

Issuer:	Riigikogu
Type:	Act
In force from:	31.03.2014
In force until:	30.06.2014
Translation published:	31.03.2014

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
single text on RT paper	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, p. 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

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 Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

[RT I 2002, 61, 375 - entry into force 01.08.2002]

§ 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]

(1¹) 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.

(2¹) On the basis of this Act the degree of severity of disability and the necessity for additional expenses caused by the 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 activity and social life. For the purposes of this subsection, there are the following degrees of severity of disabilities:

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]

(2²) The additional expenses caused by a disability specified in subsection (2¹) of this section means expenses on medicinal products, transport, maintenance of medical devices, self-care and household, use of the means of communication, clothing and footwear not financed from the health insurance and other state budget funds to be made at least once a month in order to reduce restrictions caused by the disability.

[RT I 2009, 53, 360 - entry into force 01.01.2010]

(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]

§ 2¹. Preparation of rehabilitation plan

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

A rehabilitation plan provided for in subsection 1112 (1) of the Social Welfare Act shall be prepared:

1) for each child applying for a degree of severity of a disability for the first time;

2) for a child re-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, 21.03.2014, 1 - entry into force 31.03.2014]

§ 2². Determination of degree of severity of disability

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

(1) The degree of severity of disability and the additional expenses shall be determined by the Social Insurance Board by involving medical experts. Medical experts shall be involved pursuant to § 16 of the State Pension Insurance Act. The conditions, procedure and terms for determining the degree of severity of disability and the conditions and procedure for the calculation of the reimbursable additional expenses shall be established by a regulation of the Minister of Social Affairs. The list and format of documents necessary to determine the degree of severity of disability and additional expenses shall be established by a regulation of the Minister of Social Affairs.

[RT I 2008, 48, 264 - entry into force 23.11.2008]

(1¹) An official of the Social Insurance Board and a medical expert of the Social Insurance Board who conduct an examination have, with the consent of the person, access to the following personal data in the Health Information System necessary to determine the degree of severity of disability and additional expenses:

- 1) information concerning the submitter of information;
- 2) information concerning out-patient visits and hospitalisations;
- 3) information concerning medicinal products;

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

(1²) If there is no information specified in subsection (1¹) of this section in the Health Information System or the information is insufficient to determine the degree of severity of disability and additional expenses, 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 fill in the format of the description of state of health established on the basis on subsection (1) of this section concerning the person and submit it to the Social Insurance Board within fifteen days as of the receipt of the relevant application from the Social Insurance Board.

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

(1³) The list of information in the Health Information System necessary to determine the degree of severity of disability and additional expenses and the periods for inquiries shall be established by a regulation of the Minister of Social Affairs.

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

(2) 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) the additional expenses caused by the disability;
- 7) upon existence of a rehabilitation plan, the activities prescribed therein.

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

(3) The degree of severity of disability for disabled persons of working age and of retirement age shall be determined for six months, one year, two years, three years or five years. The degree of severity of disability for a disabled person of working age shall be determined not for longer than until the retirement age. The degree of severity of disability for a child shall be determined for six months, one year, two years or three years, but not longer than until the child attains 16 years of age.

[RT I 2009, 53, 360 - entry into force 01.01.2010]

(4) [Repealed - RT I 2007, 71, 437 - entry into force 01.01.2008]

§ 2³. 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 duration. A disabled person's card is valid together with an identity document within the meaning of §§ 2 and 4 of the Identity Documents Act.

(2) The format and procedure for issue of a disabled person's card shall be established by a regulation of the Minister of Social Affairs.

[RT I, 05.07.2012, 14 - entry into force 01.09.2012]

§ 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. [RT I 2006, 26, 191 - entry into force 01.08.2006]

(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) work allowance;
- 8) rehabilitation allowance;
- 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.

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.

(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.

(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 – 270 per cent of the social benefit rate;
- 2) to a child with a severe or profound disability – 315 per cent of the social benefit rate.

[RT I 2005, 71, 544 - entry into force 01.01.2006]

§ 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]

§ 7¹. 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. Disabled parent's allowance

(1) Disabled parent's allowance shall be paid monthly in an amount equal to 75 per cent of the social benefit rate to a disabled person who is raising a child alone and with whom a written foster care contract has been entered into pursuant to the Social Welfare Act or to a disabled single parent or to a disabled step-parent who is raising a child alone or to a disabled guardian who is raising a child alone or to one of two disabled spouses raising a child of up to 16 years of age or a child of up to 19 years of age 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.
[RT I, 02.07.2013, 1 - entry into force 01.09.2013]

(2) If the child attains 19 years of age during a school year, the allowance shall be paid until the end of the school year.

§ 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.

§ 10¹. Work allowance

(1) Work allowance shall be paid to a working disabled person not less than 16 years of age who has additional expenses in relation to his or her work as a result of the disability.

