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Federal Law «On basis of healthcare of citizens in the Russian Federation»

On 1 January 2012 article 59 on the Federal law dd. 21 November 2011 No. 323-FZ «On basis of healthcare of citizens in the Russian Federation» (hereafter – the “Law”)

The said article regulates the procedure of carrying out examination of temporary incapacity to work, in other words – establishes new provisions regarding issuing medical certificates on temporary incapacity to work (hereafter – the “certificates”)

Prior to entry of the Law and, in particular its article 59 into force, the procedure of issuing certificates has been regulated by the Order of the Ministry of healthcare and social development dd. 29 June 2011 No. 624n, which authorized the physician to issue the certificate for the term of up to 10 days. At the next examination the physician was allowed to solely prolong the certificate for the term of up to 30 days.

With article 59 entering into force, the attending physician may issue the certificate solely only for a maximum of 15 days. Paramedics and dentists shall be authorized to issue such certificates for a maximum of 10 days.

Examination of the temporary incapacity state and, when needed – prolongation of the certificate beyond the terms cited above is performed by the medical commission. At that article 59 establishes special conditions as to the composition of such commission – it may be formed only by physicians, having received special training for carrying out examination of temporary incapacity.

On a separate note it should be emphasized, that section 7 article 59 of the Law authorizes the Federal social security fund of the Russian Federation with powers to check the feasibility of expenditures for payment of incapacity allowance, including by means of checking the procedure of issuing and prolongation of the certificates.

With the entry of article 59 into force the employer also receive additional protection against actions of unfair employees, forging the certificates due to the sophistication of the issuing and prolongation procedure.