

Issuer:	Riigikogu
Type:	act
In force from:	01.05.2020
In force until:	In force
Translation published:	30.04.2020

## Social Benefits for Disabled Persons Act

Passed 27.01.1999  
RT I 1999, 16, 273  
entered into force pursuant to § 26.

Amended by the following acts

Passed	Published	Entry into force
13.10.1999	RT I 1999, 82, 749	01.01.2000
10.11.1999	RT I 1999, 88, 803	10.12.1999
20.12.2000	RT I 2001, 3, 10	01.01.2001
05.12.2001	RT I 2001, 100, 648	01.01.2002
12.12.2001	RT I 2001, 102, 671	01.01.2002
09.04.2002	RT I 2002, 35, 219	25.04.2002
consolidated text on paper RT	RT I 2002, 39, 245	
19.06.2002	RT I 2002, 61, 375	01.08.2002
08.12.2004	RT I 2004, 89, 603	01.01.2005
08.12.2004	RT I 2004, 89, 604	01.04.2005
16.06.2005	RT I 2005, 38, 299	17.07.2005
15.06.2005	RT I 2005, 39, 308	01.01.2006
15.12.2005	RT I 2005, 71, 544	01.01.2006
17.05.2006	RT I 2006, 26, 191	01.08.2006
16.11.2006	RT I 2006, 55, 409	01.09.2007
15.02.2007	RT I 2007, 22, 116	01.01.2008
19.12.2007	RT I 2007, 71, 437	01.01.2008
19.12.2007	RT I 2007, 71, 437	01.10.2008
22.10.2008	RT I 2008, 48, 264	23.11.2008
17.12.2008	RT I 2008, 58, 329	01.03.2009
29.10.2009	RT I 2009, 53, 360	01.01.2010, partially 21.11.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
17.06.2010	RT I 2010, 38, 231	01.07.2010
08.03.2012	RT I, 27.03.2012, 6	01.06.2012
14.06.2012	RT I, 05.07.2012, 14	01.09.2012
14.11.2012	RT I, 06.12.2012, 1	01.01.2013
12.06.2013	RT I, 02.07.2013, 1	01.09.2013, partially 01.01.2014
26.02.2014	RT I, 21.03.2014, 1	31.03.2014
26.03.2014	RT I, 16.04.2014, 3	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection

		107 <sup>3</sup> (4) of the Government of the Republic Act.
19.11.2014	RT I, 13.12.2014, 1	01.01.2016, partially 01.01.2015 and 01.07.2016; date of entry into force changed 01.07.2016 [RT I, 17.12.2015, 1]
19.11.2014	RT I, 13.12.2014, 2	01.01.2016
18.02.2015	RT I, 23.03.2015, 5	01.07.2015
25.11.2015	RT I, 17.12.2015, 1	20.12.2015, partially 01.01.2016 and 01.07.2016
09.12.2015	RT I, 30.12.2015, 5	01.01.2016
15.06.2016	RT I, 08.07.2016, 1	01.01.2017
14.06.2017	RT I, 29.06.2017, 1	09.07.2017, partially 01.07.2017
15.11.2017	RT I, 28.11.2017, 2	01.01.2018
13.02.2019	RT I, 27.02.2019, 11	01.01.2020
08.04.2020	RT I, 09.04.2020, 14	01.05.2020
15.04.2020	RT I, 21.04.2020, 1	22.04.2020

## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of application and purpose of Act

(1) This Act provides the classes of social benefits for disabled persons, the conditions of entitlement thereto, the amounts of benefits and the procedure for the grant and payment thereof.

(2) The purpose of this Act is to support the ability of disabled persons to cope independently, social integration and equal opportunities and to promote studies and work through partial compensation for the additional expenses caused by the disability.

[RT I 2007, 71, 437 - entry into force 01.01.2008]

(3) The provisions of the General Part of the Social Code Act apply to the social protection prescribed in this Act, taking account of the specifications provided for in this Act.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

### § 2. Definitions

(1) Disability is the loss of or an abnormality in an anatomical, physiological or mental structure or function of a person which in conjunction with different relational and environmental restrictions prevents participation in social life on equal bases with the others.

[RT I 2007, 71, 437 - entry into force 01.10.2008]

(1<sup>1</sup>) On the basis of this Act the severe, profound or moderate degree of disability of children of up to 16 years of age and persons of the retirement age is established proceeding from the need for personal assistance, guidance or supervision. For the purposes of this subsection, there are the following degrees of severity of disabilities:

1) profound disability is the loss of or an abnormality in an anatomical, physiological or mental structure or function of a person as a result of which the person needs constant personal assistance, guidance or supervision twenty-four hours a day;

2) severe disability is the loss of or an abnormality in an anatomical, physiological or mental structure or function of a person as a result of which the person needs personal assistance, guidance or supervision in every twenty-four hour period;

3) moderate disability is the loss of or an abnormality in an anatomical, physiological or mental structure or function of a person as a result of which the person needs regular personal assistance or guidance outside his or her residence at least once a week.

[RT I 2007, 71, 437 - entry into force 01.10.2008]

(2) Personal assistance or guidance means the provision of assistance to persons who do not cope independently with eating, hygiene, clothing, moving about or communicating. Supervision means the ensurance of safety regarding persons who, by act or omission, may constitute danger to the life, health or property of themselves or other persons.

