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Bulletin No. 28

Cologne, December 2018

Ladies and Gentlemen,

Much has happened since our last newsletter, which we would like to inform you of. We hope you will enjoy reading it and will gladly answer any questions you may have.

**Commutation**

The option to commutating the Contergan pension is an important topic which victims are showing great interest in. We have taken this opportunity to publish a bulletin on it. It contains specific information on the various commutation options, the age limit and the documents required for the application. The bulletin is attached to this newsletter and available for download from the Contergan information portal:

[www.contergan-infoportal.de/service/merkblaetter\\_und\\_antraege/merkblaetter/](http://www.contergan-infoportal.de/service/merkblaetter_und_antraege/merkblaetter/)

**Competence centres**

In addition to a lump sum payout of benefits to cover specific needs and consultancy services, the Fourth Amendment of the Contergan Foundation Act also provides support for multidisciplinary medical competence centres.

Since the term competence centre is neither defined in detail in the Act nor in the codes, it is the duty of the council to develop specific requirement profiles for competence centres. For a rough outline of the general topic, the council first discussed the topic with experts in health services research.

It was further important to the council to directly involve the victims early to be able to align the competence centres with the actual needs of Thalidomide victims.

The council has therefore contacted the four victim groups and requested feedback on the following items:

- What is a competence centre in the eyes of a victim?
- What are the needs of victims with respect to establishing a competence centre?

After evaluating the feedback, a workshop was held on 15.10.2018 at the facilities of the Federal Office of Family and Civil Matters. The four victim groups (Bundesverband Contergangeschädigter e. V., Internationale Contergan Thalidomid Allianz, Bund Contergangeschädigter und Grünenthalopfer e. V., and Contergannetzwerk), each of which was able to appoint three representatives to attend the workshop. We further invited Klinik Hoher Meißner Bad Sooden-Allendorf, Rehabilitationsklinik Ulm, Schön-Klinik Hamburg and Rhein-Sieg-Klinik in Nümbrecht to each have two representatives attend the workshop. The selected participants ensured the high quality of the workshop.

The workshop was held by a victim, Matthias Berg, a certified moderator with a wealth of experiencing in holding seminars on personal development, leadership competence and ethically responsible conduct.

The workshop was held according to the rules of a so-called World Café. With this type of seminar, participants discuss various key issues and develop proposals at separate tables. All participants visit the discussion tables in different configurations over the course of the seminar, with the topic of discussion always remaining the same at the respective table. Mixing up participants ensured attention and motivation was upheld and utilised all available competences optimally. Discussions took about 30 minutes each and were supervised by employees of the agency. Topics covered at the tables included:

- Speciality
- Tasks
- Offerings
- Geographic location/access
- Administration

The results of the workshop are now being evaluated by the agency and processed to establish approval criteria to build the competence centres. A report with initial findings is available on the Contergan information portal.

Feedback from those who attended the workshop was unanimously positive, with the agency also considering the workshop a success.

We will keep you updated on further steps.

### **Physician database expansion**

After evaluating requests submitted to the agency by topic we were able to identify a need for information regarding contact information for general practitioners and specialists. The Contergan Foundation is therefore always working to expand the physician database on the Contergan information portal. As a victim you are well aware with which physician you were in good hands. The Contergan Foundation would therefore like to support the transfer of knowledge among victims and with your help expand the physician database on the Contergan information portal. We would therefore appreciate your recommendations to be published in our physicians database and look forward to your support.

Please also keep in mind this is a service by victims for victims and the recommended physicians are therefore based on personal experience. The Contergan Foundation therefore cannot guarantee the individual physicians recommended by victims will be suitable for all.

### **Processing time of appeals**

We have recently received an increasing number of inquiries regarding the processing time of appeals.

The processing time can occasionally take several months for various reasons. To be able to better track it, we would like to address the reasons:

When the agency receives an appeal, it is forwarded to the Medical Commission for review. The experts of the commission which need to be involved varies based on the number of reasons for the appeal. They typically need to be involved one by one, as the injury to the various regions are often comorbidities.

Furthermore, the reports submitted to the foundation are often not adequate for an assessment. The chairman of the Medical Commission will then request additional documents. Until these have been submitted by the victims, the appeal cannot be processed further.

The appeal process will also take longer if additional injury is asserted whilst the process is pending and the victims submit additional documentation. These must then be added to

the assessment, and the prior assessment may need to be reviewed and modified. It's therefore important the documentation submitted for an appeal is as complete as possible.

### **Coverage of costs for communication aides at the agency**

Reminder: in our newsletter no. 26 of August 2018 we stated the Contergan Foundation for Disabled People will cover the costs of communication aides during consultations at the agency. If you have a speech or hearing disability, you are entitled to use sign language or other suitable communications aids during consultations at the Contergan Foundation for Disabled People related to foundation benefits and on the German social benefits system (§§ 9(1), (3) Act on Equal Opportunities for Persons with Disabilities - BGG).

