

CIRCULAR N^o 18/2000/TT-BYT DATED 17 OCTOBER 2000
OF THE MINISTRY OF HEALTH
**Providing guidance on dossiers and procedures for medical appraisal
for employees contributing to social insurance**

Pursuant to Article 33, Chapter 4 of the Law on Protection for People's Health dated 30 June 1989 on medical appraisal;

Pursuant to Chapter II of the Social Insurance Regulations issued with the Government's Decree No. 12/CP dated 26 January 1995 and the Government's Decree No. 45/CP dated 15 July 1995 on the issuance of the Social Insurance Regulations for employees contributing to social insurance, military officers, professional soldiers, non-commissioned officers and soldiers of the People's Army and the People's Police;

Pursuant to the criteria issued with the Joint-Circular No. 12/TT-LB dated 26 July 1995 of the Ministry of Health and the Ministry of Labour, Invalids and Social Affairs, for injuries and loss of working ability due to illness;

In order to uniformly implement medical appraisal for State officials and employees, army men, and employees contributing to social insurance (hereinafter referred to as employees); after consulting with the Ministry of Labour, Invalids and Social Affairs in Official Dispatch No. 2700/LDTBXH-BHXH dated 15 August 2000; and the Vietnam Social Insurance in Official Dispatch No. 1921/BHXH-CDCS dated 20 September 2000, the Ministry of Health provides guidance on the filing of dossiers and procedures of medical appraisal for the implementation of social insurance benefits for employees as follows:

I. WHO IS COVERED

1. Subjects covered in Article 3 of the Social Insurance Regulations issued with Decree No. 12/CP dated 26 January 1995 of the Government and Article 3 applicable to People's soldiers and policemen of the Social Insurance Regulations issued with Decree No. 45/CP dated 15 July 1995 the Government,
2. Vietnamese employees and specialists who have sent to work abroad under a definite period of time as stipulated by the provisions of Decree No. 152/1998/ND-CP dated 20 September 1999 and returned home after finishing their definite working period.
3. Employees contributing to social insurance under Decision No. 49/1998/QD-TTg dated 28 February 1998 of the Prime Minister for sportspeople and coaches.
4. Persons who have not yet been medically appraised since they suffered from occupational accidents, occupational diseases or have enjoyed lump-sum or monthly allowances since their injuries or diseases reoccurred.
5. Employees who have stopped working and are waiting for reaching the retirement age to enjoy the monthly pension as their working ability declines.
6. Employees who are receiving monthly benefits referring to loss of working ability and need to have their working ability re-appraised.

II. DOSSIERS AND PROCEDURES FOR MEDICAL APPRAISAL

1. Dossiers and procedures for appraisal of injury in reference to occupational accidents

1.1. Coverage:

Employees suffering from the cases considered occupational accidents or occupational accident victims entitled to lump-sum benefits (including employees who are working and employees who have stopped working) and occupational accident victims who have received monthly benefits since their injuries reoccurred.

1.2. A dossier for the first-time appraisal shall comprise:

- A record on occupational accident investigation (under a given form) as stipulated in the Joint-Circular No. 03/1998/TT-LT/BLDTBXH-BYT-TLDDLVDN dated 26 March 1998 of the Ministry of Labour, Invalids and Social Affairs, the Ministry of Health and the Vietnam General Confederation of Labour. A commuting accident considered an occupational accident shall be enclosed with a copy of the commuting accident record. If an on-the-spot accident record could not be made, there shall be a confirmation document issued by the local authority where the accident happened or by the traffic police.
- A certificate of injury in reference to the occupational accident (The form No 5). The certificate shall be issued by the hospital providing emergency treatment of the injury and shall be signed and sealed by the Director or a Deputy Director of the hospital as stipulated by the Ministry of Health.
- A discharge paper from the hospital.

1.3. Procedures for the first-time appraisal:

- When an employee has an accident identified as an occupational accident, the employer shall be responsible for reporting to competent bodies as soon as possible then making an on-the-spot occupational accident record or an occupational accident investigation report as stipulated by the Joint-Circular No. 03/1998/TTLT/BLD-BYT-TLDDLVDN dated 26 March 1998. After the employee is well-treated, the employer shall be responsible for filing, completing and sending an occupational accident dossier to the Social Insurance of the province or the city directly under the Centre (hereinafter generally called the Provincial Social Insurance). The occupational accident dossier shall comprise an occupational accident investigation record, a certificate of injury with reference to the occupational accident and a hospital-discharge paper
- The Provincial Social Insurance shall be responsible for re-checking all documents of a dossier, if complete and valid, recommend (The form No 02) and transfer the dossier to the Medical Appraisal Council of the province or the city directly under the Centre (hereinafter generally called the Provincial Medical Appraisal Council) or the Central Medical Appraisal Council for appraisal.

