

Order no. 1331 of 5 December 2006

Order on the Special Health Insurance Scheme for Seafarers etc.

The following shall be laid down pursuant to sections 9 and 161 of the Danish Health Act (*sundhedsloven*), Act no. 546 of 24 June 2005:

1. The special health insurance scheme for seafarers etc. shall be administered by the Danish Maritime Authority. The Authority shall make decisions on the right to benefits etc. pursuant to this Executive Order.

Group of persons

2.-(1) The following persons shall have the right to benefits pursuant to this Executive Order:

- 1) Seafarers serving on a Danish ship, unless the ship exclusively sails in domestic trade.
- 2) Other seafarers staying or living abroad, including the Faeroe Islands and Greenland, and who within the last two weeks have served on a Danish ship, provided they have not taken up another professional occupation after the service has ended.
- 3) Seafarers whose employment relationship is not linked to a specific Danish ship (employees of shipping companies), during service abroad, including the Faeroe Islands and Greenland.
- 4) Seafarers' spouses and children under 18 years of age travelling with the ship.

(2) The persons mentioned in subsection (1), nos. 1, 3 or 4 shall be entitled to benefits during a voyage to or from the ship. However, the persons mentioned in no. 4 have no access to benefits pursuant to this Executive Order during voyages in Denmark if they are covered by other provisions of the Danish Health Act (*sundhedsloven*).

(3) Seafarers on a Danish ship taken over for chartering on bareboat conditions by a foreign shipping company shall not be covered by this Executive Order.

Benefits abroad

3.-(1) The special health insurance scheme for seafarers shall pay subsidies for health services abroad, including the Faeroe Islands and Greenland. These subsidies shall be equivalent to the subsidy, and shall be granted with any limitations, applying for corresponding services in Denmark pursuant to health legislation or collective agreements issued pursuant to the Danish Health Act (*sundhedsloven*) unless otherwise is mentioned under the individual services. The special health insurance scheme shall include the following services:

- 1) Free medical care, including specialist care.
- 2) Dental treatment, 50 per cent of the cost if the treatment is equivalent to services qualifying for subsidies in Denmark.
- 3) Treatment by a chiropractor.
- 4) Free treatment by a physiotherapist, provided the treatment was given by a medical practitioner or in a hospital.

* Throughout the translation the term "shipowner" is used to denote the Danish term "reder" for which there is no directly equivalent English term. The "reder" is the entity that operates the ship for its own account, typically the owner or demise charterer of the ship. Time and voyage charterers are not considered "reder".

Translation: Only the Danish document has legal validity.

- 5) Hospital treatment and midwifery.
- 6) Full cover of costs of drugs purchased in connection with treatment by a medical practitioner, in a hospital, or dental treatment. Consumption from the ship's medicine chest shall not be covered.
- 7) Full cover of necessary transportation to and from the doctor, hospital or midwife by the cheapest, safe means of transportation, as the circumstances may require, and full cover of costs of necessary transportation of a doctor or a midwife to and from the patient.

Services in Denmark

4. The special health insurance scheme for seafarers shall include subsidies for the services mentioned in section 3 during continued sickness in Denmark, to the extent that the person in question does not have access to subsidies or free treatment pursuant to other provisions of the Danish Health Act (*sundhedsloven*) etc.

5. If a person covered by section 2 who is not domiciled in Denmark becomes sick in Denmark during voyage to or from the ship or during the ship's stay in a Danish port, subsidies shall be granted for the services mentioned in section 3, nos. 1-6, to the extent that the person in question does not have access to subsidies or free treatment pursuant to other provisions of the Danish Health Act (*sundhedsloven*) etc.

Funeral assistance

6.-(1) Funeral assistance shall be granted within the period stipulated in section 7 provided that death was caused by a disease or an accident which occurred while the deceased was covered by section 2. Funeral assistance shall include:

- a) Reasonable costs of a decent funeral.
- b) Costs in connection with bringing home the body or the ashes to Denmark if the next of kin so wish.
- c) Reasonable costs to return the personal belongings of the deceased to Denmark.

(2) Any amounts paid pursuant to section 160 of the Danish Health Act (*sundhedsloven*) shall be deducted from the funeral assistance.

Time provisions

7.-(1) Services pursuant to section 3 shall be granted for up to 18 weeks from the first full day of sickness.

