

THE CROATIAN PARLIAMENT

4099

Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby issue the

DECISION

PROMULGATING THE ACT ON AMENDMENTS TO THE VOLUNTARY HEALTH INSURANCE ACT

I hereby promulgate the Act on Amendments to the Voluntary Health Insurance Act, passed by the Croatian Parliament at its session on 15 December 2008.

Class: 011-01/08-01/178

Reg. No: 71-05-03/1-08-2

Zagreb, 18 December 2008

The President of
the Republic of
Croatia
Stjepan Mesić,
m. p.

ACT

ON AMENDMENTS TO THE VOLUNTARY HEALTH INSURANCE ACT

Article 1

In the Voluntary Health Insurance Act (OG 85/06), Article 5 is amended to read:

„Supplementary health insurance is insurance intended to cover costs of health care provided under mandatory health insurance as referred to in Article 16, paragraphs 3 and 4 and Article 17, paragraph 5 of the Mandatory Health Insurance Act.“

Article 2

In Article 10, paragraph 1 is amended to read:

„By way of derogation from the provisions of Articles 8 and 9 of this Act, supplementary health insurance for covering costs of health care provided under mandatory health insurance as referred to in Article 16, paragraphs 3 and 4 and Article 17, paragraph 5 of the Mandatory Health Insurance Act may also be provided by the Croatian Health Insurance Fund (hereinafter referred to as the “Fund”).“

Article 3

In Article 14, paragraph 1, the words „The insurer or the Fund “ are replaced by the words „The insurer”.

After paragraph 1, a new paragraph 2 is added which reads:

„The Fund shall issue a general by-law determining the rate of the premium for supplementary health insurance having regard to the scope of coverage defined in the supplementary health insurance contract, the insured person's income and his or her status of insured person in the mandatory health insurance scheme.”

Former paragraph 2 becomes paragraph 3.

Article 4

After Article 14, Articles 14a, 14b, 14c, 14d, 14e, 14f and 14g are added which read:

„Article 14a

Funds shall be secured in the State Budget to pay premiums for the supplementary health insurance scheme run by the Fund for the following groups of insured persons:

1. insured persons referred to in Article 6, items 12 to 20, item 25 and item 26, Article 9, paragraph 3, and Articles 13 and 59 of the Mandatory Health Insurance Act, insured persons who have been granted the status of a military war-disabled person in accordance with the Act on the Rights of Croatian Homeland War Veterans and Members of their Families, and insured persons who have been granted the status of a military war-disabled person, peacetime disabled military person or civilian war-disabled person in accordance with the Act on the Protection of Military and Civilian War-Disabled Persons; the funds shall be secured by the Republic of Croatia,
2. disabled insured persons and other persons who have been granted the right to receive assistance and care in performing most or all of their life functions in accordance with special regulations, persons who have been granted the right to a personal disability benefit in accordance with special regulations, persons with a physical disability of at least 80 % in accordance with pension insurance regulations or other special regulations, and other disabled persons having a physical or mental impairment,
3. insured persons who are voluntary blood donors with more than 35 blood donations (men) or more than 25 blood donations (women),
4. insured persons who are regular pupils or university students older than 18,
5. insured persons – Croatian Homeland War veterans with a confirmed body impairment of at least 30 %,
6. insured persons whose income per family member in the previous calendar year was not above the amount specified in Article 14b of this Act.

Article 14b

Insured persons referred to in Article 14a, item 6 of this Act shall be entitled to have their health insurance premiums paid from the State Budget if their total income in the previous calendar year, per family member, did not exceed, on a monthly basis, 45.59 % of the calculation base defined in the State Budget (income test).

By way of derogation from paragraph 1 of this Article, an insured person – pension beneficiary who is single shall be entitled to have his or her insurance premiums paid pursuant to paragraph 1 of this Article if his or her income in the previous calendar year did not exceed 58.31% of the calculation base defined in the State Budget.

