

# The Improvement of the Evaluation and Classification in Degree Disability Assessment

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## *Abstract*

*Disabled persons represents a category of the social assistance's beneficiaries who needs further contribution on behalf of the society, moreover the granted support currently offered by the caregivers for the purpose of facing the daily social needs and for a decent existence.*

*The special situation of the disabled persons from the viewpoint of functionality, the existent concerning rate of the abuses within the system, but also the increased number of system's beneficiaries, both underprivileged and privileged to fraud limit and over it, established the premises with the view of accomplishing this study. The research consisted in analyzing the specific national and international legal framework, of the existent data within the central public administration, which represent the coordination activity of the specific system, as well as of the collected national data.*

*The present study is intended to emphasize the system's organizationally and functionally deficiency, whereas to externalize the proposals and develop it into improved solutions for the quality life of the disabled persons.*

**Keywords:** *disabled persons, evaluation sistem, classification system in degree of disability, evaluation system tools, social assistance, social inclusion.*

**JEL classification:** H75, H83, I14

## 1. Introduction

The evaluation system of disabled persons represents the entrance key within the protection system of the disabled persons, which has the main objective promoting, protecting and assuring in equal conditions the entire disabled persons rights and fundamental liberties, facilitating their inherent dignity.

According to the statistical data (Ministry of Labor, Family and Social Protection, 2010) - December 31<sup>th</sup> 2010 the total number of disabled persons was in amount of 689.680 persons- 672.644 persons (97.5%) represents persons who are in family care and/ or live self dependent; 17.036 persons (2,5%) are

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institutionalized<sup>2</sup>. From amount of disabled persons, children represents approximately 9%. Analyzing the evolution of the disabled persons's number in year 2000-2010 we take notice of a appreciation with 58,32%, following year 2006.

According to disability pattern, preponderant is the somatical type, followed by the physical type, mental and visual type form approximately equal proportions, hearing impairments signify lowest percentage.

In year 2010, the number of working disabled persons was in amount of 29.163, 2942 persons with severe disability, 21.456 with acute disability, followed by the average and disability. The occupancy rate of trained employee within the specialized centres related to the total amount of beneficiaries is estimated to 68%, 72 in residential centres and 22% in non-residential centres.

Currently there are two collateral evaluation and classification in degree of disability Systems, which works individually, with distinct methodology, one is destined to adult persons and the other one for children. One of the explanation could be that they were coordinated by distinct public institutions with national authority, National Authority for People with Disabilities and National Authority for Children's Rights Protection, which has distinguishable historical evolution, under the authority of a ministry and political priorities.

Public authorities, the approved social services suppliers, physical and juridical persons, encharged with implementing the legislation referring to disabled persons protection, are liable to promote, respect and certify their rights (Romanian Government, 2006), the main objectives consist in customizing the society to disabled persons needs, as well as the protection against abandonment and abuse.

The evaluation of adult disabled persons means a laborious and permanent process, which involves the estimation and the recognition of development particularities, integration and social inclusion, but the decisions and the measures are taken only in their interest (Romanian Government, 2006), based on the social model in approaching disability.

The evaluation processes is based on collecting of as many and complete information and the interpretation of those for directing the decision regarding the way of intervention for the improvement of handicap status. As well, the procedure has to be unitary in terms of the objectives, criteria and methodologies used. The evaluation it has to be done by a multidisciplinary team in order to be able to retain correctly all the social, medical, psychological, vocational aspects or professional abilities, the education level and the social integration level of the potential beneficiary.

The evaluation of the persons will run accordingly with Common Order nr. 762/1.992/2007 of the Ministry of Labour, Family and Equal Opportunities and of the Ministry of Public Health to approve the medical and psychosocial criterias based

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<sup>2</sup> in residential institutions of social assistance for adult disabled persons, coordinated by Ministry of Labor, Family and Social Protection, legally represented by the General Directorate for Disabled Persons Protection.

on which is established the degree of disability employment, revised and completed by order nr. 124/205/2008.

