HEALTHCARE IN SLOVAKIA FOR PEOPLE COMING FROM UKRAINE AND SOME RELATED LEGISLATIVE CHANGES INTRODUCED DUE TO THE 2022 RUSSIA INVASION OF UKRAINE

Dr. Ingrid Lanczová
Trnava University in Trnava, Slovak Republic
e-mail: ingrid.lanczova@truni.sk; https://orcid.org/0000-0003-2767-3558

Abstract. The paper discusses the right of Ukrainian nationals to healthcare services in Slovakia depending on their status of an asylee, a person with subsidiary protection, a person with temporary protection, an applicant for asylum or temporary protection, and a person transiting through Slovakia due to the military conflict. It also briefly addresses the changes that the war brought to the performance of the medical profession by Ukrainian healthcare professionals in Slovakia.

Keywords: Ukraine; Slovakia; healthcare for Ukrainians; legislative changes; asylee; subsidiary protection; temporary protection; applicants; transiting persons; Ukrainian healthcare professionals

INTRODUCTION

The war break-out was shocking for the entire democratic world, which had to react immediately. The President of the Slovak Republic issued a clear statement on the morning on February 24, 2022: “A few hours ago, the Russian Federation attacked Ukraine and started a military invasion. Russian armed forces also hit the rest of eastern Ukraine. The hope of those who thought that Russia would be satisfied with the military occupation of parts of the Donetsk and Luhansk regions turned out to be an illusion. I strongly condemn the illegal aggression of the Russian Federation against Ukraine. I express my full support and solidarity to the Ukrainian people, the country’s leadership, and President Zelensky.”

Immediately after this statement, on February 24, the President, together with the Parliamentary Speaker, Boris Kollár, and the Prime Minister of the Slovak Republic, Eduard Heger, delivered another, longer statement: “Dear fellow citizens, a few hours ago, the Russian military invasion of Ukraine began. Russian armed forces are hitting targets throughout our neighbor’s territory. The hopes of those who thought the Kremlin would be satisfied with the military occupation of parts of the Donetsk and Luhansk
regions have turned out to be an illusion. The joint efforts of the international community to avert a war conflict have come in vain. President Putin has decided to assert his unacceptable territorial and political ambitions through direct military aggression. He attacked the weaker, whose only committed offense was the will to live peacefully, according to ideas, like any other sovereign nation. No words can justify this. All the victims that this war will bring in Ukraine will be his victims, and he will bear full responsibility for it in front of the world public. Not even the spreaders of the disinformation can believe that the Ukrainian army provoked Russia into a military attack. Today, Ukraine has every right to defend itself. Defend the right to exist as a state and freely decide destiny. We, ourselves, would not act differently in this situation. The Slovak Republic strongly condemns Russian aggression and stands by the suffering Ukrainian people. In cooperation with allies in the North Atlantic Alliance and the European Union, we are ready to provide assistance to Ukraine to end the conflict and protect human lives. Establishing peace is an absolute priority. The tense situation we are experiencing today is a reason for vigilance because the security situation in Europe has changed dramatically after tonight. At the same time, we must keep calm. Although there is an armed conflict near our borders, our territorial integrity and security are not in direct danger. Slovakia is part of Western civilization, a member of the European Union and the North Atlantic Alliance. Thanks to them, even in this tense situation, our freedom and sovereignty are protected by our allies. It is in the vital interest of Slovakia to be part of a union in which the members guarantee each other's security. Even in front of those who did not hesitate to attack their own neighbor and, in their demands, seek to weaken our sovereignty. Dear fellow citizens! All over the world, armed conflict is associated with the suffering and migration of those scared for their lives. We might say with certainty that Russian aggression will also drive many Ukrainian men and women out of the country. Please have compassion and understanding for them. Those fleeing war deserve our help under international law. The Slovak Republic will responsibly fulfill the principles of humanity and solidarity, as others fulfilled them when our parents or grandparents fled our country during war and invasion. At the same time, we want to assure you that our armed forces and police, even in this exceptional situation, will ensure controlled border crossings and that people fleeing the war will receive the necessary facilities here. Please, let's keep calm and let's keep our heads cool even in this troubled time. Let's not be provoked, let's not fall for disinformation, and let's unite! For our own security and to ensure peace in Ukraine and Europe.”

