

State of Israel

Rehabilitation of the Mentally Disabled in the Community Law, 2000* **

1. Purpose

The purpose of this Law is to strive for and advance the rehabilitation and integration of the mentally disabled in the community in order to allow them to achieve the maximum degree of functional independence and the highest possible quality of life, while preserving their dignity in the spirit of the Basic Law: Human Dignity and Liberty¹.

2. Definitions

In this Law, the following definitions will apply -

“Regional Rehabilitation Committee”- a Regional Rehabilitation Committee established pursuant to Section 13;

“Occupational Therapist” – a person recognized by the Director-General of the Ministry of Health, in writing, as being an occupational therapist for the purpose of this Law;

“Mentally Disabled Person” – a resident of Israel who suffers from a mental disorder;

“Rehabilitation Basket” – the basket of Rehabilitation Services provided in the areas listed in the Supplement to this Law;

“Professional Worker” – any of the following: a Psychiatrist, Psychologist, Social Worker, Occupational Therapist, Nursing Care Provider; and any other professional recognized by the Director-General of the Ministry of Health, in the official gazette, as being a professional worker for the purpose of this Law;

“Nursing Care Provider” – a person listed in the Register of Nursing Care Providers, pursuant to the Public Health Ordinance, 1940²;

“Psychologist” – a person listed in the Register of Psychologists pursuant to the Psychologists Law, 1977³;

“Psychiatrist” – a physician with a specialist’s degree in psychiatry or in child and adolescent psychiatry pursuant to the Physicians Law [New Version], 1976⁴;

* The English translation has attempted to preserve the original version of the law, though some of the language may not be suitable for the language used today.

** Accepted at the Knesset July 11, 2000; the law proposal and explanations were published in HH [Hatzot Khok] 2782 [Law Proposals-2782], December 28, 1998, p. 222. Published SH [Sefer Hakhukim], 2000 [Book of Laws-2000], No. 1746, July 21, 2000, p. 231. (HH 2000 No. 2782, p. 222.) Entered into force six months after publication.

¹ SH, 1992, p. 150.

² Iton Rishmi, 1940 [The Official Gazette-1940], supplement 1, p. 191.

³ SH, 1977, p. 158

⁴ Laws of the State of Israel, new version 30, p. 594.

“Rehabilitation” – a process within the framework of the community, directed at the development of the abilities and skills of the Mentally Disabled Person, so as to ensure for him or her the maximum possible level of functional independence and quality of life – a process accompanied by medical supervision, including each of the following:

- (1) The realization of the rights of the Mentally Disabled Person in the areas of housing, employment, education and professional training;
- (2) Training of a Mentally Disabled Person with regard to his or her social skills and utilization of his or her leisure time;

“Rehabilitation Service”- a service, the purpose of which is to promote the rehabilitation of a Mentally Disabled Person;

“Rehabilitation Program” – a program for the rehabilitation of a particular Mentally Disabled Person, established for such person by the Regional Rehabilitation Committee in accordance with the Rehabilitation Basket;

“Regulations for Determination of Percentage of Disability” – the National Insurance Regulations (Determination of Degree of Disability for Victims of Work Related Accidents), 1956⁵;

“The Minister” – The Minister of Health.

3. Eligibility for Rehabilitation

- (a) A Mentally Disabled Person aged 18 years or older, and who suffers from a medical disability due to a mental disorder, or a person acting on his or her behalf, may apply to the Regional Rehabilitation Committee in order to determine his or her eligibility for a Rehabilitation Program pursuant to this Law; the application must be accompanied by a professional opinion from a psychiatrist establishing that the applicant for the rehabilitation requires Rehabilitation Services due to his or her disability.
- (b) For the purpose of sub-section (a), a medical disability due to a mental disorder will mean a disability of at least 40%, determined according to articles 33 or 34 of the Supplement to the Regulations for Determination of Percentage of Disability, by one of the following:
 - (1) a psychiatrist, authorized by the Minister, according to the rules, tests and criteria established in the Regulations for Determination of a Disability Percentage;
 - (2) a party authorized to determine a disability percentage for the purpose of payment of a pension pursuant to the provisions of Chapters E or I of the National Insurance Law [Integrated Version] -1995⁶.

⁵ Regulation files, 1956, p. 864.

⁶ SH, 1995, p. 210.

