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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*<sup>1</sup> has adopted  
and the President has proclaimed the following Law:

## **Disability Law**

### **Chapter I General Provisions**

#### **Section 1. Terms Used in This Law**

The following terms are used in this Law:

1) **assistant** – a natural person, who gives assistance to a person with a very severe or severe level of limited functioning in performing such activities outside his or her dwelling, which due to his or her disability cannot be performed independently, - to get to the place where he or she is studying, working, receiving services; to move about and to take care of himself or herself in an educational institution, in a place of paid employment; to be in contact with other natural and legal persons, as well as assist a person with visual disability to acquire a programme of basic vocational education, secondary vocational education or higher education;

2) **loss of ability to work** – lost or restricted general capacity to work as a result of limited functioning at the working age;

3) **limited functioning** – a disorder of a physical or mental nature caused by a disease, trauma or congenital defect (body's capabilities; abilities to learn, communicate, orientate oneself, move about, take care of oneself, control one's behaviour, activities and participation) which restricts the capacity of a person to work, to take care of oneself and makes it difficult for a person to integrate into society.

4) **individual rehabilitation plan for a person with a predictable disability** – an optimal complex of measures intended for a specific person in which long-term and short-term objectives for the rehabilitation of the relevant limited functioning have been prescribed and medical treatment, medical, social and professional rehabilitation measures have been included by indicating the time periods for implementation thereof, and that is aimed at the maintenance, improvement or renewal of the functional abilities of a person, in order to prevent the onset of a disability;

4) **individual rehabilitation plan for a person with a disability** – an optimal complex of measures intended for a specific person in which medical treatment, medical, social and professional rehabilitation measures have been included that are aimed at the maintenance or improvement of the functional abilities of the person in order to reduce the consequences of a disability on the person with a disability;

6) **predictable disability and disability expert-examination** – assessment of the level of the limited functioning and determining the loss of ability to work for a person, as well as the evaluation of the measures necessary for reducing the risk of invalidity or the consequences of a disability;

<sup>1</sup> The Parliament of the Republic of Latvia

7) **adapting a dwelling** – equipment of the residential and auxiliary premises at the ownership, joint-ownership or use of the person with a disability or of the family members of this person living with him or her with the necessary auxiliary devices (technical aids) and adaptation to the needs of the person with a disability;

8) **person with a disability** - a person for whom a disability has been determined in accordance with the procedure specified by this Law;

9) **person with a predictable disability** - a person for whom a predictable disability has been determined in accordance with the procedure specified by this Law;

10) **sign language interpreter** – a person who with the aid of sign language provides communication for a person with a hearing impairment with other persons, also in an institution of a basic vocational education, secondary vocational education or higher education where the person with a hearing impairment acquires an educational programme.

## **Section 2. Purpose of this Law**

The purpose of this Law is to prevent or reduce the risk of disability for persons with a predictable disability and reduce the consequences of a disability for persons with a disability.

## **Section 3. Application of this Law**

(1) This Law prescribes the procedure by which a predictable disability and disability expert-examination shall be performed, as well as the aid measures necessary to reduce the risk of a disability and the consequences of a disability.

(2) This Law shall be implemented based on:

1) the involvement of a person with a predictable disability and a person with a disability in the aid measures, in order to reduce the risk of a disability (in the case of a predictable disability) and the consequences of a disability within the scope of participation prescribed in the Law On Social Security;

2) involving society in the solving of matters related to the disability, as well as the co-operation of State and self-government institutions with the National Council of Disability Affairs, associations and foundations which represent persons with a predictable disability or persons with a disability, and also with professional rehabilitation organisations;

3) unified rehabilitation process for the persons with a predictable disability or persons with a disability ensured by the State and self-governments.

## **Chapter II Predictable Disability and Disability**

### **Section 4. Predictable Disability**

(1) A predictable disability is a limited functioning caused by a disease or trauma which, in case if the required medical treatment and rehabilitation services are not provided, may be a reason for determining disability.

