

## **Conceptual conditions for a just medical disability assessment**

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### **Introduction**

There is an ongoing critical discussion about physicians as medical advisors to The National Social Insurance in Norway. It has been maintained that general practitioners' subjective and/or arbitrary attestation is a threat to the ideals of equal treatment and of legal protection in a democratic society. This study analyses the medical disability assessment in terms of social justice.

### **Method**

Relevant parts of the laws, preparatory works etc. have been subjected to a text analysis. The conceptual framework for the analysis is constituted by the concept of justice and the ontological and the epistemological concepts of objectivity and subjectivity.

### **Results**

When 'medical disability' is concerned, the relevant law text is formulated in close analogy to ICDH-1. Concerning formal justice, the basic concept of objectivity has been until now the ontological one. The epistemological one also has a role, however, when the concept of illness is considered. With regard to material justice, there are great difficulties in attestation objectively when using the established concepts of objectivity both:

- in relation to the principle of need, when assessing sickness,
- in relation to the work principle, when assessing ability (functional ability, work ability).

### **Discussion/Conclusion**

This analysis shows that the ontological concept of objectivity is still basic in Norwegian social insurance. It makes physicians' assessment of patients' needs and abilities difficult. Other concepts, and practices, for following up sick-listed people should be considered. According to Rawls "difference principle" such changes should be to the advantage of the man and woman who are worst off. Conceptual frameworks consisting of the concepts of justice and the ontological and the epistemological concepts of objectivity and subjectivity seem to be suitable instruments for analysing basic concepts of social insurance. These could also be used for making international comparisons of the basic conceptual structure of social insurance.