
Some remarks

Nomenclature

The government reimburses the Social Service for medical services which have an INAMI/RIZIV nomenclature number. Some medical care or medication does not have an INAMI/RIZIV nomenclature number and is therefore not reimbursed to the Social Service (CPAS/OCMW), e.g. certain painkillers, ointments, tooth extractions, powdered milk for babies, etc.

A contribution from the Social Service for medical services without an INAMI/RIZIV nomenclature number is, however, sometimes desirable and the Social Service can use its own means in that case.

Homeless people

People without a fixed place of residence (because they spend the night with different friends, in a squat, a railway station, garage, etc.) are entitled to Urgent Medical Care too.

The Social Service (CPAS/OCMW) of the municipality where these people actually stay (during the night), is the one responsible. The government reimburses the Social Service if all other conditions are met, even if the person sleeps in a garage, a park, etc.

Appeal

The Social Service (CPAS/OCMW) has to give an answer within one month following the application for help. In case the Social Service gives a negative answer, it is possible to lodge an appeal with the labour tribunal within three months. If the Social Service fails to take a decision within one month, you can also lodge an appeal. You must, however, be able to prove that the application has been submitted correctly. Hence:

- Ask the Social Service for a receipt of your application.
- Contact the Social Service before you lodge an appeal, as you may not have received their letter containing the decision.

Confidentiality of the data

The Royal Decree guarantees that the data which is mentioned in the medical certificates or which can be deduced from the medical certificates will be treated in

a confidential manner and will not be used for any other purpose than the reimbursement.

The (para)medics are bound by professional secrecy as well.

Hence, people without legal residency shouldn't be afraid that the police, the aliens office, etc. will be contacted. Ever since this Royal Decree has taken effect, no violation of confidentiality of the data has been reported to Medimmigrant.

You can always contact us for further information or to report bottlenecks regarding this Royal Decree.

The leaflets below are available in Dutch, French, English, Spanish, Russian, Portuguese, Mandarin... These leaflets, as well as other publications, can be downloaded for free on our website,

- Medimmigrant – Introduction leaflet
- Urgent Medical care for people without legal residency
- Pregnancy, childbirth and postnatal care for women without legal residency
- Health insurance for people without legal residency or with a revocable residency
- (short) Residence for medical reasons
- Mental health care for people without legal residency
- A visa for medical reasons + pledge of financial support
- What to do in case of a workplace accident if you were employed unofficially?
- Medical support when returning



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Urgent Medical Care for People without Legal Residency

A summary



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The law of 15 July 1996 has changed the Law on foreigners and the Law on the Social Services fundamentally. People without legal residency are, in theory, no longer entitled to social assistance from the Social Service, with the exception, however, of 'urgent medical care'. In the Royal Decree of 12 December 1996, concerning the urgent medical care to foreigners without legal residency, the additional conditions have been stipulated. This Royal Decree took effect on 10 January 1997.

What does "Urgent Medical Care" mean?¹

The Royal Decree 12.12.1996 stipulates that 'urgent medical care' can be both preventive and curative. Hence, it refers to a wide range of medical services and it is clearly not limited to 'everything which enters through the emergency room'. This may include a consultation with a doctor, an operation, a medical examination, medication, etc. These services can be provided both on an ambulatory basis and in a nursing institution.

What is the task of the Social Service?

The mandate of the Social Service with respect to people without legal residency is to pay medical care provider for the costs of 'urgent medical care'. In turn, the Social Service (CPAS/OCMW) is reimbursed for these costs by the government under certain conditions. As far as this reimbursement is concerned, the government does not differentiate between 'urgent medical care' provided in a public institution and 'urgent medical care' provided in a private institution (or practice).

The Social Service must also make sure that the 'urgent medical care' for people without legal residency is accessible. In order to fulfil this Social Service task, partnerships (conventions) between the Social Services and care providers are concluded.

¹'Urgent Medical Care' must be differentiated from 'emergency medical assistance' required immediately in case of an accident or illness (in accordance with the law on the telephone number 100). Emergency medical assistance is regulated by specific rules and applies to everyone, including illegal residents.

Which Social Service (CPAS/OCMW) is responsible?

The point in time of the application for support is very important.

- **If you can contact the Social Service regarding the medical costs before the medical care is provided**, the Social Service of the actual place of residence of the foreigner without legal residency is responsible for the treatment of the request.
- **If the care is urgent, preventing any prior agreement with the Social Service**, the social service of the area where the care provider or the nursing institution is located is responsible. If the patient already has a file with the Social Service of the actual place of residence, this Social Service will take care of the medical costs anyway.

It is important that the patient quickly declares his situation and that the care provider quickly initiates the procedure towards the Social Service.

Which steps do you need to take to apply for medical services?

If you are able to contact the Social Service (CPAS/OCMW) beforehand:

- Ask the doctor for a certificate of 'urgent medical care', as this certificate is needed to reimburse the costs. Take into account that this certificate can only be drawn up by a care provider that is recognized by the INAMI. Most care providers, however, are recognized.
- Take this certificate to the Social service of the place where you actually reside and ask them for a payment commitment for your (future) medical services.² The Social Service will check whether you actually reside in their area (usually by means of a house call), have insufficient financial means and reside here illegally. Only the aliens office can determine

²The procedure may vary depending on the Social Service (CPAS/OCMW). Some Social Services will refer you to a doctor immediately and, hence, will also pay for the costs of this first consultation, provided that the doctor adds a certificate of Urgent Medical Care to his invoice.

whether or not someone resides in our country illegally. In reality, the Social Service will often determine that for this procedure. In case of doubt, the Social Service may contact the aliens office without having to mention any other personal data (e.g. address).

- When the application has been submitted, the Social Service must decide within 30 days following the application. If the answer is positive, go to the care provider and inform him about this agreement. If the answer is negative or if there is no decision, you can lodge an appeal with the labour tribunal (see below).

If you are not able to contact the Social Service (CPAS/OCMW) beforehand anymore:

- Inform your doctor/the social service about the fact that you don't have a health insurance and that you will not be able to pay the bill (if this is the case) as quickly as possible. It is important that they initiate the procedure 'urgent medical care' as quickly as possible. The care provider will send a certificate of urgent medical care already provided to the Social Service.
- Double-check with the care provider (or his social service) whether this procedure has been initiated.
- Do not hesitate to contact the care provider again if you receive an invoice after all.

You can find examples of certificates of Urgent Medical Care on our website (section 'Outils/werkinstrumenten')

How will the care provider be paid?

We strongly advise the care provider to contact the Social Service (CPAS/OCMW) as soon as possible in order to discuss the reimbursement. In theory, the care provider is reimbursed for the 'urgent medical care' provided if he follows the procedure. In practice, this does not always go as smoothly and it is best to discuss this with the Social Service beforehand.