(2) Services pursuant to sections 4-6 shall be granted in the period in which the person in question is entitled to care pursuant to the Merchant Shipping (Masters and Seamen's) Act (*sømandsloven*).

(3) The Danish Maritime Authority may, under special circumstances, extend the time limits mentioned.

* Throughout the translation the term "shipowner" is used to denote the Danish term "reder" for which there is no directly equivalent English term. The "reder" is the entity that operates the ship for its own account, typically the owner or demise charterer of the ship. Time and voyage charterers are not considered "reder".

Travelling and subsistence costs etc.

8.-(1) During periods of incapacity for work due to sickness, allowances for board and lodging outside Denmark, including the Faeroe Islands and Greenland, shall be granted for up to 18 weeks from the first day of sickness. Allowances for board and lodging in Denmark may only be granted for up to six weeks. Allowances shall not be granted for hospital stays or similar where provision of food is included.

(2) The Danish Maritime Authority shall lay down more detailed regulations regarding allowances for board and lodging, including the size of the allowances. The Danish Maritime Authority may under special circumstances extend the limits mentioned in subsection (1).

9.-(1) For seafarers covered by section 2, no. 1, and who are signed off outside Denmark, including the Faeroe Islands and Greenland, as a result of sickness or injury, costs of the voyage home by the cheapest, safe means of transportation as well as board and lodging during the voyage shall be covered. The home voyage shall take place during the sickness or immediately after notification of fitness for duty and within the periods mentioned in section 7. Seafarers covered by section 2, no. 1 and who are not resident in Denmark may have their travelling costs covered to the place of engagement instead of a voyage home to Denmark.

(2) The Danish Maritime Authority shall lay down more detailed regulations regarding cover of costs pursuant to subsection (1).

Miscellaneous provisions

10.-(1) The master or the shipping company shall immediately submit a notification to the Danish Maritime Authority if a person covered by section 2 is hospitalised and the costs in this connection are to be covered pursuant to section 3. However, persons covered by section 2, no.2 shall submit the notification themselves. The Danish Maritime Authority may decide that the person shall be transferred to another hospital, undergo further treatment in Denmark, or other measures shall be taken.

(2) The Danish Maritime Authority shall prepare more detailed regulations on notification and forms for use in notification as well as requests for reimbursement of costs in connection with treatment.

Financing

11.-(1) The Government shall pay the costs of the special health insurance scheme for seafarers.

(2) To cover of the costs, the shipowners* (owners of the ship) shall pay an annual contribution for each seafarer in foreign trade, cf. section 258 of the Danish Health Act (*sundhedsloven*).

Right of appeal

12.-(1) Appeals against decisions pursuant to this Executive Order may, within four weeks after the insured person or the shipping company has been notified of the decision, be brought before the

* Throughout the translation the term "shipowner" is used to denote the Danish term "reder" for which there is no directly equivalent English term. The "reder" is the entity that operates the ship for its own account, typically the owner or demise charterer of the ship. Time and voyage charterers are not considered "reder".

Translation: Only the Danish document has legal validity.

Patients' Board of Complaints (*Sundhedsvæsenets Patientklagenævn*), cf. section 8 of the Act on right of appeal and compensation within the national health service (*lov om klage- og erstatningsadgang inden for sundhedsvæsenet*), Act no. 547 of 24 June 2005. The appeal shall be submitted to the Danish Maritime Authority.

(2) Before an appeal pursuant to subsection (1) is processed by the Patients' Board of Complaints, the Danish Maritime Authority shall assess whether there is basis for fully or partly delivering judgment in favour of the claimant. If the Danish Maritime Authority rules against the claimant, the appeal shall be submitted to the Patients' Board of Complaints with the reason for the decision and the reassessment.

Entry into force

13.-(1) This Executive Order shall enter into force on 1 January 2007.

(2) At the same time Executive Order no. 732 of 21 December 1982 on public health insurance for seafarers etc. (*Bekendtgørelse om offentlig sygesikring for søfarende*) and announcement no. 1004 of 1 March 1984 on public health insurance for seafarers etc. (*meddelelse om offentlig sygesikring for søfarende*) shall be repealed.

Ministry of the Interior and Health, 5 December 2006

Lars Løkke Rasmussen

/Kirsten Hvid

* Throughout the translation the term "shipowner" is used to denote the Danish term "reder" for which there is no directly equivalent English term. The "reder" is the entity that operates the ship for its own account, typically the owner or demise charterer of the ship. Time and voyage charterers are not considered "reder".