1.4. Re-appraisal of occupational accidents

1.4.1. Cases of re-appraisal

- Recurrence of the previous injury.
- The employee, the employer or the social insurance body disagree with the conclusions of the Medical Appraisal Council (hereinafter generally called the requester).

1.4.2. A re-appraisal dossier shall include:

- An application for appraisal of the working ability in reference to the occupational accident. (The form No 01)

- A recommendation letter of the Provincial Social Insurance.
- Documents on the injury reoccurrence treatment (these documents are not required for cases of re-appraisal proposed by the requester).
- Copies of documents from the previous appraisal, including: the appraisal record and the decision of the Director of the Provincial Social Insurance on lump-sum or monthly occupational accident allowances. For a case proposed by the requester a dossier for re-appraisal shall be the dossier prescribed for the first-time appraisal.

1.4.3. Procedures for re-appraisal:

- When the recurring injury has been well-treated the employee, if still at work, shall file an application to the employer. If the employee has stopped working, the application shall be sent to the Provincial Social Insurance. The application shall be enclosed with documents referring to the continuing injury treatment.
- The employer shall be responsible for receiving documents on the continuing injury treatment, transferring the dossier and recommending the employee to the Provincial Social Insurance (if the employee is still at work).
- The Provincial Social Insurance shall be responsible for copying the dossier comprising the record of the previous appraisal, the decision of the Director of the Provincial Social Insurance on lump-sum or monthly occupational accident allowances and documents sent by the establishment on the recurring injury treatment. Then the Provincial Social Insurance shall be responsible for sending the dossier enclosed with a letter to recommend the employee to the Medical Appraisal Council for re-appraisal of the injury referring to occupational accidents (as assigned by the medical appraisal sector).
- For the victims of occupational accidents occurring before 1 January 1995 who have not been recommended for injury appraisal as stipulated in Document No. 843/LD-TBXH dated 25 March 1996 of the Ministry of Labour, Invalids and Social Affairs; based on Document No. 908/TLD dated 25 July 1996 of the Vietnam General Confederation of Labour, the Provincial Social Insurance shall be responsible for requesting the Labour Federation and the industry's trade union (who previously administrated the social insurance) to transfer all the dossiers of those victims as stipulated and recommend those victims for appraisal.

2. Dossier and procedures of working ability appraisal for the implementation of retirement benefits:

2.1. Coverage:

- Employees suffering from deterioration of health.
- Employees who have stopped working and are waiting to reach the retirement age to receive monthly pensions.

2.2. A dossier for the first-time appraisal of working ability shall include:

- The employee's application for working ability appraisal. (The form No 01)
- A brief file of the employee. (The form No 03)
- A detailed clinical record. (The form No 04)

2.3. Procedures for the first-time working ability appraisal:

2.3.1. For employees still at work:

- When suffering from ailments increases and working ability declines, an employee shall file an application to the employer for working ability appraisal. (The form No 01)
- The employer shall be responsible for receiving the employee's application, completing the dossier as stipulated above, recommending (The form No 02) and transferring the dossier to the Provincial Medical Appraisal Council or the Central Medical Appraisal Council for working ability appraisal.

2.3.2. For waiting retirees:

- Retirees waiting to reach the retirement age for monthly retirement benefits when their working ability decreases due to ailments or accidents shall file an application enclosed (The form No 01) with a certificate of the waiting period to the Provincial Social Insurance to request a working ability appraisal.
- The Provincial Social Insurance shall be responsible for receiving the applications, copying the certificates of the waiting period for retirement entitlements and instructing the applicants to file detailed clinical records to complete dossiers. Such a dossier shall include:
 - + An application for working ability appraisal. (The form No 01)
 - + A copy of the certificate for the waiting period of retirement entitlements may be submitted, rather than the employee's brief file.
 - + A detailed clinical record. (The form No 04)

A detailed clinical record filed by State medical establishments for a retiree waiting for retirement benefits shall include: hospitals at the central and provincial levels; hospitals at the provincial level; hospitals under the ministry and the industry; hospitals of the military zones, the army corps; urban/suburban district medical centres; regional general clinics; polyclinics of armed force units; and establishments' medical stations as stipulated by Decree No. 01/1998/ND-CP dated 3 January 1998 of the Government on the local health organization system. After completing the dossiers as stipulated above, the Provincial Social Insurance shall recommend and transfer the dossiers of the waiting retirees to the Medical Appraisal Council for working ability appraisal.