(2) The criteria for determining a predictable disability, time periods and procedure shall be regulated by the Cabinet

### **Section 5. Disability**

(1) A disability is a long-term or non-transitional very severe, severe or moderate level limited functioning which affects a person's mental or physical abilities, ability to work, self-care and integration into society.

- (2) The criteria for determining a disability and loss of ability to work, time periods and procedure shall be regulated by the Cabinet.
- (3) A person, who has been determined with a disability, shall be issued a document certifying the disability. The document specimen and the procedure for issuing and accounting shall be regulated by the Cabinet.

## **Section 6. Classification of Disability:**

(1) For a person up to the age of 18 disability is determined without being divided into groups.

(2) Until 31 December 2012:

1) for the persons from 18 years of age depending upon the level of limitation of physical or mental abilities shall be determined to have the following:

- a) Group I disability – very severe disability,
- b) Group II disability – severe disability,
- c) Group III disability – moderately expressed disability;

2) for the persons after attaining the age necessary for the granting of the State old age pension, when performing the disability expert-examination for the first time, the limitation of physical and mental abilities shall be evaluated and, if it is not connected with objective age-related changes in the body and comply with the criteria for determining disability, the disability shall be determined in accordance with the classification of disability provided for in Clause 1 of this Paragraph.

(3) From 1 January 2013:

1) for the persons from 18 years of age up to attaining the age necessary for the granting of the State old age pension the limited functioning and its level shall be evaluated, the loss of ability to work shall be determined as a per cent and:

- a) Group I disability, if the loss of ability to work is in the amount of 80-100 per cent, - very severe disability,
- b) Group II disability, if the loss of ability to work is in the amount of 60-79 per cent, - severe disability,
- c) Group III disability, if the loss of ability to work is in the amount of 25-59 per cent, - moderately expressed disability;

2) for the persons after attaining the age necessary for the granting of the State old age pension, when performing the disability expert-examination for the first time, the limited functioning and its level shall be evaluated and Group I disability – very severe disability, Group II disability – severe disability or Group III disability – moderately expressed disability shall be determined, as well as in connection with this the necessary aid measures.

(4) For the persons after attaining the age necessary for the granting of the State old age pension, when performing a repeated disability expert-examination, the person's disability status shall be retained even, if the limited functioning, in accordance with which disability was determined, is related with objective age-related changes in the body determined prior to attaining pensionable age.

## **Chapter III**

### **Organisation of Predictable Disability and Disability Expert-Examination**

## **Section 7. Regulations for Predictable Disability and Disability Expert-Examination**

(1) Predictable disability and disability expert-examination shall be performed for a citizen of Latvia, a non-citizen of Latvia; a citizen or his or her family member of the European Union, European Economic Area state or the Swiss Confederation, who legally resides in the Republic of Latvia; a foreigner having received the permanent residence permit in the

Republic of Latvia, a person having received the permanent residence permit related to the granting of the status of refugee in the Republic of Latvia or a family member of the referred to person having the permanent residence permit in the Republic of Latvia.

(2) A person for whom a temporary residence permit has been issued in the Republic of Latvia has the right to a predictable disability or disability expert-examination if:

- 1) he or she as a socially insured person has the right to social insurance services;
- 2) he or she has been granted the alternative status in the Republic of Latvia;
- 3) he or she is a family member of a person who has acquired the alternative status;
- 4) he or she has been granted a temporary protection status in the Republic of Latvia;
- 5) he or she has been granted a temporary residence permit due to the performance of scientific activity in the Republic of Latvia;

6) he or she has been granted the status of a victim of trafficking in human beings in the Republic of Latvia.

(3) A predictable disability and a disability expert-examination shall be performed by observing confidentiality, personal data protection requirements and prohibition of differential treatment.

(4) Costs related to a predictable disability or disability expert-examination shall be covered from the State budget.