On the same day, the President issued a statement addressed to President Zelensky about providing aid to Ukraine. Shortly after, the President issued another one directed to the citizens of the Slovak Republic to assure them
that the territorial integrity and security of the Slovak Republic were not in immediate danger and that the world unitedly condemned Russian aggression. She called for humanity towards the people of Ukraine.¹

1. IMMEDIATE REACTION OF THE HEALTH SECTOR ON THE WAR BREAKOUT

Since February 2022, states have responded to the consequences of war in all spheres of life, not excluding law. One of the many issues to address was the issue of providing health care for Ukrainians, implying the need to amend legislation.

Minister of Health Lengvarský made an immediate statement in which he said that the situation in Ukraine was serious and that the health sector would provide help. He informed the public about the number of reserved hospital beds, the hospitals available for war migrants, and the hotspots of the Ministry of the Interior for refugees and asked people to donate blood.²

The Slovak Medical Chamber expressed support for the medical condition and population of Ukraine on February 25: “The Slovak Medical Chamber expresses solidarity with our neighbors – the people of Ukraine. The unprecedented, inexcusable, and unjustified act of aggression of the Russian Federation will cause loss of life, health, and property of the people of Ukraine. At this critical and sad moment, we simultaneously express our support for the citizens of Ukraine living in Slovakia. More than 500 doctors from Ukraine work in the Slovak healthcare system, and we hope their loved ones are safe. Doctors, above all, see the consequences of politicians’ actions – people’s suffering. We recall the parallels of historical events in Europe and Czechoslovakia in 1938 and 1968 because support alone is not enough without awareness of the context. We also condemn any acts of aggression and attacks on medical facilities and preventing doctors from providing medical care to patients or sanctioning them for this – this violates international law enshrined in conventions to which the Russian Federation is committed. We believe that Ukraine will defend itself with the support of all decent people and that Russian soldiers will return to their country with their weapons. Ukraine must now and in the next period feel the support of Slovakia and the Slovaks.”³

¹ Official page of the President of the Slovak Republic, Mrs. Zuzana Čaputová [Čaputová 2022].
² Speech of the Minister of Health of the Slovak Republic, Vladimír Lengvarský, on the situation in Ukraine and related steps in the health sector [Lengvarský 2022].
³ Available online: https://sls.sk/web/wp-content/uploads/2022/03/Vyhlasenie-SLK-Podpora
Subsequently, the Ministry of Health of the Slovak Republic informed on March 7 that: “War refugees from Ukraine will receive health care.” The press release provided information on the provision of health care depending on the different statuses of persons from Ukraine, which was further specified.