(2<sup>1</sup>) On the basis of this Act the severe, profound or moderate degree of disability of a person of 16 years of age until attaining the retirement age (hereinafter *person of working age*) is established proceeding from restrictions on participation in daily activities and social life. For the purposes of this subsection, there are the following degrees of severity of disabilities:

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

- 1) a person whose daily activity or participation in social life is wholly restricted has a profound disability;
- 2) a person whose daily activity or participation in social life is restricted has a severe disability;
- 3) a person who has difficulties in his or her daily activity or participation in social life has a moderate disability.

[RT I 2007, 71, 437 - entry into force 01.10.2008]

(2<sup>2</sup>) [Repealed - RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(3) The term „work” in this Act is used within the meaning of the State Pension Insurance Act.

[RT I 2007, 71, 437 - entry into force 01.01.2008]

### **§ 2<sup>1</sup>. Preparation of rehabilitation plan**

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

A rehabilitation plan provided for in subsection 69 (1) of the Social Welfare Act shall be prepared for a child applying for a degree of severity of a disability if this is necessary for determination of the degree of severity of the disability.

[RT I, 29.06.2017, 1 - entry into force 01.07.2017]

### **§ 2<sup>2</sup>. Application for determination of degree of severity of disability**

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(1) An application for determination of the degree of severity of disability shall be submitted to the Social Insurance Board.

(2) A person may submit an application for determination of the degree of severity of disability through the Estonian Unemployment Insurance Fund (hereinafter *unemployment insurance fund*) if the application is submitted together with an application for assessment of work ability submitted to the unemployment insurance fund on the basis of the Work Ability Allowance Act.

(3) The minister responsible for the area shall establish by a regulation the list of information to be set out in the application for determination of the degree of severity of disability of a person of working age which shall include:

- 1) the name, date of birth and sex or personal identification code and contact details of the person applying for determination of the degree of severity of disability, information concerning his or her education and employment, use of technical aids and personal assistance, and rehabilitation;
- 2) the list of conditions precluding work ability and the list of areas which characterise the physical and mental abilities of the person.

(4) The minister responsible for the area shall establish by a regulation the list of information to be set out in the application for determination of the degree of severity of disability of children and persons of retirement age which shall include the name, date of birth and sex or personal identification code and contact details of the person applying for determination of the degree of severity of disability, information concerning his or her studies or employment, the need for personal assistance, guidance or supervision arising from state of health, changes in living conditions or state of health.

(5) The date on which the application for determination of the degree of severity of disability is submitted to the Social Insurance Board or in the case specified in subsection (2) of this section to the unemployment insurance fund shall be deemed to be the date of submission of the application. If the application for determination of the degree of severity of disability is sent by post, the date on the date stamp of the place from which the application was sent is deemed to be the date of submission of the application.

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

### **§ 2<sup>3</sup>. Determination of degree of severity of disability**

(1) The degree of severity of disability shall be determined by the Social Insurance Board, involving persons who have completed medical training, if necessary.

(2) In order to determine the degree of severity of disability, the Social Insurance Board shall have, with the consent of the person, access to the given name and surname of the doctor who submitted information to the health information system.

(3) A person who has completed medical training shall have, with the consent of the person, access to the following information in the health information system necessary for determination of the degree of severity of disability:

- 1) information concerning the submitter of information;

- 2) information concerning out-patient visits and hospitalisations;
- 3) information concerning medicinal products.

(4) If there is no information specified in subsection (3) of this section in the health information system or the information is insufficient to determine the degree of severity of disability, the family physician or medical specialist of the person shall forward the missing information to the health information system and notify the Social Insurance Board thereof or forward the information describing the state of health to the Social Insurance Board within 15 days as of the receipt of the relevant application from the Social Insurance Board.

(5) The list of information in the health information system necessary for determination of the degree of severity of disability and the periods for inquiries shall be established by a regulation of the minister responsible for the area.

(6) Upon determination of the degree of severity of a disability, the following shall be taken into account:

- 1) the state of health;
- 2) the operational capacity;
- 3) the need for personal assistance, guidance or supervision which exceeds the need appropriate to the age of the person;
- 4) the person's need for personal assistance and guidance which exists regardless of the use of technical aids;
- 5) the living environment;
- 6) upon existence of a rehabilitation plan, the activities prescribed therein.

(7) If a person of working age applies for determination of the degree of severity of disability and assessment of work ability at the same time, the expert opinion prepared upon assessment of work ability (hereinafter *expert opinion*) and the decision concerning the assessment of work ability made by the unemployment insurance fund shall be used to determine the degree of severity of disability.

(8) If a person of working age applies for determination of the degree of severity of disability and the unemployment insurance fund has assessed his or her work ability during the six months prior to the submission of the application for determination of the degree of severity of disability, the expert opinion and the decision concerning the assessment of work ability made by the unemployment insurance fund shall be used to determine the degree of severity of disability.

[RT I, 09.04.2020, 14 - entry into force 01.05.2020]

(8<sup>1</sup>) Upon receipt of information concerning a change in the condition of a disabled child, the Social Insurance Board is required to reassess the need of the child for assistance. Each person with the respective information is required to notify the Social Insurance Board of a change in the condition of a disabled child.

[RT I, 09.04.2020, 14 - entry into force 01.05.2020]

(9) The conditions and procedure for determination of the degree of severity of disability and the conditions of the disability allowance for a person of working age shall be established by a regulation of the minister responsible for the area.