(5) A predictable disability and disability expert-examination shall be performed and a predictable disability or disability shall be determined at the direct State administration institution "State Medical Commission for the Assessment of Health Condition and Working Ability" (hereinafter – State Commission).

## **Section 8. Predictable Disability and Disability Expert-Examination**

(1) A predictable disability and disability expert-examination shall be performed by doctor experts of the State Commission who have acquired a doctor expert certificate. Doctor experts shall be independent in the performance of an expert-examination.

(2) Based on the evaluation of a person's limited functioning, an official of the State Commission shall issue an administrative act with which the following shall be prescribed:

1) a disability if the level of the person's limited functioning conforms with the criteria for determining disability – for a specific time period (from six months to five years, but for a person who up to the day of the disability expert-examination has not attained 18 years of age, also up to the day, when he or she attains 18 years of age) or without a repeated expert-examination time period (for life-long);

2) a predictable disability if the level of the person's limited functioning conforms with the criteria for determining predictable disability and it is foreseen that without the receipt of medical treatment, rehabilitation and social services it will worsen and will comply with the criteria for determining disability - for a specific time period (from six months to one year);

3) loss of ability to work as a per cent for a specific time period (from six months to five years) or without a repeated expert-examination time period (for life-long) in the cases provided for by regulatory enactments;

4) the cause of the disability; and

5) the cause of the loss of ability to work for persons for whom a disability has not been determined in the cases provided for by regulatory enactments.

(3) Predictable disability, disability and loss of ability to work shall be determined for a person with the day when he or she submitted the relevant application or when he or she was issued form E 213 "EEA Detailed Medical Report" in a foreign country, if the expert-examination is being performed in accordance with Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community.

(4) Prior to the issue of an administrative act for complicated predictable disability and disability expert-examination cases, as well as when, if the administrative act is contested, the State Commission has the right to invite consultants and send the person to a medical treatment institution for an additional examination, clarifying the diagnosis and evaluation of the limited functioning utilising the State budget resources.

(5) An official of the State Commission shall evaluate the set of necessary measures for a person with a predictable disability and a person with a disability and:

1) shall approve the individual rehabilitation plan developed by the attending doctor for the person with a predictable disability;

2) if a person with a disability requires medical and social rehabilitation services in order to reduce or prevent limited functioning, shall provide recommendations in relation to the individual rehabilitation plan where the further medical treatment and medical rehabilitation services prescribed by the attending doctor shall be included to the self-government social service where the relevant person has declared the place of residence;

3) shall approve the opinion regarding the implementation of the measures prescribed in the individual rehabilitation plan for a person with a predictable disability or a person with a disability if the predictable disability or disability expert-examination is being performed repeatedly;

4) shall issue opinions regarding the implementation of the necessary services, benefit and other measures prescribed in this Law and other regulatory enactments to the persons with a predictable disability, persons with a disability and persons with loss of ability to work.

## **Section 9. Contesting and Appeal of the Administrative Acts**

Administrative acts issued by the officials of the State Commission or the actual action thereof may be contested to the Director of the State Commission. The decision of the Director of the State Commission may be appealed to a court. The contesting or appeal of a decision shall not suspend the operation thereof.

## **Section 10. Individual Rehabilitation Plan for a Person with a Predictable Disability and an Individual Rehabilitation Plan for a Person with a Disability**

(1) The development of an individual rehabilitation plan for a person with a predictable disability shall be mandatory. The necessity for the development of an individual rehabilitation plan for a person with a disability shall be determined by the State Commission.

(2) The types of measures and time periods to be included in an individual rehabilitation plan for a person with a predictable disability and an individual rehabilitation plan for a person with a disability, as well as the procedure for the development and implementation of the forms for the plan and the plan shall be determined by the Cabinet.