4. The National Rehabilitation Council

The Minister will appoint a National Council for rehabilitation of mentally disabled in the community, (hereinafter “the Council”), to be composed of 23 members who shall be: -

- (1) The Minister’s representative, who shall be an employee of the Ministry of Health, and who will chair the Council;
- (2) A Psychiatrist who is a representative of the organization which, in the Minister’s opinion, represents the largest number of psychiatrists;
- (3) A Psychologist who is a representative of the organization which, in the Minister’s opinion, represents the largest number of psychologists;
- (4) A Social Worker who is a representative of the organization which, according to the Minister, represents the largest number of social workers;
- (5) An Occupational Therapist who is a representative of the organization which, in the Minister’s opinion, represents the largest number of occupational therapists;
- (6) A Nursing Care Provider who is the representative of the organization which, in the Minister’s opinion, represents the largest number of nursing care providers;
- (7) Two representatives of organizations which, in the Minister’s opinion, represent the mentally disabled
- (8) Two representatives of organizations which, in the Minister’s opinion, represent the families of the mentally disabled
- (9) Eight representatives of the Government, appointed at the recommendation of each of the following ministers, from among the employees of their respective ministries:
 - a. The Minister of Construction and Housing;
 - b. The Minister of Labor, Welfare, and Health;
 - c. The Minister of Finance;
 - d. The Minister of Education;
 - e. The Minister of Justice;
 - f. The Minister of Defense;
 - g. The Minister of Immigrant Absorption;
 - h. The Minister of Industry and Trade;

- (10) A representative of the Center for Local Government;
- (11) A representative who is an employee of the National Insurance Institute, at the recommendation of the Director-General of the National Insurance Institute;
- (12) Three representatives of the recognized institutions for higher education, as defined in the Higher Education Council Law, 1958⁷ (hereinafter: “Recognized Institutions for Higher Education”), who have specialized in fields relating to the rehabilitation of the mentally disabled in the community; the representatives appointed pursuant to this paragraph will be chosen at the recommendation of the existing institutions, and in the absence of such a recommendation, will be chosen as recommended by the Minister;

5. The Council’s Functions

The following shall be the Council’s functions:-

- (1) To advise the Minister regarding the rehabilitation of the mentally disabled, including, *inter alia*, with regard to the following matters;
 - (a) Outlining a multi-year national rehabilitation policy;
 - (b) Planning of Rehabilitation Services in the community and of the improvement of the quality, availability and accessibility thereof, and of methods for promoting equality with regard to all of these;
 - (c) The development of community-based educational and public relations programs, regarding all topics related to the mentally disabled;
 - (d) Modifications of the list of services included in the Rehabilitation Services Basket;
 - (e) Establishment of standards to be used in assessing Rehabilitation Service providers;
- (2) To receive reports and data regarding the implementation of the Law;
- (3) To initiate research projects regarding rehabilitation topics.

6. Duration of terms of office

The members of the Council will be appointed for four years and can then be appointed for an additional continuous term, provided that no Council member who has served two continuous terms may be appointed for an additional term during the four years following the end of his or her second consecutive term.

⁷ SH, 1958, p. 191.

7. Qualification regarding the appointment

A person may not be appointed to serve as a member of the Council if he or she has been convicted of a crime which, by its nature, severity or the circumstances thereof, such person's service as a member of the Council is inappropriate.

8. Expiration of term of office

A Council member will cease to serve on the Council before the end of his or her term in any of the following circumstances:

- (1) The member has resigned by delivering a letter of resignation to the Minister;
- (2) The member has been convicted of a crime, and because of the crime's nature, severity or circumstances, continued membership in the Council is inappropriate;
- (3) The member is no longer an employee of the government ministry or of the entity which he or she represents in the Council.

9. Removal from office

The Minister may remove a Council member from the Council, prior to the end of his or her term, if the member has become permanently unable to carry out his or her duties as a member of the council.

10. Legal force of actions

The existence of the Council, its powers, and the validity of its resolutions will not be affected by the fact that one of the positions on the Council has been vacated or because of a defect in the appointment of a member or in a member's continuation in office.

11. Meetings

- (a) The Council will meet at least four times each year; the Council's chair or a third of its members may convene an additional Council meeting.
- (b) The Council's chair will convene the meetings and determine their dates, locations and agendas, provided that the chair must convene a meeting at the request of Council members as stated in sub-section (a), within 21 days after the date of the request.

12. Procedures at meetings

- (a)
 - (1) The legal quorum for Council meetings shall be ten members, including the Council chair;

- (2) Once a meeting has begun with a legal quorum present, the continuation of the meeting shall be valid, regardless of the number of those present, provided that at the time that resolutions are adopted, there are at least three members present, including the chair.
- (b) Council resolutions shall be adopted on the basis of a majority vote of the members participating in the vote; if there is a tie vote, the chair's vote will be determinative.
- (c) The Council will establish its own work procedures to the extent that such are not established in this Law.