(10) The date provided for in subsection 2<sup>2</sup>(5) of this Act shall be deemed to be the date of determination of the degree of severity of disability.

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

#### **§ 2<sup>4</sup>. Term for making of decision concerning degree of severity of disability and duration of degree of severity of disability**

(1) The Social Insurance Board shall make the decision to determine or not to determine the degree of severity of disability within 15 working days as of the receipt of sufficient information to carry out the examination.

(2) If the expert opinion and the decision concerning the assessment of work ability made by the unemployment insurance fund are used to determine the degree of severity of disability, the Social Insurance Board shall make the decision concerning the determination of the degree of severity of disability within 15 working days as of the receipt of the expert opinion and the decision concerning the assessment of work ability made by the unemployment insurance fund.

(2<sup>1</sup>) If the expert opinion and the decision concerning the assessment of work ability made by the unemployment insurance fund are used to determine the degree of severity of disability and the person has submitted an application for determination of the degree of severity of disability within the term for re-examination but the decision to determine the degree of severity of disability is not made before the expiry of the current decision to determine the degree of severity of disability, the Social Insurance Board shall extend the decision to determine the degree of severity of disability until a new decision to determine or not to determine the degree of severity of disability is made.

[RT I, 29.06.2017, 1 - entry into force 09.07.2017]

(3) The degree of severity of disability shall be determined as follows:

- 1) for disabled persons of retirement age for six months, one year, two years, three years or five years;
- 2) for disabled persons of working age for up to five years but not for longer than until the retirement age;

3) for children for six months, one year, two years or three years but not for longer than until the child attains 16 years of age.

(4) If a person of working age has been established to have no work ability until the retirement age on the basis of subsection 8 (2) of the Work Ability Allowance Act, the degree of severity of disability may be determined for the period until retirement age.

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(5) If a child has an unchanging or progressive permanent condition which is not compensated for by treatment, medicinal products, technical aids or services, the severe or profound degree of disability may be determined for the period until attaining 16 years of age.

[RT I, 09.04.2020, 14 - entry into force 01.05.2020]

(6) The specific conditions and procedure for determination of the degree of severity of disability for children with an unchanging or progressive permanent condition specified in subsection (5) of this section shall be established by a regulation of the minister responsible for the area.

[RT I, 09.04.2020, 14 - entry into force 01.05.2020]

## **§ 2<sup>5</sup>. Disabled person's card**

(1) The Social Insurance Board shall issue to a disabled person who does not have a pension certificate at the request thereof a disabled person's card which certifies the degree of severity of disability and the type and duration of disability. A disabled person's card is valid together with an identity document within the meaning of §§ 2 or 4 of the Identity Documents Act.

[RT I, 28.11.2017, 2 - entry into force 01.01.2018]

(1) The Social Insurance Board shall issue to a disabled person who does not have a pension certificate at the request thereof a disabled person's card which certifies the degree of severity of disability and duration. A disabled person's card is valid together with an identity document within the meaning of §§ 2 or 4 of the Identity Documents Act.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(2) The list of information included in a disabled person's card and procedure for the issue thereof shall be established by a regulation of the minister responsible for the area.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

## **§ 3. Subject of social benefits for disabled persons**

(1) Social benefits for disabled persons shall be granted and paid pursuant to the provisions of this Act to permanent residents of Estonia or persons residing in Estonia on the basis of a temporary residence permit or temporary right of residence with moderate, severe or profound disabilities which cause additional expense, except if an allowance is paid in the case provided for in subsection 6 (1<sup>1</sup>) of this Act.

[RT I, 09.04.2020, 14 - entry into force 01.05.2020]

(2) Persons enjoying international protection staying in Estonia have the right to receive social benefits for disabled persons on equal grounds with permanent residents of Estonia.

[RT I 2007, 71, 437 - entry into force 01.01.2008]

(3) If an international agreement entered into by the Republic of Estonia includes provisions concerning the grant and payment of social benefits for disabled persons which are different from this Act, the international agreement applies.

## **§ 4. Classes of social benefits for disabled persons**

This Act establishes the following social benefits for disabled persons:

- 1) disabled child allowance;
- 2) disability allowance for a person of working age;
- 3) disability allowance for a person of retirement age;
- 4) [repealed - RT I 2008, 58, 329 - entry into force 01.03.2009]
- 5) disabled parent's allowance;
- 6) education allowance;
- 7) [repealed - RT I, 17.12.2015, 1 - entry into force 01.01.2016]
- 8) [repealed - RT I, 13.12.2014, 2 - entry into force 01.01.2016]
- 9) in-service training allowance.

[RT I 2007, 71, 437 - entry into force 01.01.2008]

## **§ 5. Social benefit rate for disabled persons**

(1) The basis for the calculation of social benefits provided for in this Act is the rate of social benefits for disabled persons (hereinafter *social benefit rate*) established by the *Riigikoguin* the state budget for each budgetary year.

(2) The social benefit rate shall not be less than the rate approved for the preceding budgetary year.

## **§ 5<sup>1</sup>. Extension of duration of degree of severity of disability during extraordinary situation**

During an emergency, an emergency situation, a state of emergency or a state of war, the Social Insurance Board may, on the proposal of the minister responsible for the area, extend the duration of the degree of severity of disability of a person if determination of the degree of severity of disability is significantly restricted due to the emergency, emergency situation, state of emergency or state of war for objective reasons and the extension of the duration of the degree of severity of the disability is necessary for the disabled person for the preservation of the social guarantees of the person until the need for the rearrangement arising from the emergency, emergency situation, state of emergency or state of war ceases to exist.