This means a sign language interpreter or for example a communication assistant will attend the consultation. The communication aide can be provided by a person you trust, such as a relative familiar with your needs.

As a public agency, the Contergan Foundation will cover the costs in accordance with statutory provisions (§§ 9(1)(1(1), 9(2) BGG). If you require a sign language interpreter, your options are:

1. The Contergan Foundation for Disabled People provides a sign language interpreter for the forthcoming appointment.
2. You provide a sign language interpreter.

Please note, appointments for information and consultation must be requested from the Contergan Foundation agency in writing or by phone 14 days in advance. If applicable, please specify if you will be providing a sign language interpreter or will require one from the Contergan Foundation.

To schedule your appointment for a consultation, please contact:

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## **Privacy**

The Contergan Foundation has concluded a contract with TÜV Süd Sec-IT GmbH for provision of an external data protection officer. The data protection officer will be provided shortly.

Since renowned service providers had not been accepting new assignments recently due to capacity overload, we were unfortunately unable to obtain one sooner.

In this regard the council would like to point out that data protection is and was always provided, both internally and externally.

## **Survey: Who would like to receive future newsletters in easy language?**

Since we are obliged to comply with the provisions of the Act on Equal Opportunities for Persons with Disabilities (BGG), in newsletter no. 24 of November 2016, we requested information whether you would like to also receive future newsletters in easy language. Unfortunately, receiving two versions resulted in protests from some victims.

Unfortunately, we received fewer responses than expected and would therefore like to ask you again to return the attached form if you do **not** wish to continue receiving communication in easy language.

It is very important to us we provide the different languages of our newsletter as accurately as possible.

**If you already responded you do not wish to receive the newsletter in easy language, please disregard.**

## **The consultancy department on the Contergan information portal**

Since June 2017, victims are able to use consultancy services as a new element of services provided by the Contergan Foundation for Disabled People. Employees in the consultancy department have since been available to provide you with guidance in various matters.

We would therefore like to invite you to regularly visit our website ([www.contergan-infoportal.de](http://www.contergan-infoportal.de)) for the latest news from the consultancy department. Here you can for example view an example of a consultancy request.

Since we are aware not all victims have internet access, we have attached a sample consultancy request.

### **Life Certificate**

In October 2018 we sent a form for the Life Certificate. Please remember to return these by **31.01.2019** by **post or e-mail**. We will gladly provide you with a confirmation of receipt per post

### **Contergan information portal**

We would again like to make you aware of our website ([www.contergan-infoportal.de](http://www.contergan-infoportal.de)).

Here you will find helpful information, e.g. testimonials or a presentation of aides.

We invite you to participate in exchange experiences in the interest of victims.

### **Agency hours between Christmas and New Year's**

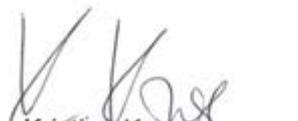
The Contergan Foundation office will be closed between Christmas and New Year's. Our employees will be available to contact again on 02 January 2019.

The council of the Contergan Foundation and the employees of the agency wish you and your families a merry Christmas and a Happy New Year 2019!

Best wishes from Cologne

  
Marlene Rupprecht

  
Margit Hudelmaier

  
Kristina Kruse

## Capitalisation

According to § 13 sec. 3 sentence 1 of the Contergan Foundation Act (ContStifG) in conjunction with § 10 of the by-laws of the Contergan Foundation for Disabled People, you have the option of capitalising your monthly Contergan pension.

### What does capitalisation mean?

Capitalisation means that your claims resulting from the future monthly pension payments are summed up and released to you proportionately or in full for a period of up to 10 years in advance.

### For which purposes can you capitalise the pension?

- Own residential purposes
- Legitimate economic interests
- Other interests

### What does “own residential purposes” mean?

Capitalisation for “own residential purposes” is intended to enable you

- to purchase residential property for owner-occupation
  - purchase / build a residential house / flat
  - purchase a building site
- or
- to economically strengthen already owner-occupied residential property
  - renovate / modify
  - repay debt for financing costs for residential property.

### **What does “legitimate economic interest” mean?**

Capitalisation based on a “legitimate economic interest” is intended to enable you to finance measures, which are directly linked to your disability.

Examples:

- Furnishing your home office
- Retrofitting your passenger vehicle (in order to drive to work, insofar as the costs are not covered by the Equal Employment Opportunity Commission - German: Integrationsamt)
- Financing of your retraining measures or training measures
- Establishing and organising your occupational well-being

### **What does “other interests” mean?**

Capitalisation based on “other interests” is intended to enable you to satisfy specific needs, which are directly linked to your disability.

Examples:

- Surgical and prosthetic treatment
- Acquisition of aids and furnishings, which facilitate accessibility
- Retrofitting of your passenger vehicle (which you require, to participate in social life)

### **How can you capitalise?**

You must file an application in order to be able to capitalise your monthly pension payment. The application form must be completely filled out. In doing so, please describe your intentions regarding the respective capitalisation purpose as precisely as possible.