For the study the collected data focused on: the existence of organizational department responsible for evaluation and compliance of disabilities persons, as well as how the organizing and functioning are accordingly with the law; the number of jobs vacancy and occupancy, the nature of job, the professional competence but also the consistency with the position held, by the public services staff with social assistance with attributions in the analysis field; the number of beneficiaries and the evolution of those, the number of the evaluation files in progress and the number of solved files within a period of time; the number of the new entries in the system, divided by types and levels of disability, the number of personal assistant or attendants allowances issued. Following the nominated data collected, was done in organizing and analyzing them in the formulation of the conclusions and proposals.

The general framework of the objectives of the evaluation system and degree of disability classification includes:

- general objectives:
  - consideration of a unified vision of a great variety of problems specific to the assessment of the disabled persons and dissemination of information for social
  - creating a data base of disabled persons on country level
  - improving the legislation frame as well as developing and improving the implementation document to ensure the national consistence of system operation
- specific objectives:
  - promotion a consistent evaluation system for disabled persons
  - improving the working method which must be based on potential for development, integration and inclusion of adult;
  - active implication in the evaluation system of the entire multidisciplinary team which has to work based on complementary principle but also the involvement of disabled persons to establish common objectives;
  - applying the specific rules to the needs assessment in people and not their degree disability

The evaluation system of disabled persons is implies the existence of bodies with attributes in two specific fields: at central level, within Ministry of Labor, Family and Social Protection (MLFSP), is functioning the High Commission of Evaluation of Disabled Persons for Adults (HCEDPA), as integrated part of the Monitoring and Control Service of Evaluation Committees (Serviciul monitorizare și control comisii de evaluare - SMCCE) from the General Directorate of Protection of Disabled Persons (GDPDP); at territorial level, within Directorates General of Social Assistance and Child Protection (DGSACP), is acting the Complex Evaluation Service of the Disabled Adult CESDA, and subordinated to County Councils respectively to Local Councils of Bucharest

Districts is acting the Child Protection Committee and Commission of Evaluation of Disabled Persons for Adults (CEDPA).

The Service of monitoring and control of the Evaluation Committee has the purpose of control and evaluate the activity of the Evaluation Committee of Disabled persons for adults following the legal provisions regarding the classification of disability level, the certificates validity, the compliance of working methodology, and the attributes of Evaluation Committee accordingly H.G nr. 430/2008.

High Commission of Evaluation of Disabled Persons for adults has activity in decision solving to appeal of admission to degree and type disabilities certificates issued by the county and local evaluation committee. Also establishes by decision the reevaluation of the disabled adults based on the results of the control actions arranged by Ministry of Labor, Family and Social Protection; issues cancellation order of admission degree and type of disabilities of adults, subject of reevaluation, if such of certificate has been issued out of the legal frame; issues methodological guidelines and instructions in order to ensure a unitary appliance of the law, with a mandatory character for the county evaluation committee.

The activity of the Complex Evaluation of Disabled Person for Adults is supporting the activity of the Evaluation Committee and establishes and asses the needs of the disabled person that records in the individual service plan. In this regard, CESDA is recommending or not the framing and maintaining the disability degree of a person, as well as the individual plan of rehabilitation and social integration, assess the conditions required for certification of the professional personal assistants; evaluate the persons applying for socio-professional certificates orientation and forward the proposal to the Evaluation Committee accordingly. SECPAH composition consists of people how have at least the following specializations: social worker with higher education, doctor, psychologist, pedagogue, Kineto-therapist, teacher of education, teacher of recovery.

The Evaluation Committee of Disabled People for Adults is a specialty organism of the County Council, in some cases, of the Local Council of Bucharest District with decisional activity in the field of framing disabled adults by degree and type of disabilities. The Commission's jurisdiction is approved by the County Council, and in some cases, locally, with the notice of (MLFSP) and is composed by president, a doctor with expertise in working ability, internist specialty, family medicine, or general medicine with a degree in management of socio-medical area; a doctor with expertise in working ability, internist specialty, family medicine, or general medicine proposed by County Public Health Department or by Bucharest; a representative assigned by ONG; a psychologist; a social worker.

