



INSTITUCIONET E PËRKOQSHME TË VETQEVERISJES
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

In accordance with the Regulation (2001/19) on the Executive Branch of Provisional Institutions of Self-government.

In order for efficient and fair implementation of Law on the Disability Pension (2003/23) approved by the Kosovo Assembly as promulgated as UNMIK as Regulation 2003/40. The Ministry of Labour and Social Welfare hereby issues:

**ADMINISTRATIVE INSTRUCTION No. 15/2004
FOR
IMPLEMENTATION OF THE DISABILITY PENSION**

Article 1

Designated Authority

- 1.1** The Ministry of Labour and Social Welfare hereby establishes the Department of Pensions, including all regional and other such offices of this department, as the designated authority responsible for the Disability Pension.

Article 2

Application and Eligibility Dates

- 2.1** The designated authority shall receive applications for the Disability Pension from the date of operation of the Disability Pension the 1st July 2004.
- 2.2** All applicants applying from 1st July 2004 until 31st December 2004 shall be eligible for payments in retroactive way from 1st January 2004.

Article 3

Deadlines for Decisions

- 3.1** In accordance with Section 7.1 of the Disability Pension Law the date of 1st July 2004 is taken as the date that when the applicants shall benefit Disability Pensions. . All applications received between 1st July 2004 and 30th June 2005 shall have a meritorious decision made by the designated authority within one calendar year from the date of submission of the application.

- 3.2** Applications received after 1st July 2005 shall have a decision issued by the designated authority within six (6) months of receipt of a completed application by the designated authority.

Article 4

Application Procedures for Disability Pension

- 4.1** The applicant shall collect the application form (DP 002), Doctors Certificate (DP DC 001), Doctors Certificate Information Leaflet (DP IL 002), Applicant Information Leaflet (DP IL 001) and List of Banks (DP BL 001) from the designated authority, or other offices as decided by the Department of Pensions.

- 4.2** The applicant shall then complete the application form (DP 002) and present themselves to their own doctor for examination and for their doctors to complete the Doctors Certificate (DP DC 001).

- 4.3** The applicant will then present themselves at the offices of the designated authority with both forms completed (DP 002 and DP DC 001) together with their UNMIK Civil Registration Card.

- 4.4** The designated authority shall receive completed applications in accordance with the attached Administrative Procedures (DP AP 003). The designated authority shall then issue a Receipt to the applicant for all submitted applications (DP RB 001).

- 4.5** The designated authority shall after review of the application issue a letter either notifying the applicant of the date and location of their medical examination or notifying the applicant of a negative decision following the initial stages of the decision.

Article 5

Procedures for Operation of Doctors Commissions

- 5.1** The Ministry hereby establishes eight Doctors Commissions for the purposes of assessing disability for Social Assistance (Law for Social Assistance Scheme no.2003/15), War Invalids and Next of Kin Scheme (UNMIK Regulation 2000/66) and for the Disability Pension (Law for Disability Pensions no.2003/23).
- 5.2** The Doctors Commissions will for the first year concentrate solely on the Disability Pension, until 30th June 2005.
- 5.3** The Ministry Chair of the Doctors Commission is responsible for scheduling all Commission members, organising specialist examinations if necessary and holding commission sessions, in a timely and efficient manner in order to process applications in a timely manner to allow the designated authority sufficient time to make decisions in accordance with Article 3 of this Administrative Instruction.
- 5.4** The Ministry Chair of the Doctors Commission shall have line management responsibility to the Regional Manager of the Department of Pensions, whilst having functional management responsibility to the Ministry Chief Medical Officer. The Department of Pensions shall provide all necessary administrative support to the Doctors Commission.
- 5.5** The Doctors Commission and designated authority shall be responsible for administering the medical examinations in accordance with the Law on the Disability Pension, in particular Section 4, and the related Medical Administration Procedures (DP MAP 001).
- 5.6** All members of the Doctors Commissions are required to sign a declaration on methods of working in order to ensure the effective discharge of their duties. All such declarations are to be held by the designated authority.
- 5.7** The procedures for consultation by the Doctors Commission with additional specialists shall be in accordance with the Medical Administration Procedures (DP MAP 001) and relevant agreements with the Ministry of Health.