[RT I, 21.04.2020, 1 - entry into force 22.04.2020; during an emergency situation, the Social Insurance Board may apply the possibility to extend the duration of the degree of severity of disability of a person provided for in this section retroactively as of 12 March 2020.]

# **Chapter 2 BENEFITS**

## **§ 6. Disabled child allowance**

(1) Disabled child allowance shall be paid monthly to a child with a moderate, severe or profound disability for compensation for the additional expenses caused by the disability and for the activities prescribed in the rehabilitation plan, except for the activities financed from the health insurance and other state budget funds.

(1<sup>1</sup>) For the purposes of this Act, a child with a rare disease diagnosis for whom the degree of severity of the disability has not been determined has the right to receive the disabled child allowance specified in subsection (1) of this section, and the allowance shall be paid for the prevention of disability and compensation for the additional expenses caused thereby if the development of the disability is unavoidable without prevention.  
[RT I, 09.04.2020, 14 - entry into force 01.05.2020]

(2) Disabled child allowance shall be paid until the child attains 16 years of age.

(3) Disabled child allowance shall be paid to the parent or guardian.  
[RT I, 28.11.2017, 2 - entry into force 01.01.2018]

(4) [Repealed – RT I 2001, 102, 671 - entry into force 01.01.2002]

(5) Disabled child allowance shall be paid in the following amounts:

1) to a child with a moderate disability – 540 per cent of the social benefit rate;

2) to a child with a severe disability and to a child specified in subsection (1<sup>1</sup>) of this section – 630 per cent of the social benefit rate;

[RT I, 09.04.2020, 14 - entry into force 01.05.2020]

3) to a child with a profound disability – 945 per cent of the social benefit rate.

[RT I, 27.02.2019, 11 - entry into force 01.01.2020]

(6) The minister responsible for the area shall establish by a regulation the list of rare diseases for which disabled child allowance is paid in the case provided for in subsection (1<sup>1</sup>) of this section.  
[RT I, 09.04.2020, 14 - entry into force 01.05.2020]

(7) The list specified in subsection (6) of this section shall be supplemented at the proposal of a medical assessment committee and after consultation with interest groups.  
[RT I, 09.04.2020, 14 - entry into force 01.05.2020]

## **§ 7. Disability allowance for a person of working age**

(1) Disability allowance for a person of working age shall be paid monthly to a disabled person of working age for compensation for the additional expenses caused by the disability, except for the activities financed from the health insurance and other state budget funds.

(2) The allowance shall be paid monthly in accordance with the additional expenses, but not less than 65 per cent and not more than 210 per cent of the social benefit rate a month.  
[RT I 2007, 71, 437 - entry into force 01.10.2008]

(3) The amount of the allowance shall be based on the degree of severity of disability and on the area in which the loss of or abnormality in a function occurs.

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

#### **§ 7<sup>1</sup>. Disability allowance for a person of retirement age**

(1) Disability allowance for a person of retirement age shall be paid monthly to a person of retirement age with a moderate, severe or profound disability for compensation for the additional expenses caused by the disability and, upon existence of a rehabilitation plan, for the activities prescribed therein, except for the activities financed from the health insurance and other state budget funds.

(2) The allowance shall be paid monthly in an amount equal to 160 per cent of the social benefit rate to a person with a profound disability, in an amount equal to 105 per cent of the social benefit rate to a person with a severe disability and in an amount equal to 50 per cent of the social benefit rate to a person with a moderate disability.

[RT I 2007, 71, 437 - entry into force 01.01.2008]

#### **§ 8. [Repealed - RT I 2008, 58, 329 - entry into force 01.03.2009]**

#### **§ 9. Puudega vanema toetus**

Disabled parent's allowance shall be paid monthly in an amount equal to 75 per cent of the social benefit rate to a disabled parent, foster parent or guardian who is raising a child alone or to one disabled parent upon raising a child of up to 16 years of age or a child of up to 19 years of age without secondary education who is enrolled in a basic school or upper secondary school, or in formal vocational education at a vocational educational school or institution of professional higher education. When the child attains 19 years of age, payment of the disabled parent's allowance shall continue until the end of the current academic year or until the student is excluded from the list of the school.

[RT I, 28.11.2017, 2 - entry into force 01.01.2018]

#### **§ 10. Education allowance**

(1) Education allowance shall be paid monthly, except in July and August, to a non-working disabled student who attends upper secondary school in years 10 to 12 or who attends a vocational school or institution or an institution of higher education, and who has additional expenses in relation to his or her studies as a result of the disability.

(2) Education allowance shall be paid according to the actual additional expenses of the person but in an amount of not less than 25 per cent or not more than 100 per cent of the social benefit rate.

#### **§ 10<sup>1</sup>. Work allowance**

[Repealed - RT I 17.12, 2015, 1 - entry into force 01.01.2016]

#### **§ 11. Rehabilitation allowance**

[Repealed - RT I 13.12, 2014, 2 - entry into force 01.01.2016]

#### **§ 12. In-service training allowance**

(1) In-service training allowance shall be paid to a working disabled person for in-service training received for the purpose of professional development and for formal education.