Article 14c

The income referred to in Article 14b of this Act shall be deemed to include any receipts acquired by a family on account of income from employment, income or profit from self-employment, receipts used to determine other income, property or property rights, capital, insurance, and any other receipts acquired pursuant to special regulations.

Article 14d

For the purposes of this Act, income is deemed to include:

- salary and other taxable receipts arising from work paid by the employer (from Croatia or abroad), reduced by liabilities pursuant to income tax regulations,
- pensions received from pension providers from Croatia or abroad,
- income generated from self-employment activities, including in the form of a craft business, pursuance of an independent profession, or agriculture or forestry activities, before any reductions of income and not taking into account reductions of income on account of losses incurred in the previous years,
- profit generated from self-employment activities, including in the form of a craft business, pursuance of an independent profession, or agriculture or forestry activities, before any reductions of profit and not taking into account reductions of profit on account of losses incurred in the previous years,
- income deriving from receipts used to determine other income,
- income from property and property rights,
- income generated by renting rooms and beds to tourists, which is subject to a flat-rate income tax,
- income from dividends and shares in profit,
- income from insurance, and

– income from refunds of contributions paid on a portion of the base rate exceeding the amount of the maximum base rate for the calculation of contributions.

Article 14e

The income referred to in Article 14c of this Act shall include: compensation received during temporary incapacity for work (sick leave), monetary benefits under the Maternal and Parental Benefits Act, with the exception of one-time monetary benefit for a newborn baby, unemployment benefit, permanent allowance, allowance for meeting housing costs, assistance and care supplement, personal disability benefit, pre-employment benefit, children's allowance, orthopaedic allowance, living costs allowance, and family disability benefit granted under special regulations.

The income referred to in Article 14c of this Article shall be reduced by the amount paid by a family member under the family legislation for the maintenance of a person who is not a member of the family concerned.

Article 14f

For the purposes of Article 14b, paragraph 1 of this Act, a family is deemed to include married or common-law spouses and other family members referred to in Article 8 of the Mandatory Health Insurance Act, living in the same household, regardless of whether they are covered by health insurance as family members, whether they are capable of independent living or work, and whether they have means of subsistence.

Article 14g

The procedure for granting the right to have one's supplementary health insurance premiums paid from the State Budget, as referred to in Article 14b of this Act, shall be conducted in conformity with a general by-law adopted by the Fund.“

Article 5

Article 15 is amended to read:

„Pursuant to the Mandatory Health Insurance Act, an entity contracted with the Fund shall seek recovery of co-payment for health care services provided under mandatory health insurance from the insurer or the Fund.“

Article 6

In Article 35, paragraph 1, item 4, the words „Article 14, paragraph 2” are replaced by the words „Article 14, paragraph 3“.

Article 7

In Article 36, paragraph 2 is added which reads:

„By way of derogation from the provision of paragraph 1 of this Article, the minister shall issue the ordinance referred to in Article 16 of this Act by 1 April 2009 at the latest.”

Article 8

Until the entry into force of the regulations referred to in Article 36, paragraph 2 and Article 37 of this Act the following regulations shall apply:

1. Ordinance on the conditions and manner of providing supplementary health insurance (OG 112/06 and 131/06), and
2. Rules on establishing and providing supplementary health insurance (OG 120/06, 31/07, 80/07 and 64/08).

Article 9

On the day of entry into force of this Act, the Ordinance on the conditions and manner of providing private health insurance (OG 36/94) shall cease to have effect.

Article 10

This Act shall be published in the Official Gazette, and it shall enter into force on 1 January 2009, with the exception of the added Article 14a, as specified in Article 4 of this Act, which shall enter into force on 1 April 2009.

Class: 500-01/08-01/11

Zagreb, 15 December 2008

THE CROATIAN PARLIAMENT
The President
of the Croatian Parliament
Luka Bebić, m. p.