2. HEALTHCARE FOR PEOPLE WITH GRANTED ASYLUM

The first group to consider includes persons with asylum. According to Article 53 of the Constitution of the Slovak Republic: “The Slovak Republic provides asylum to foreigners persecuted for exercising their political rights and freedoms. Denial of asylum is possible if the asylum seeker has acted in violation of human rights and freedoms. The law clarifies the details.” By granting asylum, refugees obtain permanent residence in Slovakia. Article 8 of Act no. 480/2002 Coll. on Asylum as Amended (hereinafter referred to as the “Asylum Act”) tells: The Ministry of the Interior of the Slovak Republic will grant asylum to an applicant if the applicant has a well-founded fear of persecution in the country of origin for racial, national or religious reasons, for holding certain political opinions or belonging to a particular social group and, due to these concerns, cannot or does not want to return to that state, or is persecuted in the country of origin for exercising political rights and freedoms. According to Article 9, also humanitarian reasons can be grounds for granting asylum. According to the Implementing Regulation of the Ministry of the Interior of the Slovak Republic of February 21, 2014, to the Act on Asylum, unsuccessful asylum seekers from the ranks of vulnerable persons can obtain humanitarian asylum. It includes mainly the elderly, traumatized persons, and the seriously ill, whose return to the country of origin could pose considerable physical hardship, possibly even death. Furthermore, family reunification can be a reason for granting asylum under Article 10. According to Act no. 580/2004 Coll. on Health Insurance and on Amendments to Act no. 95/2002 Coll. on the Insurance Industry as Amended (hereinafter referred to as the “Health Insurance Act”), the person with asylum is a publicly insured person (i.e., always has health insurance). The state is the payer of the insurance for six consecutive calendar months from the date of the grant of asylum (unless otherwise determined by law due to higher incomes). After six months from the submission of the asylum application, the asylum seeker has access to the labor market, except in the cases specified in Article 23(6) of the Asylum Act, while the person granted asylum or supplementary protection does not need work permits. Persons with asylum are thus entitled to the full range of health
care. They must validate themselves with an insurance card, and the health insurance company pays for their health care.

3. PERSONS WITH SUBSIDIARY PROTECTION

In the second group, we can include persons with subsidiary protection. If the authorities denied asylum pursuant to Article 13 of the Asylum Act, pursuant to Article 13a, the Ministry shall provide subsidiary protection to the applicant if there are serious reasons to believe that the applicant would be exposed to a real threat of grave injustice if returned to the country of origin unless otherwise stipulated in the Act. The Asylum Act defines grave injustice in Article 2 letter f as the imposition of the death penalty or its execution, torture or inhuman or degrading treatment or punishment, or a serious and individual threat to the life or integrity of a person due to arbitrary violence during an international or national armed conflict. According to Article 13b, it is possible to provide subsidiary protection also for the purpose of family reunification. In contrast to asylum, in the case of subsidiary protection, temporary residence is granted for a period of one year, which can be extended again for two years based on justified reasons.

According to Article 9h of the Health Insurance Act and Article 8 of Act No. 577/2004 Coll. on the Extent of Health Care Paid from Public Health Insurance and on Payments for Services Related to the Provision of Health Care (hereinafter referred to as the “Act on the Scope of Health Care”), a foreigner with subsidiary protection who is not publicly health insured in Slovakia or in another member state is entitled to payment of health care within the scope of public health insurance. Contrary to an asylum seeker is therefore distinguished whether the person with subsidiary protection is or is not health insured. It means that person with subsidiary protection is entitled to health care as a person with asylum. The Ministry of Health of the Slovak Republic reimburses the costs of providing health care to the General Health Insurance Company. A person with subsidiary protection must prove himself with a claim card issued by General Health Insurance Company at request, valid throughout the duration of subsidiary protection. If a person with subsidiary protection pays for health insurance, gets a job, or runs a business, they have the right to health care even in other EU member states.