13. Regional Rehabilitation Committees

- (a) The Minister will establish Regional Rehabilitation Committees, and will determine the area of each committee's geographic responsibility.
- (b) A Regional Rehabilitation Committee will have three members, who shall all be Professional Workers, and at least two of whom shall have different areas of expertise; one member will be a State employee, who will chair the committee.

14. Functions of a Regional Rehabilitation Committee

- (a) A Regional Rehabilitation Committee will examine the eligibility for a Rehabilitation Program of a Mentally Disabled Person who has applied to the Committee, or whose case has been brought before the Committee pursuant to the provisions of Section 3.
- (b) Should a Regional Rehabilitation Committee find that a Mentally Disabled Person is eligible for a Rehabilitation Program, it will establish a Rehabilitation Program for him or her, which will be comprised of services included in the Rehabilitation Basket and will be of the scope that the Committee has established, subject to the scope of services established pursuant to Section 25.
- (c) A Regional Rehabilitation Committee may approve the reimbursement of expenses incurred by a Mentally Disabled Person traveling by public transportation in connection with the implementation of a Rehabilitation Program.
- (d) A Regional Rehabilitation Committee will, at six month intervals, review the Rehabilitation Program that was established for the Mentally Disabled, Person in order to evaluate its suitability.
- (e) A Regional Rehabilitation Committee may, at any time, either at the request of the Mentally Disabled Person or of someone acting on such a person's behalf, or at the recommendation of a Professional Worker, alter the Rehabilitation Program that was established for the Mentally Disabled Person

- (f) The resolutions of a Regional Rehabilitation Committee will be adopted on the basis of a majority vote of its members. Should the votes be tied, the chair's vote will be determinative.
- (g) A Regional Rehabilitation Committee will establish its own work procedures to the extent that they have not been established pursuant to this Law.

15. Powers of a Regional Rehabilitation Committee

- (a) For the purpose of carrying out its functions, the Regional Rehabilitation Committee may, subject to any relevant legal provisions - including the provisions relating to medical confidentiality: refer a Mentally Disabled Person for a functional psychiatric evaluation; review his or her medical file; hear and obtain the professional opinion of experts in various fields; hear the Mentally Disabled Person or his or her family members or other interested parties; and may request, from the Mentally Disabled Person or from his or her representative, any information that it requires, all as the Committee may determine.
- (b) The Regional Rehabilitation Committee may, at any time and subject to any relevant law, request information from any person connected to the case regarding the integration of the Mentally Disabled Person into the Rehabilitation Program.
- (c) If a person is asked to provide information as stated, such a person shall comply no later than fourteen days from the date on which the request is received, notwithstanding any provision in any relevant law prohibiting the transfer of information.

16. District Appeals Committees

- (a) The Minister will establish District Appeals Committees and will determine the area of each committee's geographic responsibility.
- (b) Each District Appeals Committee will be comprised of five members. Its composition will be the following:
 - (1) A person qualified to be appointed as a Magistrate's Court judge, from a list prepared by the Minister of Justice, and such person will serve as chair of the Committee;
 - (2) Three Professional Workers, each having a different field of expertise;
 - (3) A representative of the public.
- (c) The Minister may establish rules regarding the qualifications required for a member of the District Appeals Committee, a member's term of office, and the rules for removal of a member of the Appeals Committee from his or her position on the Committee.

17. Submission of an Appeal

- (a) A Regional Rehabilitation Committee decision made pursuant to section 14 may be appealed by any person connected to the matter, or by the Minister or by any person acting on the Minister's behalf; the appeal may be submitted within forty-five days from the date on which a notice regarding the decision of the Regional Rehabilitation Committee was delivered to the Mentally Disabled Person or to a person acting on his or her behalf.
- (b) The District Appeals Committee will decide the appeal no later than sixty days after its submission.
- (c) The District Appeals Committee may approve, cancel or modify the decision which is the subject of the appeal.
- (d) The decisions of the District Appeals Committee will be adopted through a majority vote of its members.
- (e) The District Appeals Committee will establish its own work procedures to the extent that they have not been established in this Law.

18. Confidentiality

A person who has obtained any information regarding a Mentally Disabled Person while carrying out his or her function, or in the course of his or her work pursuant to this Law will maintain the confidentiality of such information, will act in accordance with the provisions of any relevant law, and will not disclose such information other than for the purpose of carrying out the provisions of this Law.

19. Information Services

The Minister will take steps to provide accessible information services regarding all aspects of the rights established in this Law for the mentally disabled, including information regarding the Rehabilitation Services which are available to them and regarding those providing the services.

20. Modification of the Rehabilitation Basket

The Minister, upon consultation with the Minister of Finance, may, through the issuance of an order, add to the Rehabilitation Basket specified in the Supplement. The Minister may also, with the approval of the Knesset's Labor, Welfare and Health Committee, reduce what is included in the Rehabilitation Basket.