[RT I, 23.03.2015, 5 - entry into force 01.07.2015]

(2) In-service training allowance shall be paid to compensate partially for actual training expenditure in an amount of up to 24 times the social benefit rate during three calendar years as of the first grant of the allowance.

#### **§ 13. [Repealed - RT I 2001, 102, 671 - entry into force 01.01.2002]**

#### **§ 14. [Repealed - RT I 2001, 102, 671 - entry into force 01.01.2002]**

## **Chapter 3**

# PROCEDURE FOR IMPLEMENTATION

## § 15. Data

(1) Data concerning the grant and payment of social benefits for disabled persons shall be entered in the social protection information system.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(2) Data concerning the employment of applicants for and recipients of education allowance and in-service training allowance shall be entered in the social protection information system from the employment register provided for in § 25<sup>1</sup> of the Taxation Act.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

## § 16. Application for social benefits for disabled persons

(1) Applications to grant social benefits for disabled persons shall be submitted to the Social Insurance Board.

[RT I 2007, 71, 437 - entry into force 01.10.2008]

(1<sup>1</sup>) In the case provided for in subsection 2<sup>2</sup>(2) of this Act, an application for social benefits for disabled persons may be submitted together with an application for the determination of the degree of severity of disability to the Social Insurance Board through the unemployment insurance fund.

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(2) The basic documents necessary to apply for social benefits for disabled persons are:

1) an application for an allowance which sets out the name, date of birth and sex or personal identification code, contact details and bank account number of the applicant for the allowance and the type of allowance and upon application for a disabled child allowance the name, date of birth and sex or personal identification code of the child;

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

2) [repealed - RT I, 17.12.2015, 1 - entry into force 01.07.2016]

3) a document provided for in subsection 2 (2) or § 4 of the Identity Documents Act.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(3) The list of additional documents necessary to apply for social benefits for disabled persons and the list of information included in the application shall be established by the minister responsible for the area.

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(3<sup>1</sup>) An application for social benefits for disabled persons may be submitted together with an application for the determination of the degree of severity of a disability.

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(4) The date of application for social benefits for disabled persons is deemed to be the date on which the Social Insurance Board receives the application.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(4<sup>1</sup>) In the case provided for in subsection (1<sup>1</sup>) of this section, the date of application for social benefits for disabled persons shall be deemed to be the date on which the application was submitted to the unemployment insurance fund.

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(5) If an application for social benefits for disabled persons is sent by post, the date on the date stamp of the place from which the application is sent is deemed to be the date of application for a benefit.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(6) [Repealed - RT I, 08.07.2016, 1 - entry into force 01.01.2017]

## § 17. Grant of social benefits for disabled persons

(1) Social benefits for disabled persons shall be granted and the amounts thereof shall be decided by the Social Insurance Board. The procedure and terms for the grant and payment of social benefits for disabled persons shall be established by a regulation of the minister responsible for the area.

[RT I 2007, 71, 437 - entry into force 01.10.2008]

(2) Social benefits for disabled persons provided for in §§ 6–7<sup>1</sup> of this Act shall be granted from the date on which the degree of severity of the disability is determined, if the application for a benefit is submitted within three months after the corresponding decision is made.

[RT I 2007, 71, 437 - entry into force 01.10.2008]



(3) Upon a later application for social benefits for disabled persons provided for in §§ 6–7<sup>1</sup> of this Act, monthly benefits shall be granted retroactively, but for not more than the three months preceding the application.  
[RT I 2007, 71, 437 - entry into force 01.01.2008]

(4) Social benefits for disabled persons provided for in §§ 9–12 of this Act shall be granted from the date of submission of an application for benefit but not earlier than from the date on which the right to a benefit arises.  
[RT I, 13.12.2014, 2 - entry into force 01.01.2016]

(5) Social benefits for disabled persons shall be granted for the period during which a person fulfils the conditions for receipt of benefits provided for in this Act.

#### **§ 18. [Repealed - RT I 2007, 22, 116 - entry into force 01.01.2008]**

#### **§ 19. Suspension, continuation and termination of payment of disabled child allowance, disabled parent's allowance and disability allowance for person of working age granted to person under 18 years of age**

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(1) The Social Insurance Board shall suspend the payment of disabled child allowance, disabled parent's allowance and disability allowance for a person of working age granted to a person under 18 years of age if the child is separated from the family.

(2) [Repealed -RT I, 28.11.2017, 2 - entry into force 01.01.2018]

(3) The Social Insurance Board shall continue the payment of disabled child allowance, disabled parent's allowance and disability allowance for a person of working age granted to a person under 18 years of age if the reason specified in subsection (1) of this section ceases to exist.  
[RT I, 28.11.2017, 2 - entry into force 01.01.2018]

(4) The Social Insurance Board shall terminate the payment of disabled child allowance, disabled parent's allowance and allowance for a person of working age granted to a person under 18 years of age to a parent if the parent has been deprived of the right of custody on the basis of § 135 of the Family Law Act or if a guardian has been appointed to his or her minor child or the child is referred to alternative care on the basis of subsection 45<sup>9</sup>(1) of the Social Welfare Act.  
[RT I, 28.11.2017, 2 - entry into force 01.01.2018]

(5) The Social Insurance Board shall pay disabled child allowance, disabled parent's allowance and allowance for a person of working age granted to a person under 18 years of age in the cases provided for in subsection (4) of this section to another applicant on the conditions provided for in this Act retroactively for not more than the six calendar months preceding the submission of the corresponding application.  
[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

#### **§ 20. Changes in payment of social benefits for disabled persons**

(1) The payment of social benefits for disabled persons shall be terminated or suspended or the amounts thereof shall be recalculated if the recipient of benefit has recovered sufficiently for the right to receive social benefits for disabled persons provided for in this Act or the amount of the benefit received to be changed.