(2) Work allowance shall be paid to compensate partially for actual expenditure related to work in the amount of up to 10 times the social benefit rate during three calendar years as of the first grant of the allowance.

(3) The conditions and procedure for the payment of work allowance shall be established by a regulation of the Minister of Social Affairs.
[RT I 2007, 71, 437 - entry into force 01.01.2008]

§ 11. Rehabilitation allowance

(1) Rehabilitation allowance shall be paid to a disabled person of the age of 16-65 for the receipt of rehabilitation services from a provider of rehabilitation services specified in subsection 11⁸(1) of the Social Welfare Act.

(2) Rehabilitation allowance shall be paid to compensate partially for actual rehabilitation expenditure in an amount of up to 200 per cent of the social benefit rate during a calendar year.

(3) Rehabilitation allowance shall not be paid for activities financed from the health insurance and other state budget funds.
[RT I 2005, 38, 299 - entry into force 17.07.2005]

§ 12. In-service training allowance

(1) In-service training allowance shall be paid for vocational training and formal education acquired by a working disabled person within the adult education system.

(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

Data concerning the grant and payment of social benefits for disabled persons shall be entered in the state pension insurance register pursuant to the procedure established by the Government of the Republic.

§ 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]

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

1) an application for an allowance;

2) a decision concerning the degree of severity of disability and additional expenses;

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

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

(3) The list of additional documents and the standard formats of documents necessary to apply for social benefits for disabled persons shall be established by the Minister of Social Affairs.

(3¹) 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 and identification of additional expenses.

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

(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 together with all the necessary documents.

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

(5) If an application for social benefits for disabled persons is sent by post and all the necessary documents are appended thereto, 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.

(6) If not all the necessary documents have been appended to an application for social benefits for disabled persons or if the application contains any other deficiencies, the applicant shall be notified at the earliest opportunity of which documents are to be additionally submitted or which deficiencies are to be eliminated and a term for the submission of the documents or for the elimination of the deficiencies shall be specified.

[RT I 2002, 61, 375 - entry into force 01.08.2002]

§ 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 of Social Affairs.

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

(2) Social benefits for disabled persons provided for in §§ 6–7¹ 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 §§ 6–7¹ 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. Allowance provided for in § 11 of this Act may be granted for preparation of a rehabilitation plan for a person applying for a degree of severity of a disability before the degree of severity of the disability is determined.

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

(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 and continuation of payment of social benefits for disabled persons prescribed for disabled children without parental care

(1) The Social Insurance Board shall temporarily suspend payment of social benefits for disabled persons provided for in §§ 6 and 10 of this Act on the basis of an order by a rural municipality or city government if a parent does not fulfil the duty arising from the Family Law Act to raise a disabled child and to care for him or her.

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

(2) If the reasons specified in subsection (1) of this section cease to exist, the Social Insurance Board shall continue payment of social benefits for disabled persons provided for in §§ 6 and 10 of this Act to a parent of a disabled child on the basis of an order by a rural municipality or city government or on the basis of a court judgment.

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

(3) The Social Insurance Board shall continue payment of social benefits for disabled persons provided for in §§ 6 and 10 of this Act prescribed for a disabled child without parental care to a step-parent, foster parent, guardian or foster family on the basis of an order by a rural municipality or city government, a court judgment or a foster care contract.

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

(4) The Social Insurance Board shall continue payment of social benefits for disabled persons provided for in §§ 6 and 10 of this Act to a disabled child without parental care who begins to live independently and who meets the requirements provided for in subsections 6 (2) and 10 (1) of this Act on the basis of an order by a rural municipality or city government.

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

(5) Upon continuation of payment of social benefits for disabled persons in the cases provided for in subsections (3) and (4) of this section, the benefits shall be paid retroactively for not more than the six calendar months preceding the submission of the corresponding application.

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

§ 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.

(2) The payment of social benefits for disabled persons shall be suspended if the recipient of benefit is hospitalised for more than two consecutive months, except in the case specified in subsection (3) of this section.

(2¹) 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]

(3) Disabled child allowance shall be paid in full regardless of the duration of hospitalisation.

(4) Social benefits for disabled persons shall be paid to a person residing in a social welfare institution for partial compensation for the additional expenses caused by the disability if, due to his or her disability, the person needs:

- 1) personal assistance or guidance in activities outside the aforementioned social welfare institution or
- 2) a personal technical aid.

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

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

(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.

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

§ 20¹. 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, to the activities of the medical and social rehabilitation assessment committee, and to the activities of the incapacity for work and social benefits dispute committee shall be covered from the state budget through the budget of the Ministry of Social Affairs.

§ 22. Payment of social benefits for disabled persons

(1) Social benefits for disabled persons shall be paid through the Social Insurance Board according to the request of the recipient of the benefit:

1) into his or her bank account in Estonia;

[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

2) on the basis of a written application of the recipient of the benefit prepared at the Social Insurance Board or a notarised application, into the bank account of a third party, including a local government, in Estonia;

[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

3) at the expense of the recipient of the benefit, as home delivery by post; or

4) into his or her bank account in a foreign state, whereas the recipient of the benefit shall pay the fees charged by its payment service provider.