21. Experimental Rehabilitation Services

The Minister, or a party authorized for this purpose by the Minister, may approve the use of Rehabilitation Services which are not included in the Rehabilitation Basket, on an experimental basis, in order to determine their utility in terms of rehabilitation, provided that the total cost of their use does not exceed 5% of the annual rehabilitation budget established by law.

22. Legal Jurisdiction

A Regional Labor Court will have exclusive jurisdiction to adjudicate claims based on a legal ground arising from this Law.

23. Budgeting

The annual budget for rehabilitation of the mentally disabled in the community pursuant to this Law will be established in the framework of an allocation for a separate area of operations – the “Rehabilitation of the Mentally Disabled in the Community Law” budget item in the Ministry of Health budget within the annual budget law; for this purpose “area of operation” and “budget item” shall have the definitions given them in the annual budget law, as defined in the Budget Foundations Law 1985⁸.

24. Preservation of laws

This Law will serve to add to the provisions of any existing law and will not detract from them.

25. Execution and Regulations

The Minister charged with the execution of this Law may enact regulations regarding all aspects of its execution, and with the approval of the Knesset’s Labor, Welfare, and Health Committee, the Minister may establish –

- (1) Regarding the areas listed in the Supplement – the scope of the Rehabilitation Services to be given, and if a specific Rehabilitation Service is within a different minister’s area of responsibility, the Minister will enact the regulations upon consultation with such other minister;
- (2) Whether a specific Rehabilitation Service will be provided in exchange for payment, and the amount of the payment to be required and the manner in which it will be collected;
- (3) That the Rehabilitation Services of certain types determined by the Minister will be provided by Rehabilitation Service providers who meet the criteria that the Minister has established;
- (4) The work procedures of the Committees and their reporting requirements.

26. Entry into Force

This Law will enter into force at the end of six months from the date of its publication.

⁸ SH, 1985, p. 60.

Supplement

(Rehabilitation Basket)

(Section Two)

a. Employment

Assistance in referral to and financing of the following Rehabilitation Services:

- (1) Evaluation – a service regarding the evaluation of a mentally disabled person’s current and potential ability;
- (2) Professional Rehabilitation Center – a service providing diagnosis, work training and placement in an appropriate place of employment.
- (3) Integration at work:
 - (a) A service that assists with integration into the open labor market as a salaried or self-employed worker;
 - (b) Supported employment – a service that assists with integration into supported rehabilitative employment in the open market;
 - (c) In a supported sheltered workplace – a rehabilitative employment service for those who are not able to be integrated into the open market;
 - (d) Occupational center – a pre-employment service which integrates social activities and the acquisition of life and employment skills.

b. Housing

- (1) Assistance with referral to and the financing of accompaniment, training and supervisory services in the framework of independent and assisted living regarding the following types of housing:
 - (a) Independent housing – accompaniment by a professional aid worker or coach;
 - (b) Satellite housing - home visits, one to two days a week;
 - (c) Assisted living - home visits, three to five days a week;
 - (d) Augmented assisted living;
 - (e) Group homes;
 - (f) Group homes for youth;

- (g) Reinforced group homes;
- (h) All-inclusive group homes;
- (2) Assistance with rental payments in the context of the forms of housing listed in paragraph (1);
- (3) Assistance with rental payments in the context of assisted living;
- (4) Assistance regarding the purchase of initial household equipment for private housing in the community;
- (5) Assistance for community-based housing frameworks that are operated by non-profit organizations and private initiatives, for the purchase of initial household equipment.

c. Adult education:

Assistance with referral to and financing of these services:

- (1) Hebrew language classes (*ulpanim*) – Hebrew language classes for new immigrants, under special conditions;
- (2) Completion of elementary school education – regular and special classes for the completion of elementary school education;
- (3) Completion of high school education – regular and special classes for the completion of high school education;
- (4) Computer studies – regular and special frameworks for computer education.

d. Social activity and leisure

Assistance with referral to and financing of social clubs in regular and special frameworks, for social activity and acquisition of social skills during leisure hours.

e. Families

- (1) Counseling, training and guidance for families of the mentally disabled;
- (2) Vacation housing – assistance with referral to and financing of short stays in the context of special assisted housing for the mentally disabled who are living with their families on a regular basis;

f. Dental care

Assistance with referral to and financing of dental care – preventative and proactive dental care, in accordance with criteria to be determined by the Minister.

g. Coordination of treatment

Appointment of a treatment coordinator who will be responsible for implementation and coordination of the provision of all the services provided to the Mentally Disabled Person.

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Avraham Burg
Acting President and Chairman of the Knesset