(1<sup>1</sup>) The social benefit for disabled persons shall be paid to a person in the amount previously specified until a new decision to determine or not to determine the degree of severity of disability is made if the Social Insurance Board has extended the current decision to determine the degree of severity of disability in the case provided for in subsection 2<sup>4</sup>(2<sup>1</sup>) of this Act.  
[RT I, 29.06.2017, 1 - entry into force 09.07.2017]

(2) [Repealed - RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(2<sup>1</sup>) The payment of social benefits for disabled persons shall be suspended during the time of the service of the sentence of imprisonment of a convicted recipient of the benefit in a prison or house of detention unless the person needs a personal technical aid due to his or her disability.  
[RT I 2007, 71, 437 - entry into force 01.01.2008]

(2<sup>2</sup>) If a person who is serving a sentence in a prison or house of detention needs a personal technical aid due to his or her disability, the prison or house of detention shall append to the application for an examination a notice specifying the expenses related to the use of the technical aid, sources of financing and proportion upon financing.  
[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

(2<sup>3</sup>) If a person is taken into custody as a preventive measure, payment of social benefits for disabled persons shall be suspended for the time the person is held in custody unless the person needs a personal technical aid due to his or her disability. The social benefit shall be paid to the person retroactively after a court judgment enters into force if the person is acquitted or is not subject to punishment by imprisonment.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(3) [Repealed - RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(4) [Repealed - RT I, 17.12.2015, 1 - entry into force 01.01.2016]

(5) Accommodation and catering expenses of a person staying in a prison or house of detention and expenses covered from the state or the local government budget, including expenses related to the general services of the prison or house of detention are not deemed to be additional expenses caused by a disability.

[RT I, 17.12.2015, 1 - entry into force 01.01.2016]

(6) [Repealed – RT I 2008, 58, 329 - entry into force 01.03.2009]

(7) A recipient of social benefits for disabled persons is required to notify the Social Insurance Board in writing within ten days of any circumstances which result in the termination or suspension of payment of social benefits for disabled persons or a change in the amount thereof.

(8) If a rural municipality or city government notifies the Social Insurance Board of circumstances which affect the suspension, continuation or termination of the payment of family benefits on the basis of the Family Benefits Act, such circumstances shall be taken into account upon the payment of social benefits for disabled persons and the Social Insurance Board shall decide on the suspension, continuation or termination of social benefits for disabled persons on the basis of this Act.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

### **§ 20<sup>1</sup>. Terms for recalculation of social benefits**

(1) If circumstances arise which require the increase of a social benefit for disabled persons, the benefit shall be recalculated as of the date of submission of a corresponding claim and the necessary documents, provided that the claim and the documents are submitted within one month as of the circumstances requiring the increase of the benefit arising. If the claim and the necessary documents are submitted later, the benefit shall be recalculated as of the first day of the month following the month in which the corresponding claim and necessary documents are submitted.

(2) If circumstances arise which require the reduction of a social benefit for disabled persons, the benefit shall be recalculated as of the first day of the month following the month in which such circumstances arise.

### **§ 21. Coverage of expenditure**

(1) Expenditure for social benefits for disabled persons provided by this Act shall be covered from the state budget through the budget of the Ministry of Social Affairs.

(2) Expenditure relating to the grant and payment of social benefits for disabled persons and medical assessment shall be covered from the state budget through the budget of the Ministry of Social Affairs.

[RT I, 13.12.2014, 1 - entry into force 01.07.2016 (entry into force changed - RT I, 17.12.2015, 1)]

(3) If a person applying for determination of the degree of severity of disability applies for assessment of work ability at the same time, the expenditure relating to medical assessment shall be covered from the budget of the Ministry of Social Affairs if the person has been established to have a condition precluding work ability within the meaning of the Work Ability Allowance Act.

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

### **§ 22. Payment of social benefits for disabled persons**

(1) The monetary compensation paid on the basis of this Act shall be paid monthly for the current month pursuant to the procedure provided for in § 28 of the General Part of the Social Code Act.

[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(1<sup>1</sup>) On the basis of a decision of the Social Insurance Board, the allowance provided for in § 12 of this Act shall be paid to the agency which provided the services to the recipient of the allowance.

