citizens and their possible return to work. Help to handicapped people started by a voluntary form of insurance, continued by its obligatory form in some specific professions and lead in general health insurance and social security by law, or self payment performance.

Citizens health state assessment in the system of social security is conducted by assessment physicians of the Medical Assessment Service of the Czech Social Security Administration (in fact by assessment physicians working for regional social security administration). Their number is not (even if the institute of contract surgeon has been established) sufficient. As far as the review action in court is concerned the assessment is conducted also by assessment physicians working in special commissions of the Ministry of Labour and Social Affairs and by assessment physicians of the Interior Ministry and the Ministry of Justice.

In spite of unfavourable personnel situation the Medical Assessment Service has to cope with enhancing demands on both the quantity and the quality of their activities. It has to react to social impact of unemployment and the increasing interest in the protection of personality. At the same time it has to take into account the fact that such a kind of public service stays a little bit on the margin of the interest of town and gown, although it has a marked impact on the state of public expenditures.

Another negative aspect is the fragmentation and bureaucracy of the legal form of the health state assessment in the social security system, although the basic types of proceeding for which the assessment physicians judge the health state of the individuals is included in one act No 582/1991 of the Collection of Law about the organization and administration of the social security, as amended. Individual specific proceedings differ according to the character of benefit claimants ask for and are stated in special bills, which refer to bills and administrative procedure of municipalities with enhanced executive administration. The most important legislative change is a new regulation of disability assessment, which was formed in accordance with medical science knowledge, physicians opinions and followed legislative changes up to January 1st, 2010.

Although this new legal form was accepted in the time of seeking for general cost savings in public finance, its aim is not to save money on handicapped people, but after almost 15 years give the Assesment Social Security Service and insured persons a modern, legal measure, which reflects progress in medicine as well as progress in technologies of job opportunities and possibilities of returning to work for handicapped people.

In view of the fact that the result of health state assessment has the impact on the citizen social situation the medical assessment cannot avoid contacts with courts, especially in the connection with checking over decisions of the social security body in cases of the right to benefits due to long-term bad health state. The large quantity of decided cases of disability pensions has been decreasing since January 1st, 2010, due to a new legal remedy – defence of tender. In spite of it we have to admit that administrative actions against decisions of the Czech Social Security Administration are often successful due to the fact that medical assessment conducted by assessment physicians cannot serve as a proper evidence, because the assessors do not keep pace with up-to-date trends in assessment of citizens health state (caused by age of the physicians and lack of their juridical education). Practice of the courts takes into account the force of arguments, which lead to the specific decision.

The question is how much impact the changes resulting from the Government Programme Declaration would have on the whole procedure, which aim is to decrease some social benefits in order to have in mind a citizens friendly approach, prevention of possible misuse of benefits and general effectiveness of provided benefits at the same time.

Such practice can be accepted generally, but due to social uncertainty it will probably lead to increasing number of requests and consequently to increasing of workload for assessment physicians. The fact that some kind of social benefit is often the only source of income of an applicant has also to be taken into consideration.

Therefore there is – in my opinion – the only way how to cope with the whole problem. First fix a personnel situation in medical assessment service and then to ensure the quality and availability of individual assessments.