- 5.8** The designated authority shall hold data on all licensed doctors in Kosovo, in accordance with the relevant agreements with the Ministry of Health, primarily for implementing control measures on the doctors issuing doctors certificates, and in addition for controlling members of Doctors Commissions and any additional specialists consulted by the Commissions.
- 5.9** The designated authority shall hold and administer a system of scoring the medical assessment data recorded by the Doctors Commission for each applicant. The scores so produced will be considered in determining medical qualification for the Disability Pension. The scoring system may only be accessed by specific officers of the designated authority as determined by the Director of the Department of Pensions and the Permanent Secretary. The scoring system shall be considered to be confidential information and unauthorised release of scoring information or access to the system is not permitted.

Article 6

Payment Procedures

- 6.1** In accordance with Section 6.3 of the Law on the Disability Pension all eligible Disabled Pensioners shall receive payments through their personal bank account.
- 6.2** In accordance with Section 6.4 (a) of the Law on the Disability Pension, all persons that are paid in excess of the correct amount shall have subsequent payments deducted by the equivalent amount. The designated authority shall inform the pensioner of the error in writing and shall deduct future payments to ensure the error is corrected in the shortest time possible.
- 6.3** In accordance with Section 6.2 of this Instruction on the Disability Pension, all pensioners that have received payments in excess of the correct amount and are no longer eligible for a Disability Pension shall return such amounts to the designated authority. The designated authority shall request the repayment of the overpaid amount in writing to the pensioner or to their estate, in cases of death of a pensioner.
- 6.4** In accordance with Section 9 of the Law on the Disability Pension all amounts paid to persons in excess of the eligible amount shall be returned to the designated authority. The designated authority shall request the immediate repayment of the overpaid amount in writing to the pensioner or to their estate, in cases of death of a pensioner.

If this request is unsuccessful the designated authority may decide to present the case to the competent court.

- 6.5** In accordance with Section 6.4 (b) of the Law on the Disability Pension, in cases of payment of less than the correct amount, the designated authority shall pay the outstanding amount in shortest time possible.
- 6.6** In cases where the designated authority is informed that the person has died and further payments are due in accordance with Section 6.3 of this Instruction, or in other such cases where further payments are due, the designated authority shall make payments to a family member. In the first instance such payments shall be made to the spouse of the pensioner. If there is no spouse then payments will be made to the child or children (in equal portions), and if there is no spouse or children then payments will be made to the parents of the deceased pensioner. The designated authority shall decide on who shall receive payments based upon documentary evidence.
- 6.7** Once the designated authority has made payments into a Disabled Pensioner's bank account the designated authority cannot take any further action with the bank. The bank is responsible for administering their internal procedures for the closure of accounts, upon the death of a Disabled Pensioner. The designated authority shall retrieve any payment made in excess of the correct amount in accordance with Sections 6.3 and 6.4 The bank is responsible for informing the designated authority of Disabled Pensioners that have died or have left the residence of Kosovo.

Article 7

Control Policy

- 7.1** The designated authority shall establish and implement an effective administrative control policy for the Disability Pension. This policy shall utilise effective control mechanisms, including data comparisons for identifying ineligible pensioners, in accordance with Section 3.3, 3.4, 3.5 and 3.6 of the Law on the Disability Pension.
- 7.2** The designated authority shall establish and implement a medical control policy for reviewing the disability of pensioners and for controlling the work of the Doctors Commissions and the issuing of Doctors Certificates. The drafting of the policy and the subsequent management of implementation shall be the responsibility of the designated authority, in particular the Ministry Chief Medical Officer. The Permanent Secretary shall approve this control policy and the Chief Medical Officer shall submit quarterly reports to the Permanent Secretary on the implementation of the policy. This policy shall utilise effective control

mechanisms, including the use of information systems to control the work of individual doctors and members of the Doctors Commission.

Article 8

Appeals Procedures

- 8.1** The Appeals Council of the designated authority is hereby established and the designated authority shall appoint the members of the Council, and this shall include the Ministry Chief Medical Officer.
- 8.2** The Appeals Council shall meet regularly to review all appeals and shall meet at least once every two weeks.
- 8.3** The Chair of the Appeals Council shall provide monthly reports to the Ministry on all appeals received, decisions made and outstanding cases. This report shall respect the confidentiality of appellants in accordance with Section 12 of the Law on the Disability Pension. Article 9

Article 9

Accession to Power

- 9.1** This Administration Instruction access in power on the day of signature from the Ministry of Labour and Social Welfare.

Prishtina, August 2004

**Minister MLSW
Ahmet Isufi**