(3) An attending doctor has the following duty:

1) to develop timely an individual rehabilitation plan for a person with a predictable disability based on the recommendations of the State Commission and the specialists involved in the medical treatment process of a person with a predictable disability and to control the implementation thereof;

2) when developing and implementing an individual rehabilitation plan for a person with a predictable disability, to co-operate with the self-government social service where the relevant person has declared the place of residence, the State Commission and other specialists, as well as the person himself or herself;

3) after the implementation of the measures prescribed in the individual rehabilitation plan for a person with a predictable disability, if necessary, to send the person to a repeated disability expert-examination.

(4) A self-government social service has the following duty:

1) to develop an individual rehabilitation plan for a person with a disability and control the implementation thereof if the relevant person has submitted the recommendations referred to in Section 8, Paragraph five, Clause 2 of this Law to the Service;

2) when developing and implementing an individual rehabilitation plan for a person with a disability, to co-operate with the attending doctor of the relevant person, if necessary, also with other specialists and the person himself or herself, as well as his or her legal representative.

(5) A person with a predictable disability and a person with a disability have a duty in accordance with the Law On Social Security to participate in the development of an individual rehabilitation plan and during the course of implementation of the measures provided for in the plan:

1) to take care of one's own health;

2) to comply with the instructions of health care practitioners, support staff of a health care practitioner, social worker and other specialists involved in the rehabilitation;

3) to co-operate with the providers of social services, State and self-government institutions;

4) to participate in the implementation of his or her social rights;

5) to be actively involved in the measures for promoting employment.

(6) A person with a predictable disability and a person with a disability, as well as legal representatives of such a person have the right to receive information regarding the measures included in the individual rehabilitation and the intended results in a comprehensible way from the attending doctor or the self-government social service.

(7) A person with a predictable disability has the right to refuse in writing the implementation of an individual rehabilitation plan. The attending doctor has the duty:

1) to explain the consequences of such a refusal to the person with the predictable disability and, if necessary, to his or her legal representative;

2) to inform the State Commission on the decision of the relevant person.

(8) A person with a predictable disability who has refused in writing from the implementation of an individual rehabilitation plan has no right to receive by priority the medical treatment, well as social and professional rehabilitation services paid from the State budget referred to in Section 11, Clause 2 of this Law.

(9) If a person with a predictable disability does not fulfil the duties referred to in Paragraph five of this Section, the social service provider may completely or partially suspend provision of social services and provision of the medical treatment, as well as social and professional rehabilitation services until these duties are fulfilled.

(10) A person with a disability has the right to refuse in writing from the implementation of an individual rehabilitation plan. The self-government social service where the relevant person has declared the place of residence has the duty:

1) to explain the consequences of such a refusal to the person with the disability and, if necessary, to his or her legal representative;

2) to inform the attending doctor of the relevant person and the State Commission on the decision of the person.

(11) If a person with a disability does not fulfil the duties referred to in Paragraph five of this Section, the social service provider may completely or partially suspend provision of social services until these duties are fulfilled.

## **Chapter IV**

### **Aid Measures for Reduction of the Predictable Disability, Risk of a Disability and Consequences of a Disability**

#### **Section 11. Reduction of the Risk of a Disability**

For a person with a predictable disability the risk of a disability shall be prevented or reduced by:

- 1) implementing the measures prescribed in the individual rehabilitation plan;
- 2) ensuring his or her priority to receive medical treatment, as well as social and professional rehabilitation services paid from the State budget in accordance with the individual rehabilitation plan . Types of the services, the amount, the conditions and the procedure for the receipt thereof shall be regulated by the Cabinet;
- 3) by implementing other aid measures prescribed by regulatory enactments.