The members of the Evaluation Committee should not be part of CESDA, and the Commission President is part of GDSACP. CEDPA and fulfill the following attributions: establish the adult's disability degree based on CESDA report; establish the professional orientation of the disabled adult and it's working ability; establish the protection measures for the disabled adults accordingly with the law, as following: periodically assessment, or based on GDSACP notification,

of the disability degree, the professional orientation, as well as all the other measures of protection for disabled adults; revoke or replace the protection measure, within the law frame, if the determining conditions has changed; process the application for professional personal assistant.

The Secretary of Evaluation Committee of Disabled Adults (Secretariatul comisiei de evaluare a persoanelor adulte cu handicap - SCEDPA) ensure the specific activities of the committee and is acting as a link between CEDPA and CESDA, and is part of DGASPC.

## **2. Criteria of admission to degree and type of disabilities**

In all cases, the evaluation of disabled persons should include a fully report of the medical records, as well as appropriate and standardized tests to confirm the medical diagnosis; the assessment of disability and health degree and depreciation and to describe the abilities of the subject, restrictions and specific needs.

Some international examples of a good practice point that the results of the medical evaluation of the disabled persons, should be clearly communicated to the non-medical professionals, which determine the status of the person based on eligibility and compensatory benefits criteria.

The Classification of International Functionality (CIF) is aiming the overcoming the prevailing medical view on the disability and on criteria of assessment to the disability degree as well as the interdisciplinary perspective approach, the personality itself being interpreted in a holistic manner, as synthesis of bio-psycho-socio-cultural of a person. CIF represents not only a measurement tool of the disability degree, but also a tool of politics development, a methodological opportunity of changing the system of social protection for disabled persons. Implementation of this in our country will answer to some of the theoretical and practical miss interests regarding the social politics, and will lead to personalized services for the disabled persons.

Presently, in Romania, the medico-psycho-social criteria on which are based the evaluation and assessment of the disabled person by degree and type are based in 95% on the medical records. It appear that we only follow the organized structure respectively the mental abilities; sensorial functions; hearing functions and verbal communication; the cardiovascular system; immunity and breathing system, digestive system, metabolic and endocrine functions; urogenital functions; neuro-muscle-skeleton functions; skin functions.

## **3 Conclusions and recommendations**

### ***3.1 Conclusions regarding the organization and operation of the evaluation and assessment of disability degree system***

Following the data analyze collected by DGASPC's regarding the organization and operation of the evaluation and assessment of disability degree

system as well as analyzing the legislative framework in force have been identified both positive and negative aspects:

The positives aspects:

- the actual legislative framework shows that the Government is constantly preoccupied to protect the disabled persons, e.g.: Law 221/2010 for ratification of disabled person rights convention, adopted by ONU, New York, December 13<sup>th</sup> 2006, signed on march 30<sup>th</sup> 2007, and also signed by Romania on September 26<sup>th</sup> 2007.
- the legislation regarding the disabled persons is modern and accordingly with the European legislative framework.
- the constant concern of improving the social assistance system of disabled persons functionality e.g.: implementing electronic data base of the disabled persons, by order of Ministry of Labor, Family and Social Protection nr. 1106/2011;
- the highly compliance to the specific system regulations of disabled persons;
- identify financing resources, other except the ones from the State budget for the professional training of the CESDA staff;
- increasing the control, by frequent campaigns, which tends to have permanently status, over the activity of CESDA and CEDPA and crosschecking of the certificates issued by County Committee over 2 years;
- increasing the exigency for admission to the protection system of the disabled persons and for non-eligible person by restrictive measurement

The negative aspects:

- nonexistence CESDA to the level of some DGSAPC in some counties (Ilfov, Valcea)
- the labor resources employed in CESDA is various from the point of number and professional skills from district to district (the number of positions is maximum – 20 for DGSACP, district 6 Bucharest and minimum – 4 for district 4, Bucharest)
- to some of the DGASPC, over the country, occur the situation that CESDA has many and well trained labor, but it is no CEDPA, or is understaffed (Brasov, Cluj)
- the staff members of CEDPA does not fulfill the job requirements, in most of the counties, caused by the lack of interest of the experts to apply for such jobs which require a high professional activity and also high responsibilities, jobs which are low paid and totally unmotivated.
- inexistency of CESDA and CEDPA (Olt)
- following the DGASPC, ROF's analyzes, have been highlighted difficulties to implement the attributes of CESDA and CEDPA, but

also the fact that those are redundant excepting the ones of issuing the degree of disability certificate