[RT I, 13.12.2014, 1 - entry into force 01.07.2016 (entry into force changed - RT I, 17.12.2015, 1)]

(2) [Repealed – RT I 2008, 48, 264 - entry into force 23.11.2008]

(3) [Repealed – RT I 2008, 48, 264 - entry into force 23.11.2008]

(3<sup>1</sup>) On the basis of a reasoned application submitted to the Social Insurance Board, social benefits for disabled persons shall be paid as home delivery by post at the expense of the payer of the benefit to a person whose movement is restricted or who lives in low density area and who has scarce access to bank services and who is:

- 1) a person with a profound disability who has been established to have partial or no work ability or  
[RT I, 13.12.2014, 1 - entry into force 01.07.2016 (entry into force changed - RT I, 17.12.2015, 1)]
- 2) [repealed - RT I, 13.12.2014, 1 - entry into force 01.07.2016 (entry into force changed - RT I, 17.12.2015, 1)]
- 3) a person of retirement age.  
[RT I 2008, 48, 264 - entry into force 23.11.2008]

(3<sup>2</sup>) The Social Insurance Board shall make a decision on the basis of the application specified in subsection (3<sup>1</sup>) of this section with a period of validity of up to one year. The Social Insurance Board may make a decision on the basis of the application specified in subsection (3<sup>1</sup>) of this section with a longer period of validity, if this is necessary due to the nature of the reasons proceeding from which the Social Insurance Board makes the decision on the basis of the application specified in subsection (3<sup>1</sup>) of this section. The Social Insurance Board shall make the decision on the basis of the application specified in subsection (3<sup>1</sup>) of this section within 10 working days after the submission of the corresponding application.  
[RT I 2008, 48, 264 - entry into force 23.11.2008]

(4) If a social benefit for disabled persons which is paid by post is not drawn for at least two months, payment of the social benefit shall be suspended. After submission of a corresponding application and a document provided for in subsection 2 (2) or § 4 of the Identity Documents Act, the social benefit shall be paid retroactively.  
[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(5) Upon payment of social benefits for disabled persons, amounts shall be rounded to the accuracy of one cent.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(6) [Repealed - RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(7) [Repealed - RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(8) [Repealed - RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(9) [Repealed - RT I, 08.07.2016, 1 - entry into force 01.01.2017]

### **§ 23. Settlement of disputes**

If a person disagrees with a decision made by the Social Insurance Board pursuant to this Act, he or she has the right to file a challenge with the Social Insurance Board pursuant to the procedure provided for in the General Part of the Social Code Act.  
[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

### **§ 24. Overpaid amounts of social benefits for disabled persons**

(1) Amounts of social benefits for disabled persons which are overpaid on the basis of this Act shall be voluntarily repaid or shall be recovered or set off pursuant to the procedure provided for in the General Part of the Social Code Act.

(2) If a person does not return social benefits received without basis, the amounts overpaid to him or her may be set off against the social benefits paid monthly on the basis of a decision of the Social Insurance Board. The set-off amount shall not exceed 20 per cent of the amount of benefits granted to the person.

(3) If payment of social benefits for disabled persons is terminated before the full set-off of overpaid amounts, the amounts paid without basis shall be recovered from the person pursuant to the procedure provided for in the General Part of the Social Code Act.

(4) If the Social Insurance Board issues a precept to a person concerning the commencement of compulsory enforcement upon failure to perform the obligation to comply with the recovery but there is no information concerning the address of the person or the person does not live at the address known and the actual location of the person is unknown and the precept cannot be delivered in any other manner provided for in the General Part of the Social Code Act, the conclusion of the precept shall be published in the official publication *Ametlikud Teadaanded*.  
[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

### **§ 24<sup>1</sup>. Payment of disabled adult allowance**

A person between the age of sixteen and the age of retirement who was granted disabled adult allowance prior to 1 January 2008 shall be paid allowance monthly from 1 January 2008 in an amount equal to 210 per cent of the social benefit rate in case of a profound disability, in an amount equal to 140 per cent of the social benefit rate in case of a severe disability and in an amount equal to 65 per cent of the social benefit rate in case of a moderate disability until the end of the term previously specified or until the date of being granted the disability allowance for a person of working age or until a person attains the retirement age.  
[RT I 2007, 71, 437 - entry into force 01.01.2008]

### **§ 24<sup>2</sup>. Payment of disabled adult allowance or disability allowance for a person of working age**

(1) The payment of allowance to a person between the age of sixteen and the age of retirement who was granted disabled adult allowance or disability allowance for a person of working age prior to 1 October 2008 shall be continued on the former bases and in the former amount for the specified term or until the date of being granted the disability allowance for a person of working age on new bases or until a person attains the retirement age.

(2) If a disabled child attains 16 years of age after 1 October 2008 and the degree of severity of his or her disability has been determined before 1 October 2008, he or she shall be paid disability allowance for a person of working age monthly upon application thereof in an amount equal to 210 per cent of the social benefit rate in case of a profound disability, in an amount equal to 140 per cent of the social benefit rate in case of a severe disability and in an amount equal to 65 per cent of the social benefit rate in case of a moderate disability until the end of the term of the validity of the degree of severity of the disability or until the date of being granted the disability allowance for a person of working age on new bases.  
[RT I 2007, 71, 437 - entry into force 01.10.2008]

### **§ 24<sup>3</sup>. Payment of work allowance**

(1) The payment of work allowance to a person who was granted the allowance before 1 January 2016 shall continue on the former conditions, pursuant to the former procedure and in the former amount until the expiry of the prescribed term.

(2) The payment of work allowance to a person whose expenses related to work incurred before 1 January 2016 but who submits an application for work allowance after the said date shall continue on the former conditions, pursuant to the former procedure and in the former amount until the expiry of the prescribed term.  
[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

### **§ 25. Amendment of earlier legislation**

[Omitted from this text.]

### **§ 25<sup>1</sup>. Payment of social benefits for disabled persons**

(1) Social benefits for disabled persons shall be paid pursuant to the procedure provided for in subsections 22 (1) and (3<sup>1</sup>) as of 1 February 2009.