4. PERSONS WITH TEMPORARY SHELTER

In the third group, there are persons with temporary shelter in Slovakia. According to Article 29(1) of the Act on Asylum: “Temporary shelter shall
be granted for the purpose of protecting aliens from war conflicts, endemic violence, impacts of humanitarian disasters or permanent or mass violation of human rights in the country of their origin; For the purpose of providing temporary shelter, a foreigner means a national of a third country according to a special regulation.” On February 25, 2022, Act No. 55 of 2022 Coll. on Some Measures Concerning the Situation in Ukraine entered into force and amended Section 29 of the Act on Asylum by paragraph 2. Hence, the government could declare the provision of temporary shelter even without a prior decision of the Council of the European Union. As the Minister of the Interior of the Slovak Republic let himself be heard: “Slovakia preceded the European Commission with its proposal to activate the Directive (on the provision of temporary shelter) from 2001” [Mikulec 2022]. The goal was to “offer immediate assistance and protection to the people of Ukraine suffering from the consequences of the armed conflict caused by the Russian Federation as the simplest way of protection for persons fleeing war, which does not require lengthy official procedures.” To provide an example, pursuant to Article 20 of the Asylum Act: “In an asylum procedure the Ministry shall decide within six months from the commencement of the procedure” – compared to Article 31 of the Asylum Act: “The Ministry shall decide on the granting of temporary shelter to a foreigner according to paragraph 2 no later than 30 days after the application submission [...]” (whereas if applicants from Ukraine have identity documents, they receive temporary shelter immediately). A legal ground for temporary shelter is family reunification, too. Ukrainians can apply for temporary shelter from March 1, 2022. The original period of providing temporary shelter until December 31, 2022, was automatically extended until March 4, 2023. This period is automatically further extended by six months, but at most by one year unless the Council of the European Union decides otherwise. Currently it is extended to March 4, 2024, without the obligation to take further administrative steps. The person with temporary shelter has a tolerated residence in Slovakia. The advantages of a tolerated residence are the possibility to work without a work permit, the participation of minor children in compulsory school attendance, the access to study at a secondary school and university, access to accommodation, entitlement to a benefit in material need, exemption from accommodation tax, free movement in Slovakia and the Schengen area space, access to health care, etc.

Act no. 92/2022 Coll. on Some Other Measures Concerning the Situation in Ukraine (Lex Ukraine) amended the Health Insurance Act as follows: Article 9h(2)(a): “A foreigner without public insurance in accordance with this Act, who has no insurance in another member state and who has been granted temporary shelter in the Slovak Republic is entitled to reimbursement of emergency care.” Act on Healthcare defines emergency medical
healthcare in Article 2(3). “Urgent health care is health care provided to a person in the event of a sudden change in health condition, which immediately threatens life or one of the elementary vital functions, eligible, without prompt provision of health care, to seriously endanger health, cause sudden and unbearable pain, whose immediate non-treatment could lead to a threat to life or health, or cause sudden changes in behavior and actions, under the influence of which the person immediately endangers himself or his surroundings.” It also includes: a) childbirth; b) diagnosis and treatment of a rapidly spreading and life-threatening infection; c) immediate transport to a medical facility (including the donor or recipient of a human organ and medical personnel and the organ itself).

The Ministry of Health of the Slovak Republic reimburses the costs of the provided healthcare to the General Health Insurance Company. The person must identify himself or herself with a document of tolerated residence in the Slovak Republic with “temporary shelter” written on it.

According to Article 9h(9) of the Health Insurance Act: “The Ministry of Health can determine the range of medical services covered beyond the scope of emergency care according to paragraph 2 by publishing this range on its website.” The Ministry of Health publishes the list of emergency healthcare services.4

It also publishes the scope of the so-called new health services paid beyond the scope of urgent health care related to complex medical screening and control screenings in ambulatory care.5 These also cover the complex medical check of the child before entering the school since an entrance medical examination is required in connection with the entry of Ukrainian children into the school.6 In Slovakia, a certificate of a child’s medical fitness to stay in a group, which also contains information on mandatory vaccinations, is regularly submitted before the child’s first entry into preschool pursuant to Article 24(7) of Act no. 355/2007 Coll. on the Protection, Support and Development of Public Health as Amended.

