

Exceptionally reimbursable health services

Abstract

The Charter of Fundamental Rights and Freedoms guarantees all insured persons the right to be provided with reimbursed health services and medical equipment on the conditions stated by law. The legislation is based on several laws, which define the insurance contributions, health insurance company's duties including the financial ones, and the extent of reimbursable health services and other conditions for the reimbursement. Due to limited financial sources available in public health insurance system the extent of reimbursable health services is limited. Nevertheless, there are *exceptional cases* when there is just *one and only therapy* suitable for the insured person. In these cases, the insured person has right to be provided with exceptional reimbursement of such health service even if it's not systematically reimbursed. The health care insurance companies, with some exceptions, are requested to approve that the situation is such and right to exceptional reimbursement exists.

Health insurance companies have a duty to provide the best possible reimbursed treatment while maintaining the stability of the public health insurance system. Health insurance companies have to be able to interpret and evaluate in a legally appropriate way facts that originate in highly specialised and at the same time very dynamic areas of medicine and economics. Health insurance companies are not in the position of a body whose task is merely to assess what medical solution is best for the insured person. This role is entrusted to the treating medical experts. Since the decision in the exceptional reimbursement procedure concerns claims under the public health insurance system (i.e. a system whose resources are limited), it is the task of the health insurance companies to find the intersection between the ideal and the possible or sustainable solution. This thesis describes the criteria that are relevant for the (non-)existence of a claim and how to assess them.

At present, the advanced medicine offers enormous possibilities of treatment. Given that the right to free healthcare is a social right that requires sufficient financial resources to be realised, the level of healthcare services covered by public health insurance will always be primarily dependent on the political decision of the legislator. He should consider what is the adequate level of reimbursed health services and where to find sources to finance it.

Key words: exceptionally reimbursable health services, the only therapy, the exceptional case