- the number of persons assessed within a frame time vary over the county level, from a maximum of 7101/month in Iasi to a minimum of 825/month in District 1, Bucharest; the average over the national territory is approximate to 3000 cases/month, This prove the non-responsible way of the evaluations done
- excessive bureaucracy and the long time required for admission in the system
- insufficient labor resources over the highly number of evaluation requests applied for admission to the protection system of the disabled persons (in average 20 daily evaluation file for each of the experts) as well as the unmotivating salary;
- miscommunication and lack of meetings between the CESDA experts, from all the counties, to ensure consistency of the evaluation's method
- lack of consistency in training for the staff with attributes in social protection of the disabled persons
- over the process of the evaluation, the emphasis is on medical records and the psycho-social criteria are taken very little
- particular methodological procedures and classification of disability degree assessment for children and adults, which rise up functioning issues of the system during person transition from child protection system to adult system.
- it is not a clear border between the disability, specific agedness disease and invalidity, which determine the increase of the beneficiaries.
- highly number of the disable persons identify as been illegally assessed to disability degree is based on:
  - unprofessional experts from CESDA and CEDPA;
  - deliberate ignoring of the medico-psycho-social criteria by CESDA and CEDPA
  - interaction of the CESDA and CEDPA doctors and the ones issuing the documents of disability degree assessment;
  - identify of any traces regarding the supposed existence of any illegal organization issuing the medical records (e.g In Branisca city, Hunedoara county, has been identify 178 disabled persons over a 1748 citizens, respectively 10% of the citizens, out of which 49% are recorded with mental and psychical disease)
- miss coverage of procedures and methodological norms of the cases; missing of unitary norms of evaluation and assessment of disability degree and nor unitary procedures over the national level
- high number of forms applied to City Hall for the assessment of disability degree certificate and the low ratio of eligibility of it;

- insufficient evaluations (incomplete or unprofessional social investigation) or useless evaluations (evaluations of the retired persons and invalidity retired)
- granting of standard rights based on disability degree, without considering the specific needs for different types of disability; physic, mental, hearing disability, visual disability, HIV, somatic, rare diseases, granted accordingly to degree as severe, high, medium or low.
- absence of mandatory service plan implementation, neither for the service provider, neither for the disabled person, partially caused by superficial development of the specialized social service network designed for disabled persons on national level; frequently the disabled person receives only social benefits;
- lack of accuracy and transparency of the evaluation process;
- lack of equipments, tools, accommodations, and the adequate environment specific of the evaluation activity;
- impossibility of periodical evaluations in case of missing of the evaluation report, which enclose the individual plan of rehabilitation and social integration, issuing the report is a difficult process due to the lack of specific equipment/ tools, as well as the medical and social services, included in the system.

The modification to Law 448/2006, by OUG no. 84/2010, regarding the organization, functioning, attributes and ability HCEDPA, highly necessary, due to the lack of legislation created by the abrogation of OG no.14/2003, considering that ANPH was dissolved, clarified the aspects referring the evaluation and reevaluation of the disability degree assessment of the adult person. In the same time generally establish a difficult procedure of the entire process, and especially the manner of forming of the commission compound. Thus the human resource who should be part of HCEDPA it is difficult to be identified, co-opted considering the stimulation and the remuneration comparing with the issues, the responsibilities and the real possibilities of accomplishing the duty tasks, due to the lack of tools and equipments designed for a quality evaluation. The coverage deficit of specialized human resources within HCEDPA determine its impossibility to answer the large numbers of appeals, petitions, court trails and to issue decisions within legal terms, as well as conducting checking on field, regarding following the criteria and working methodology. During year 2010, was solved 10.745, most of the complains being unresolved until 2009, situation mainly caused by the organizational changes within ANPH, lack of legal support designed for establishing HCEDPA and the lack of concern on behalf of the experts in order to be part of this structure. The solutions for the appeals changed the commissions' decisions referring to the territorial evaluation in proportion to 20%.