#### **Section 12. Reduction of the Consequences of a Disability**

(1) The consequences of a disability for the persons with a disability shall be reduced by:

- 1) implementing the measures prescribed in the individual rehabilitation plan;
- 2) ensuring for the persons with Group I visual disability who do not receive the State benefit for the disabled who needs care the right to receive a benefit for the utilisation of an assistant for 10 hours per week, personally selecting a specific assistant,- until 31 December 2012. Persons who are in a long-term social care institution, a hospital or in a place of imprisonment have no right to receive this benefit;
- 3) ensuring for the persons with a disability, except for the persons who are in a long-term social care institution, a hospital or a place of imprisonment the right to receive the service of an assistant for up to 40 hours per week paid from the State budget at the self-government where the place of residence was declared - from 1 January 2013;
- 4) ensuring the right to receive the service of an assistant for supporting moving about and performing self-care paid for from the State budget at the institutions of a general basic education, a basic vocational education, a general secondary education and a secondary vocational education;
- 5) ensuring the right to receive the service of a sign language interpreter paid for from the State budget for up to 480 academic hours during one school year for acquiring a programme of a basic vocational education, a secondary vocational education and a higher education;
- 6) ensuring the right to receive the service of a sign language interpreter paid for from the State budget for up to 10 hours per month for providing contact with other natural and legal persons;
- 7) ensuring the right for the persons with Group I or Group II disability, the persons with a disability up to the age of 18 years and the person who accompanies a person with a Group I disability or a person with a disability up to 18 years of age to utilise free of charge all types of public transport within the territory of the Republic of Latvia, except for air transport, taxis and passenger carriage on inland waters;
- 8) ensuring the right for a person up to the age of 18 years for whom a disability has been determined for the first time and who lives with his or her family, as well as his or her legal representative to receive the service of a psychologist paid from the State budget. The amount of and the procedure for acquiring this service shall be determined by the Cabinet.
- 9) ensuring the possibility to receive aid for adapting one dwelling for the persons with a Group I disability, the persons with a Group II visual disability or hearing impairment and the persons up to the age of 18 years, who has been determined with medical indications

for the necessity for special care for a disabled child. The aid conditions and the procedures for the receipt thereof shall be determined by the Cabinet;

10) by implementing other aid measures prescribed by regulatory enactments.

(2) A person with a Group I or Group II disability and a person with a disability aged between 7 up to 18 years for whom the necessity for the service of an assistant has been determined in the individual rehabilitation plan based on the recommendation of the State Commission has the right to receive the service of an assistant referred to in Paragraph one, Clauses 3 and 4 of this Section.

(3) A person whose hearing impairment cannot be compensated for with technical aids and for whom the necessity for the service of a sign language interpreter has been determined in the individual rehabilitation plan based on the recommendation of the State Commission has the right to the service of a sign language interpreter referred to in Paragraph one, Clauses 5 and 6 of this Section.

(4) The benefit for the utilisation of an assistant referred to in Paragraph one, Clause 2 of this Section shall be paid by the State Employment Agency from the funds of the European Union policy instruments. The amount of compensation and the procedure for the granting thereof shall be determined by the Cabinet. One has no right to receive the benefit for the utilisation of an assistant concurrently with the services of an assistant within the scope of the European Union policy instruments.

(5) The Cabinet shall determine the procedure for granting the service of an assistant referred to in Paragraph one, Clauses 3 and 4, and the service of a sign language interpreter referred to in Clauses 5 and 6 of this Section.

(6) In order to ensure the services of an assistant provided for in Paragraph one, Clauses 3 and 4 and of a sign language interpreter provided for in Clauses 5 and 6 of this Section the State shall grant earmarked grants to the self-governments. The amount of earmarked grants and the procedure for the receipt thereof shall be determined by the Cabinet.

[16 January 2009]

### **Transitional Provisions**

1. With the coming into force of this Law, the Law On the Medicinal and Social Protection of the Disabled Persons (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs* 1992, No 42; *Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs* 1996, No 22; 2003, No 2; 2004, No 9) is repealed.

2. Section 12, Paragraph one, Clause 4 of this Law shall come into force on 1 September 2012.

3. Section 12, Paragraph one, Clause 5 of this Law shall come into force on 1 September 2011.

4. Section 12, Paragraph one, Clause 6 of this Law shall come into force on 1 January 2013.

This Law shall come into force on 1 January 2011.

The *Saeima* has adopted this Law on 20 May 2010.

President

V. Zatlers

Rīga, 9 June 2010