3. Dossier and procedures for appraisal of working ability referring to occupational diseases.

3.1. Coverage:

Employees suffering from occupational diseases.

3.2 Dossier and procedures for the first-time appraisal of occupational disease shall comprise:

3.2.1. A dossier for the first-time occupational disease appraisal shall include:

- The application for working ability appraisal. (The form No 01)
- Outcomes of the evaluation of the working environment (or a copy of the original from provincial/ municipal standby medical centres) where the employee has been working for the last 12 months. If such outcomes are not adequate, the outcomes of the previous working environment evaluation shall be enclosed.
- The file of the person with occupational diseases as stipulated by the Joint Circular No. 08/1998/TT-LT dated 20 April 1998 of the Ministry of Health and the Ministry of Labour, Invalids and Social Affairs and copies of the documents pertaining to the occupational diseases.

3.2.2. Procedures for the first-time occupational disease appraisal:

- The employer shall be responsible for completing the dossier as stipulated above and transferring the dossier of an employee with occupational diseases to the Provincial Social Insurance where the establishment registers for social insurance.
- The Provincial Social Insurance shall be responsible for re-checking the dossier, if complete and valid, recommend (The form No 02) and transfer the dossier to the Medical Appraisal Council for working ability appraisal as assigned by the medical appraisal sector.
- When the dossier required is submitted, the Medical Appraisal Council shall receive and carry out the appraisal as stipulated by the medical appraisal sector.

3.3. Dossier and procedures for occupational disease appraisal from the second time onwards:

3.3.1. Dossier for occupational disease appraisal from the second time onwards shall include:

- The request for working ability re-appraisal. (The form No 01)
- The original record on the last appraisal of the Medical Appraisal Council.
- Outcomes of the working environment evaluation. If the employee has stopped working, only the outcomes of the working environment evaluation at the time the employee still at work are required.
- A dossier of the employee with occupational diseases as stipulated by the Joint-Circular No. 08/1998/TT-LT dated 20 April 1998 of the Ministry of Health and the Ministry of Labour, Invalids and Social Affairs and copies of relevant documents.

3.3.2. Procedures for occupational disease appraisal from the second time onwards:

- The employee, if still at work, shall file an application enclosed with relevant documents to the employer to request a working ability appraisal. If the employee has stopped working, the application and relevant documents shall be sent to the Provincial Social Insurance.
- The employer shall be responsible for receiving the dossier sent by the employee, completing the dossier as stipulated above and transferring the dossier to the Provincial Social Insurance where the establishment registers for social insurance.
- The Provincial Social Insurance shall be responsible for receiving and checking the dossier the employer submits or the Provincial Social Insurance shall be responsible for receiving and completing the dossier directly from an employee who has stopped working. Then the Provincial Social Insurance shall recommend and transfer the dossier of the employee with occupational diseases to the Medical Appraisal Council (as assigned by the medical appraisal sector) for working ability re-appraisal.

4. Dossier on working ability re-appraisal for a person being entitled to benefits referring to loss of working ability

If a person, who is being entitled to monthly benefits in reference to loss of working ability and is hospitalized due to sickness, has an accident or the health deteriorates, needs a working ability re-appraisal, he or she shall file an application enclosed with the medical book, documents on the medical treatment and the hospital-discharge paper to the Provincial Social Insurance.

A dossier requesting a re-appraisal shall include:

- 4.1. An application for re-appraisal of working ability. (The form No 01)
- 4.2. The original record on the last appraisal of the Medical Appraisal Council.

4.3. The medical book, documents on the medical treatment and the hospital-discharge paper.

After the dossier is completed as stipulated, the Provincial Social Insurance shall recommend and transfer the dossier asking for re-appraisal to the Provincial Medical Appraisal Council or the Central Medical Appraisal Council for appraisal.