The entire evaluations designed for appeals and reevaluation, complaints and controls are effectuated considering the reports issued by the specialized third parties, examining the specific files as far as there is no real, definite possibility of



the direct evaluation of the disabled person, mainly due to the lack of the experts , who have difficulties in covering the entire casuistic, as well as because of the specific endowment.

### ***3.2 Recommendations with reference to the optimization of the evaluation system and degree disability assessment***

The reformation of the evaluation system and degree disability assessment could be not be accomplished without an adequate contextualization which should allow and favorize this type of process. This circumstance implies an improvement of the procedure which are part of the system, all concerning factors, as well as assigning the necessary resources required for optimal functioning of the entire national social assistance system for disabled persons, in order to increase the quality of the social policies in benefit of these persons.

The domains of intervention implies:

A. Improving the quality of beneficiaries lives:

- the redefinition of the disabled person status within the society –the disabled person represents a citizen who has entire rights in his community, he is not a patient, a client, or an assisted.
- the revaluation of the role of the social intervention in order to promote and guarantee the status of the citizen ensuring total rights to the disabled persons, not the charitable, protector, recovery role of the disabled persons. The role of the social policies is to promote and support the normalization of disabled person life. The normalization consist in facilitating the access for these persons to all the resources of the community, with equal chances, in connection with the other members of the society .
- redefinition of the conception referring to the quality of life of the disabled persons, from the inclusion and participation viewpoint;
- the definition of the efficiency indicators of the social policies in order to increase the level of inclusion and participation of the disabled persons.

B. Improving tof the quality of the social assistance as follows:

- promoting the social mode of the social affiliation to community of the social assistance for the disabled persons in order to normalize their lives.
- establish the methodological requirements of the appliance of the social assistance for disabled persons according to the social mode requirements, basing on principles as follows:
  - unity and accuracy - similar and compatible measures applied throughout the country.
  - the integration - subordination and complementarity of the specific social assistance measures according to the general social protection assistance system within Romania,

- integral principle - holistic approach, complete of the intervention social domains referring to disability :primary and secondary prevention; recovery; inclusion and participation;
- processuality - analysis of the entire social assistance process stages: request for social assistance, evaluation, reevaluation for the admittance and the withdrawal from the system, certification of the disability condition, planning the individual support measures implementation of supporting measurements, monitoring the implementation of the supporting measurements in regards of the disability degree
- the structure – organizing and functioning of the social action tools
- the continuity – consistency and compatibility of the social assistance tools, starting with the evaluation system of the disability degree up to facilities and services, service quality standards, professional standards for the involved staff in assisting the disabled persons etc. valid to all ages (children, teenager, adult and aged persons)
- the over divided - the practical and pragmatically approach, not only in theory, of all the interested areas, regarding the life of the disabled persons: accommodation, education, health, work, transportation, culture.
- the flexibility – insuring of a large variety of choices regarding facilities and social services of all types.
- operationally - efficiency of the operational system as a support of those services designed for disabled persons.

