



UNMIK



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INSTITUCIONET E PËRKOHSHME TË VETËQEVERISJES
PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT
PRIVREMENE INSTITUCIJE SAMOUPRAVLANJA
QEVERIA E KOSOVËS - GOVERNMENT OF KOSOVO - VLADA KOSOVA
MINISTRIA E PUNËS DHE MIRËQENIES SOCIALE
MINISTRY OF LABOUR AND SOCIAL WELFARE
MINISTARSTVO RADA I SOCIJALNE ZAŠTITE

DEPARTMENT OF MARTYRS' FAMILIES, WAR INVALIDS AND CIVIL VICTIMS

In accordance with Article 5, Paragraph 5.4 (b), (c) of Regulation 2001/19 on Executive Branch of Provisional Institutions of Self – Government in Kosovo,

Having into consideration Article 8 and 12 of the Law on the Status and Rights of Martyrs' Families, Invalids, Veterans and KLA Members and Families of War Civil Victims,

With a purpose of real evaluation and verification of actual health condition of all KLA war invalids and civil invalids,

Permanent Secretary of Ministry of Labour and Social Welfare, issues this:

ADMINISTRATIV INSTRUCTION No 09/2006
ON
THE WORK OF MEDICAL COMMISSION REGARDING EVALUATION AND
DETERMINATION OF INVALIDITY OF KLA WAR INVALIDS AND CIVIL
INVALIDS

Article 1

Purpose

With this Administrative Instruction the work of medical commission is ruled in a unique form (hire of medical experts, procedure of reviewing matters, working hours, duties and responsibilities, financial compensation) who shall work and act within Department of Martyrs' Families, War Invalids and Civil Invalids, hereinafter referred to as (DMFWI) of Ministry of Labour and Social Welfare (MLSW), for evaluation and determination of invalidity level of KLA war invalids and civil invalids.

Article 2

Establishment of medical commission

- (1) Ministry of Labour and Social Welfare, respectively Department of Martyrs' Families, War Invalids and Civil Invalids, with a purpose of efficient and proper implementation of legal provisions as referred to in Article 8, 12 and 14 of the Law on War Values, establishes the medical commission for evaluation and determination of invalidity level of KLA war invalids and civil invalids.
- (2) Medical commission and DMFWI of MLSW hold accountable for administration of medical examinations regarding evaluation and determination of invalidity level of war invalids and civil invalids, in accordance with provisions of Law on War Values.

Article 3

Composition of medical commission

- (1) Medical commission is established by qualified and proved specialists in the field of medical work, orthopedy, surgery, neuropsychiatry and other fields, dependent on the needs presented for medical evaluation according to medical documentation submitted from parties for examination.
- (2) In occasion of hiring medical experts in medical commission of DMFWI of MLSW, shall comply strictly to provisions of Administrative Instruction of MPS/DCSA No 2003/09 on Working Hours.

Article 4

Procedures regardin medical commission function

- (1) MLSW – DMFWI through this Administrative Instruction establishes two medical commissions of first and second level, with a purpose of medical assessment of ability and determination of invalidity level of KLA war invalids and civil invalids.
- (2) Medical commission president (official of DMFWI) holds accountable for the list of commission members, organization of specialized examinations and hold of commission sessions in effective form and on time. This is in order applications are processed on foreseen deadline enabling certain authority the necessary time to undertake respective decisions.
- (3) All members of commission prior to beginning of work in the role of the member is required to sign a declaration of working methods in order to ensure effective distribution of duties of medical commission members. All such declarations are saved by an official of DMFWI authorized by Director of this Department.

- (4) Procedures for consultation of medical commission with additional specialists shall be in accordance with Medical Administration Procedures (PP PAM 001) and relevant agreements with Ministry of Health.
- (5) DMFWI of MLSW shall save the data for all licensed doctors in Kosovo, in accordance with relevant agreements with Ministry of Health, mainly for implementation of controlling measures for doctors who issue medical certificate, and for controlling measures towards medical commission and of each specialist with whom the commission was consulted.
- (6) DMFWI of MLSW for each applicant shall hold and administer a system for calculation of the data registered by medical assessments of medical commission. Results gained in this form shall be used for medical selection for pensions and benefits according to schemes. In calculating system of results of medical evaluations may have access only certain officials also selected by DMFWI Director. Calculation system shall be considered as secrete information and unauthorized publication of calculating system or unauthorized access in this system is not allowed.

Article 5

Financial compensation

- (1) Medical experts hired with full time and half time working hours, in medical commission of DMFWI, shall be compensated in accordance with rules of Kosova Civil Service.
- (2) Medical commission is directed by President of commission who is appointed by DMFWI.
- (3) Medical experts hired from time to time with flexible working hours, in medical commissions of DMFWI, for participation in daily session shall be compensated by 30 euros per session.
- (4) Medical commission in any session shall examine at least 25 matters.
- (5) Employees of DMFWI engaged in medical commissions after working hours and during the days off, are compensated by 25 euro per daily session.

Article 6

Review of documents

- (1) Applications received for personal invalidity pension jointly with other medical documentation, archived and systemized in accordance with administration rules,

prior to Medical Commission are presented by administrative official accountable for DMFWI.

- (2) Medical commission after review of medical documentation and party examination, according to the need issues respective assessment of invalidity level, in which case shall issue a written decision for disability level and invalidity level.
- (3) Ascertainment issued by medical commission, is signed by all doctors that take part in the session and also by administrative official of DMFWI, close to their names written in capitals.
- (4) After issuing ascertainments by medical commission, administrative official submits reviewed matter to respective sector for further procedure.

Article 7

Reevaluation of requests by medical commission

- (1) First level commission reviews the matter according to the parties for the first time and requests for re evaluation after the deadline of 6 months has passed from the day of issuing the last decision according to request or appeal.
- (2) Second level medical commission re evaluates and examines matter according to appeals exercised from parties towards first level decision.

Article 8

Entry into force

- (1) This Administrative Instruction enters into force the day of signature by Permanent Secretary of MLSW and may be subject to modifications and supplementations dependent on requests for efficient and right implementation in practice.

Permanent Secretary of MLSW

Eshref Shabani

Prishtina, September 2006