[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

(1¹) On the basis of a decision of the Social Insurance Board, allowances provided for in §§ 11 and 12 of this Act shall be paid to the agency which provided the services to the recipient of the allowance.

[RT I 2008, 48, 264 - entry into force 23.11.2008]

(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]

(3¹) 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 receiving pension for incapacity for work;

2) a person with a profound disability declared permanently incapacitated for work who receives a national pension; or

3) a person of pensionable age.

[RT I 2008, 48, 264 - entry into force 23.11.2008]

(3²) The Social Insurance Board shall make a decision on the basis of the application specified in subsection (3¹) 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 (3¹) 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 (3¹) of this section. The Social Insurance Board shall make the decision on the basis of the application specified in subsection (3¹) 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 six months, payment of the social benefit shall be suspended. After submission of a corresponding claim and a document provided for in subsection 2 (2) of the Identity Documents Act, the social benefit shall be paid retroactively.

(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) Amounts of benefits paid without basis after the death of a person receiving a social benefit for disabled persons shall be required to be returned to the Social Insurance Board by the successor or other recipient of the payment. The Social Insurance Board shall issue a precept together with a warning to the person for reclamation of the overpaid amounts. Upon failure to comply with the precept within a term set out in the warning, the Social Insurance Board has the right to issue a precept for compulsory execution pursuant to the procedure provided in the Code of Enforcement Procedure.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

(7) Upon the death of a disabled person, the Social Insurance Board shall pay the unreceived social benefit to parents, the spouse, or other family members on the basis of an application. Other family members are:
[RT I 2007, 71, 437 - entry into force 01.10.2008]

- 1) children, grandchildren, step-children;
- 2) guardians, wards;
- 3) brothers, sisters, children of sisters and brothers;
- 4) grandparents, step-parents.

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

(8) If several family members file a claim for unreceived social benefit due to the death of a disabled person at the same time, the social benefit due shall be divided equally between them.
[RT I 2007, 71, 437 - entry into force 01.01.2008]

(9) A social benefit for disabled persons shall be paid to a claimant if the claim is submitted within six months after the death of the disabled person.
[RT I 2007, 71, 437 - entry into force 01.01.2008]

§ 23. Settlement of disputes

(1) A person who finds that his or her rights are violated or his or her freedoms are restricted by an administrative act issued on the basis of this Act may file a challenge.

(2) A challenge shall be filed with the Social Insurance Board.
[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

(3) A challenge shall be filed within 30 days as of the day when a person becomes or should become aware of the challenged administrative act or measure.
[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

(4) A challenge shall be heard pursuant to the procedure provided by the Administrative Procedure Act.

(5) A challenge shall be resolved within 60 days after registration of the challenge by the Social Insurance Board.
[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

(6) If a person disagrees with a decision on the challenge, he or she has the right of recourse to an administrative court within 30 days after the date of notification of the decision on the challenge.
[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

§ 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 refunded or shall be reclaimed or set off if the overpayment is due to knowingly submitted false information.

(2) If a person does not return social benefits received without legal basis, the amounts overpaid to him or her may, on the basis of a decision of the Social Insurance Board, be deducted from the social benefits paid monthly. The amount deducted shall not exceed 20 per cent of the amount of benefits granted to a person.
[RT I 2007, 71, 437 - entry into force 01.10.2008]

(3) If payment of social benefits for disabled persons is terminated before the full set-off of overpaid amounts, a precept for reclamation of the overpaid amounts together with a warning shall be issued to the person or his or her successor. Upon failure to comply with the precept within a term set out in the warning, the Social Insurance Board has the right to issue a precept for compulsory execution pursuant to the procedure provided in the Code of Enforcement Procedure.
[RT I 2010, 38, 231 - entry into force 01.07.2010]

(4) If there is no information concerning the address of a person or if a person does not live at the address known and if the actual location of the person is unknown and the precept cannot be delivered in any other manner, the resolution contained in the precept shall be published in the official publication *Ametlikud Teadaanded*.

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

§ 24¹. 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]

§ 24². 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]

§ 25. Amendment of earlier legislation

[Omitted from this text.]

§ 25¹. 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 (3¹) 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 a benefit does not notify the Social Insurance Board of his or her bank account number or submit an application in accordance with subsection 22 (1) and it is therefore not possible to pay the benefit pursuant to the procedure provided for in § 22 of this Act, payment of the benefit shall be suspended as of 1 February 2009. After submission of the corresponding application and a document provided for in subsection 2 (2) of the Identity Documents Act, the benefits shall be paid retroactively.

[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

§ 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 (1¹) and (1²) 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]