C. Improving of the social service quality management for the disabled persons by:

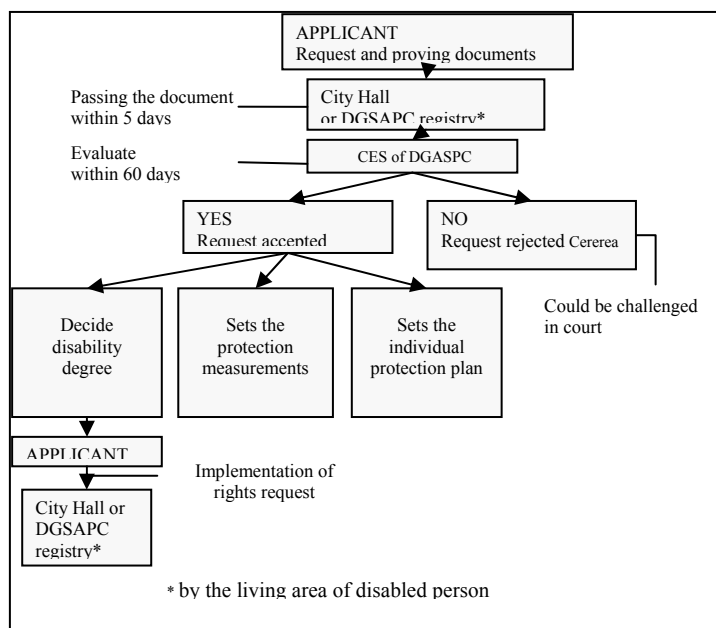
- decentralize resource management and improving the human resource quality, materials and financials over the local community level.
- diversify resources from public and private areas, national and international
- promoting and developing of a efficient partnership between all involved structures of disabled person protection area, public or private.
- Unitary coordination of the programs and national policy for the disabled persons.

Optimizing the evaluation of the disability degree assessment system by:

A. Regarding the organizing and functioning of the system of the evaluation and disability degree assessment, I propose the termination of the Evaluation Committee for disabled adults over the county level due to the fact that the activity of those is anyway overlapping with the activity of the Complex Evaluation Committee for disabled adult, except the decision attributes regarding

the disability degree and type assessment and issuing the accordingly certificate. Considering the complex structure of the CESDA, this is able from operational point of view to overtake CEDPA's attributes, in this conditions, the administrative decision, in this respect the *Disability degree assessment decision* will be issued by CESDA, signed by the DGSACP manager, and over-signed by General Secretary of the county, or by the Bucharest Districts, by the case.

As consequences, and accordingly, I propose the termination of HCEDPA, it's activity does not justifies within the purposed system. This type of evaluation system of the disabled adults can be feasible because in this way is organized the system of evaluation and disability degree assessment for children, system which has proved the efficiency during the implementation period, regulated by H.G. 1437/2004



**Figure 1 Proposed the assessment procedure by degree of the disabled adults and the commissioning payment**

The MLFSP, the monitoring and evaluation committee control department of DGPPS will take action and will proceed to reinforce the operational capacity in order to exercise the coordination, monitoring and evaluation attributes of CESDA from DGASPC.

**B.** Reconsidering the criteria of disability degree assessment, in the way of the realistic influence of psycho-socio-medical aspects, and determine the adequate tools, mandatory for the evaluation, as well as giving this tools to the evaluation specialists in order to ensure a unitary system over the national level. The reconsidering process of eligibility of the disable persons should be done based on

the disability degree of the persons taking in consideration the overlapping of the two systems.

It is imposed, designing and using in Romania, of a system of evaluation tools, operational, which should allow the assessment of disabled persons with physically, mental and psychic disabilities to a disability degree, not only based on the medical criteria, but also of psycho-social, accurate enough to detect the structure-functional degree of the activity and involvement of ability and performance.

Based on the scientific knowledge studying thoroughly the correct, objective, complete, multidimensional, unitary situation of the disabled persons, are able to establish adequate protection and integration in socio-professional life measures, as well as considering the recoverability coefficient.

As a result of the settled tools system, used for the evaluation system, it is mandatory to found training and information CIF centers throughout the country and developing professional training for CESDA and SMCCE members.

**C.** Conferring a basic (minimal) service packages and on the other way personalized serviced, depending on each person's needs (communication, education, support in finding a job, transportation, home), adequate to the score obtained in the evaluation process. This evaluation process of the disabled persons would facilitate, on one hand the improvement of beneficiaries' quality life, and on the other hand would determine the efficient spending of the allocated budgeted to the social assistance of this vulnerable social category.

**D.** Optimization of the evaluation and disability degree assessment for children and adult persons, from the point of view of the methodology and subsequently their unification, initially with a primary form based on tree counties, during a determined period of time in order to monitories, evaluate, determine and improve efficiency and effectiveness of the new organization and functioning of the system.

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