The Ministry of Health of the Slovak Republic also publishes the list of medical devices reimbursed beyond the scope of emergency medical care.7

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The Ministry of Health calls the range of medical services reimbursed beyond the scope of urgent health care as necessary care. “Necessary health care is health care required by a person's state of health that shall be provided due to the nature of the health care and the expected length of the person's stay so that they do not have to return to their country for the necessary treatment earlier than they originally intended. It includes any treatment by the ambulatory emergency service and emergency medical service. Consultation with a general practitioner, including preventive health care and vaccination, is also considered necessary healthcare. Necessary health care also includes treatment and management of chronic diseases: for example, dialysis, oxygen therapy, chemotherapy, asthma treatment, or echocardiography in the case of chronic autoimmune diseases. Planned (delayable) healthcare and spa care do not fall under necessary health care."9 Similarly, see the webpage of the General Health Insurance Company: “In the case of a chronic disease, treatment is continued according to the state of health to the same extent as of the insured person in Slovakia.”9

However, the General Health Insurance Company advises that if a healthcare provider provides health care for an employed citizen of Ukraine insured by a different health insurance company, the General Health Insurance Company cannot reimburse the medical examination.10 For public medical insurance, it is necessary to earn at least the minimum wage.11 The minimum wage in 2023 is 700 €. Employed citizen of Ukraine with a temporary shelter in Slovakia has the same status as the Slovak insure and is entitled to medical care to the full extent.12

5. APPLICANTS FOR ASYLUM OR TEMPORARY SHELTER

In another group, we can include applicants for asylum or temporary shelter. According to Article 9h(2)(b) and (c) of the Health Insurance
Act, an asylum seeker and a foreigner applying for temporary shelter with no public health insurance in Slovakia or another member state are entitled to reimbursed emergency care. The Ministry of Health pays the costs for the General Health Insurance Company. The applicants must identify themselves with applicant ID cards. Even in this case, the Ministry of Health of the Slovak Republic can determine the range of medical services reimbursed beyond the scope of urgent care by publishing this range on its website. As stated by the Ministry of Health of the Slovak Republic: “Asylum applicants and applicants for temporary shelter are entitled to urgent and necessary indicated health care. This means, also the kind of health care that the doctor recommends to them through examination.” The asylum seeker must undergo a medical examination, which the Ministry will arrange without undue delay upon arrival at the detention camp, and stay in the detention camp until the result of the medical examination is announced unless the Ministry decides otherwise (Article 23(3)(b) and (c) of the Act on asylum). The content of the medical check-up includes blood, urine, stool examination, X-ray examination, antigen test, and other examinations if necessary. The range of the medical check also depends on which countries the applicant passed through, from the country of origin to Slovakia.13

The asylum seeker does not have the right to choose a health care provider – the camp doctor and a camp nurse provide medical care (Article 11(6)(b) of the Health Care Act).

According to Article 30(4) of the Act on Asylum: “A foreigner according to paragraph 1 (applicant for temporary shelter) who has secured accommodation, is not obliged to come to the detention camp.”

6. PERSONS FROM UKRAINE TRANSITING THROUGH SLOVAKIA

In the last group, we can include persons from Ukraine transiting through Slovakia. Lex Ukraine amended the Health Insurance Act by Article 38eza, according to which a natural person who is not publicly health insured, resides in the territory of Ukraine, and enters the Slovak Republic due to an armed conflict in Ukraine is entitled to reimbursed urgent care provided to the day of applying for asylum, subsidiary protection or temporary

shelter, but no longer than 30 days from the day of entry into the territory of the Slovak Republic. The Ministry of Health can determine the range of medical services reimbursed beyond the scope of urgent care according to the first sentence by publishing this range on its website. There, the Ministry only lists the emergency healthcare services. The Ministry of Health reimburses the General Health Insurance Company.