(2) Until 1 February 2009, social benefits for disabled persons shall be paid through the local pension departments either to the bank account of the recipient of the benefit or by post at the expense of the payer of the benefit as requested by the recipient.  
[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

(3) The social benefits for disabled persons granted before 1 February 2009 shall be paid pursuant to the procedure provided for in § 22 of this Act as of 1 February 2009.

(4) If the recipient of benefits does not notify the Social Insurance Board of his or her bank account number or submit an application in accordance with subsection 22 (1) of this Act and it is therefore not possible to pay the benefits pursuant to the procedure provided for in § 22 of this Act, payment of the benefits shall be suspended as of 1 February 2009. After submission of the corresponding application and a document provided for in subsection 2 (2) or § 4 of the Identity Documents Act, the benefits shall be paid retroactively.  
[RT I, 08.07.2016, 1 - entry into force 01.01.2017]

(5) Under the conditions and pursuant to the procedure provided for in subsections 22 (3<sup>1</sup>) and (3<sup>2</sup>) of this Act, social benefits for disabled persons shall also be paid to persons with a profound disability receiving pension for incapacity for work and persons with a profound disability declared permanently incapacitated for work receiving national pension.  
[RT I, 13.12.2014, 1 - entry into force 01.07.2016 (entry into force changed - RT I, 17.12.2015, 1)]

(6) The Social Insurance Board shall grant rehabilitation allowance to a person who bore rehabilitation expenses until 31 December 2015 and who was entitled to receive rehabilitation allowance pursuant to the wording of the Social Benefits for Disabled Persons Act in force until 31 December 2015 and who submits an application no later than on 30 June 2016.

[RT I, 13.12.2014, 2 - entry into force 01.01.2016]

## **§ 25<sup>2</sup>. Implementation of § 51 of this Act**

During the emergency situation declared by the Government of the Republic on 12 March 2020, the Social Insurance Board may apply the possibility to extend the duration of the degree of severity of disability of a person provided for in § 5<sup>1</sup> of this Act retroactively as of 12 March 2020.

[RT I, 21.04.2020, 1 - entry into force 22.04.2020]

## **§ 26. Entry into force of Act**

(1) For persons who, before the entry into force of this Act, were granted a disability pension at the rate established for a disabled child, maintenance allowance for raising a disabled child, or a disabled single parent's child allowance, and who, on the basis of this Act, are entitled to social benefits for disabled persons, the earlier pension or benefit shall be recalculated as social benefits for disabled persons. If the recalculated benefit proves to be less than the pension or benefit previously paid, social benefits for disabled persons shall be paid in the amount of the previous pension or benefit until the end of the term previously specified or until a new medical examination is performed.

(2) This Act enters into force on 1 January 2000.

(3) Section 7, clauses 8 (1) 2), 8 (2) 2) and 3), and §§ 11 and 12 of this Act enter into force on 1 January 2001.

(4) Until 1 January 2001, caregiver's allowance shall be paid to one non-working parent who is raising a child of 3 to 18 years of age with a moderate, severe or profound disability pursuant to clause 8 (1) 1) of this Act in the amount established in clause 8 (2) 1) of this Act.

(5) A disabled person who was granted a social benefit for disabled persons prior to 1 January 2001 and who does not have the right to receive a social benefit for disabled persons after 1 January 2001 shall be paid a social benefit in the former amount for the specified term, except for transport allowance and telephone allowance the payment of which shall be terminated as of the date of being granted an allowance if the person is not less than 16 years of age.

(6) The payment of social benefits to a person who was granted social benefits for disabled persons, except for disabled child allowance, transport allowance and telephone allowance, prior to 1 January 2002 shall be continued on the former bases and in the former amount for the specified term.

(7) Disabled child allowance shall be recalculated pursuant to the Act which enters into force on 1 January 2002. If the recalculated benefit is less than the sum of disabled child allowance, transport allowance and telephone allowance previously paid, the disabled child allowance shall be paid in the total sum of the benefits for the specified term.

(8) The decision on the granting of caregiver's allowance granted to a caregiver or guardian of a person not less than 18 years of age through the Social Insurance Board shall be revoked. The Social Insurance Board shall notify the recipient of a caregiver's allowance and the rural municipality government or city government in whose administrative jurisdiction the recipient of the caregiver's allowance lives in writing of the revocation of the decision on the granting of caregiver's allowance.

[RT I 2004, 89, 604 - entry into force 01.04.2005]

(9) The decision on the granting of caregiver's allowance granted to a parent or step-parent of a disabled child through the Social Insurance Board shall be revoked. The Social Insurance Board shall notify the recipient of a caregiver's allowance and the rural municipality government or city government in whose administrative jurisdiction the recipient of the caregiver's allowance lives according to the population register in writing of the revocation of the decision on the granting of caregiver's allowance.

[RT I 2008, 58, 329 - entry into force 01.03.2009]

(10) If a person submits an application for an examination for determination of the degree of severity of a disability and identification of additional expenses before entry into force of the conditions provided for in subsections 2 (1<sup>1</sup>) and (1<sup>2</sup>) of this Act, the procedure in force at the time of submission of the application shall apply.

[RT I, 27.03.2012, 6 - entry into force 01.06.2012]

(11) The wording of this Act which entered into force on 1 January 2016 together with implementing provisions shall apply to a person who has not submitted an application for assessment of work ability together with an application for the determination of the degree of severity of a disability before 1 January 2017.

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]