

LIBYAN LEGAL DEVELOPMENTS NEWSLETTER

Health Insurance Law 20-2010

7 July 2010, Issue 4

The General Peoples' Congress (parliament) enacted Law 20/2010 on Health Insurance on 28 January, 2010. The Law came into effect on 15 June, 2010, the date it was published in the Official Gazette.

Enrolling into the Health Insurance System ("HIS") is mandatory to all nationals and residents in Libya through subscription to an authorized health insurance provider.

Private and public employers are required to arrange health insurance coverage for their employees and pay part of the subscription fees. Amount of fees and sharing between employer and employee is to be determined by the implementation regulation to be issued by the General Peoples' Committee. The State will pay for the people with no income, low income, widows and orphans.

Health Insurance shall cover the following medical services:

1. Check-up and treatment in clinics and medical centers with general practitioners, specialists and consultants.
2. Public medical services (Family Doctor).

3. Lab analyses, rays and similar diagnostic means.
4. Hospitalization and treatment in clinics and hospitals.
5. Surgery.
6. Cost of one person accompanying the patient in critical cases.
7. Follow up of pregnancy and delivery.
8. Medicines required for treatment and medical supplies.
9. Normal treatment of teeth and gums, except orthodontics and fittings.
10. Aiding instruments and substitutes.

The implementation regulation is expected to come up with detailed scope of covered services.

Health insurance providers shall enter into contracts for the provision of health insurance services through the medical institutions such as clinics, hospitals, diagnostic centers and pharmacies. The medical institutions are obliged to provide medical services according to the established professional and ethical standards as well as generally accepted scientific methods taking into consideration any new medical advances.

Health insurance providers are not allowed to own or manage any medical institutions. Hospitals and clinics providing in-patient services are required to hold files for each patient. They are allowed to exchange and share medical data concerning patients.

Employers who deliberately refuse to participate in the HIS are punishable by a fine of not less than LYD 300 and not more than LYD 1000 for each month not subscribed for.

Penalty is multiplied by the number of non-insured persons. Violation of other provisions of the Law is subject to a fine between LYD 100 and LYD 5000, unless the law provides for a more severe penalty.

Implementation of this Law is not possible prior to issuing the implementation regulation determining subscriptions, sharing and detailed scope of the insurance coverage. It is also hoped that the regulation will clarify how adherence to this Law is reconciled with the requirement imposed by Article 38 of the new Labor Law to provide insurance coverage against occupational diseases and risks.