Especially, for retirees entitled to benefits referring to loss of working ability as stipulated by Resolution No. 16/HDBT dated 8 February 1982 of the Council of Ministers (the current Government) the Provincial Social Insurance shall copy the "Brief Record on Illness" prepared by the establishment's medical sector rather than the original record on the last appraisal of working ability. In case the dossier of the entitlement to benefits referring to loss of working ability does not include the "Brief Record on Illness" the Provincial Social Insurance shall instruct to file a detailed clinical record as stipulated for the retirees waiting for the first-time working ability appraisal as stipulated at Point 2.3.2, Article 2 of Section II above. The recommendation letters for those retirees shall clearly state that they are retirees in reference to loss of working ability as stipulated by Resolution No. 16/HDBT dated 8 February 1982 of the Council of Ministers (the current Government).

The time limit between the first working ability appraisal and the next appraisal shall be at least one year (12 months and above).

Besides the regulations on a dossier for appraisal of injury relating to occupational accidents or a dossier for working ability appraisal for the implementation of social insurance benefits the person concerned shall show his or her identity card when being at the Medical Appraisal Council for appraisal.

A dossier shall be sent to the Medical Examination Council by registered post. If directly delivered, the dossier shall be kept in a sealed envelope.

III. IMPLEMENTATION ORGANIZATION

1. The employer shall be responsible for requesting employees in submitting all relevant documents to file, complete and transfer the dossiers of the employees to the Medical Appraisal Councils or the Provincial Social Insurance as stipulated above.

2. The Medical Appraisal Council shall include:

- The Central Medical Appraisal Council,
- The Central Medical Appraisal Sub-Council I in Ho Chi Minh City,
- The Central Medical Appraisal Sub-Council II in Da Nang city,
- Medical Appraisal Councils of the provinces and cities directly under the Centre,
- Medical Appraisal Councils of the sectors such as: the National Defense, the Public Security and the Communications and Transport,

The Medical Appraisal Council shall be responsible for strictly following the inter-industry provisions, applying the criteria issued by the State to determine the percentages of loss working ability.

If employers, employees and social insurance bodies disagree with the conclusions of the Medical Appraisal Council, they shall have the right to recommend the higher Medical Appraisal Council for re-appraisal.

2.1. The Medical Appraisal Council shall carry out the appraisal only when all legal procedures required for documents and dossiers sent by the employer or the Provincial Social Insurance have been completed.

2.2. The Medical Appraisal Council shall be responsible for organizing and conducting the appraisal according to the regulations on appraisal procedures as soon as possible. The time period between the receipt of a dossier and the conclusion report shall not exceed 60 days.

2.3. When the Medical Appraisal Council organizes a meeting for the conclusions the person concerned shall not be absent.

The conclusions of the Medical Appraisal Council shall be made into five originals of equal validity:

- 1 original shall be kept at the Medical Appraisal Council.

- 4 other originals shall be sent back to the recommending bodies (1 original for the employer, 1 original for the employee and 2 originals for the social insurance agent) for the implementation of social insurance benefits.

2.4. The Medical Appraisal Council shall only appraise the injuries and illnesses stated in the dossiers received from the employer or the Provincial Social Insurance.

3. The Provincial/Municipal Social Insurance shall be responsible for receiving, filing dossiers, checking, finalizing and transferring the dossiers of employees to the Medical Appraisal Council as stipulated, and based on the conclusions of the Medical Appraisal Council to carry out social insurance regimes for employees.

IV. IMPLEMENTATION PROVISIONS

1. This Circular comes into effect 15 days after being signed and replaces the documents and procedures stipulated in the Annex issued with Inter-Ministerial Circular No. 12/TT-LB dated 26 July 1995 of the Ministry of Health and the Ministry of Labour, Invalids and Social Affairs towards the subjects for appraisal of occupational accident injury and appraisal of working ability for entitlements of social insurance benefits.

2. Health Departments of provinces and cities under the Centre, health sectors of industries and the Provincial Social Insurance Agents shall be responsible for propagating, guiding and steering their units in implementing the provisions of this Circular.

3. The Medical Appraisal Institute shall be responsible for directing various Medical Appraisal Councils in strictly implementing the provisions of this Circular.

During the course of implementation establishments and localities shall timely report any difficulties or problems to the Ministry of Health (the Department of Therapy and the Medical Appraisal Institute) for study and solutions.

**for MINISTRY OF HEALTH
DEPUTY MINISTER**

**Le Ngoc Trong
(Signed)**