7. THE IMPACT OF WAR ON THE HEALTH CARE PROFESSIONALS

The pressure on healthcare providers was excessive even before the pandemic and the war in Ukraine. From the statistical overview of legal and illegal migration for the first half of 2022, published on the website of the Ministry of the Interior, the number of third-country nationals who legally crossed the external land border of the Slovak Republic in the first half of 2022 was 624,402. Out of it, 344,094 left Slovakia. As of 30 June 2022, 52,107 Ukrainians had a temporary residence in Slovakia, 7,819 Ukrainians had a permanent residence, and 79,921 Ukrainians had tolerated residence (a total of 139,849 residences). Also for this reason, through Lex Ukraine, the amendment of Act No. 578/2004 Coll. on Healthcare Providers, Healthcare Workers, Professional Organizations (hereinafter referred to as the “Law on Healthcare Providers”) came into effect, which facilitates the entry of Ukrainian healthcare professionals into the Slovak labor market. According to Article 30a, it is possible to carry out a temporary professional internship for interns in all health professions and facilities. An intern can be a citizen of a Member State or a citizen of a third country who has a recognized document of education in order to perform a healthcare profession and performs work activities in an employment relationship or a similar work relationship with the provider and under the professional supervision of a health worker professionally qualified to perform work activities in the relevant health profession. The intern-to-be must attach a copy of the identity document, a copy of the recognition of education, a document proving medical fitness, an affidavit of integrity, and an affidavit of knowledge of the state language or English language to the extent necessary for the performance of the medical jobs.


The duration of the professional internship is related to the COVID-19 crisis in Slovakia. If it began during this crisis situation, it is possible to perform it within 180 days from the end of the crisis situation. If it started after the end of the crisis situation related to COVID-19, its maximum length is 18 months. Such an internship can not be interrupted, repeated, or carried out at various healthcare facilities.

As of August 2022, 101 medical workers from Ukraine were performing a temporary professional internship in Slovakia (out of a total of 115 trainees).\(^{16}\)

A more complicated process than placement in a professional internship is the recognition of a professional qualification, thanks to which a Ukrainian health worker can work without restrictions. After the recognition of the educational document (as in the case of a professional internship), the second phase begins, which consists of the obligation to take a supplementary exam\(^{17}\) at a high school or university that provides the same study program in which the applicant requests recognition of the professional qualification.\(^{18}\)

In June 2022, the International Association of Medical Doctors in Slovakia reported that the “Slovak bureaucracy has always been averse to medical professionals.” Kurotová from the Association criticized, for example, “such a huge long-term shortage of doctors in Slovakia that there is no one to do the supervision required by law for the internship, long-term non-recognition of the education of pediatricians from post-Soviet countries, unsecured language training for Ukrainian health workers or usurious fees for the recognition of education and exams.”\(^{19}\) The Association informed in September 2022 about introducing free online Slovak language courses for Ukrainian health professionals, as the supplementary exam is in Slovak (at that time, there were courses with 125 participants), and about the reduction of fees for professional exams.

At the same time, the Ministry of Health of the Slovak Republic informs about the possibility of reducing the administrative fee for the application

\(^{16}\) TASR, 101 Medical workers from Ukraine perform a temporary professional internship in Slovakia, https://www.aktuality.sk/2023/04/16/101-medicoze-z-ukrajiny-vystupadza-na-slovensku-


for the recognition of education documents if the application is submitted electronically.20

MALnS currently informs about the opportunity for Ukrainian nurses to sign up for free for a preparatory course focused on the basics of the Slovak language, including medical terminology and the legal minimum for health workers, to successfully pass the differential exams and independently practice their profession. It also informs about the government’s decision to recognize the diplomas of Ukrainian pediatricians if they pass the entrance test in their native language. The reason for the previous non-recognition was that Ukrainian pediatricians specialize in pediatrics from the beginning of their studies, while Slovak pediatrics specialize only after studying general medicine.

CONCLUSIONS

The highest political representatives in Slovakia immediately condemned the Russian aggression and started to seek ways to help Ukraine. From the legal point of view, of much help was Lex Ukraine and its amendments. Based on it, the Ministry of Health of the Slovak Republic could issue regulations and guidelines to secure fair providing of healthcare to people arriving from Ukraine to Slovakia because of the war conflict.

In the article, the reader can mainly find information about the scope of free medical health provided to the Ukrainians in Slovakia based on their status (asylee, a person with subsidiary protection, a person with temporary protection, an applicant for asylum or temporary protection, and a person transiting through Slovakia due to the war conflict).

REFERENCES


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