**Note:** You must file your application prior to executing your undertaking.

Depending on the capitalisation purpose, additional application documents are required:

- Capitalisation for “own residential purposes” (Appendix 1)
- Capitalisation based on “legitimate economic interests” (Appendix 2)
- Capitalisation based on “other interests” (Appendix 3)

## **Frequently asked questions in connection with capitalisation:**

### **1. Does the Contergan Foundation have leeway in decision-making regarding your capitalisation application?**

The legal consequence of the capitalisation application to be decided on depends on the following criteria:

- Type of purpose
- Applicant’s age

This results in the following:

- Capitalisation for **own residential purposes** as well as **legitimate economic interests must** be granted if you have not yet reached the age of 55 at the time of filing the application.
- Capitalisation for **own residential purposes** as well as **legitimate economic interests can** be granted if you have reached the age of 55 at the time of filing the application and have not yet reached the age of 65. The Contergan Foundation for Disabled People is entitled to **discretionary power**. This means that you, as the person filing the application, must explain why you are filing a capitalisation application now, after having reached the age of 55.

Capitalisation based on **other interests** can be granted. The Contergan Foundation for Disabled People is always entitled to **discretionary power** without any age limit.

**Note:** As of the age of 60, capitalisation is only possible for a period of 5 years at the most.

## 2. Do you have to pay interest?

Yes, interest must be paid for a capitalisation of the pension payment; so-called “discounting”.

The current interest rate is 0.23% (as of July 2018). The amount of interest respectively applies from October 1st of a year until September 30th of the following year. It corresponds to a return of certain listed German government-issued securities released by the Central Bank of the Federal Republic of Germany (Bundesbank).

## 3. Can you revoke the capitalisation?

Yes. If there is good reason (e.g. divorce / purchase of other new property / repayment of the settlement to reach full pension payment, etc.), recapitalisation is possible in **exceptional cases**, with the repayment of the outstanding capitalised value. For instance, recapitalisation is possible if capitalisation was based on purchasing or economically strengthening and the purpose of the old capitalisation is no longer applicable because another property will be used as residential property in the future.

**a) What do you need to do for recapitalisation?**

A signed application is required for recapitalisation. You do not have to fill out a form for this purpose. Indicate that there is good reason and submit verification for why you would like to prematurely end capitalisation.

**b) What is the legal consequence for a recapitalisation?**

If your application for recapitalisation is granted, the Contergan Foundation for Disabled People will revoke the original capitalisation notice.

Capitalisation ends on a specific

■ date

and

■ the amount to be repaid is stated.

**c) How is the amount, which must be repaid to the Contergan Foundation for Disable People, calculated?**

How high the capitalisation value would have been for capitalisation up to a specific date is calculated. The amounts withheld from the Contergan pension based on the previous capitalisation up to the closing date are deducted from this. This amount must be repaid to the Contergan Foundation for Disabled People by the closing date.

**Note:** In the month after the repayment of the settlement, you will receive your Contergan pension in the full amount again, provided that there is no more ongoing capitalisation.

#### 4. What happens if you pass away?

In the event you pass away during the settlement period, there is no repayment claim for the foundation, § 10 sec. 2 c of the by-laws of the Contergan Foundation for Disabled People.

#### Who can advise you?

The employees in the consulting department are at your disposal for any questions you may have on this matter.

The employees in the service department can provide you with more detailed, individual information.

You can also find more information on the Contergan information portal:

- Application for pension capitalisation

[www.contergan-infoportal.de/service/merkblaetter\\_und\\_antraege/antraege\\_und\\_formulare/](http://www.contergan-infoportal.de/service/merkblaetter_und_antraege/antraege_und_formulare/)

- Pension capitalisation calculator

[www.contergan-infoportal.de/finanzen\\_recht/rentenkapitalisierung/rentenkapitalisierungs\\_rechner/](http://www.contergan-infoportal.de/finanzen_recht/rentenkapitalisierung/rentenkapitalisierungs_rechner/)

**Note:** The pension capitalisation calculator serves the purpose of orientating your individual planning. The final calculation by the business office of the Contergan Foundation for Disabled People, which is legally valid and reflected in the official communication regarding capitalisation, is decisive.

- Pension capitalisation table

[www.contergan-infoportal.de/finanzen\\_recht/rentenkapitalisierung/tabelle\\_rentenkapitalisierung/](http://www.contergan-infoportal.de/finanzen_recht/rentenkapitalisierung/tabelle_rentenkapitalisierung/)

### **Inquiry to the agency consultancy department**

My caregiver provides services every day and helps me manage my daily activities. Could you please inform me whether my caregiver is able to receive benefits under the Contergan Foundation Act? Which benefits is my caregiver eligible for?

### **Response from the consultancy department**

#### **Benefits under the Contergan Foundation Act**

Benefits under the Contergan Foundation Act (ContStifG) (monetary compensation, monthly pension, annual special payment, annual benefits to cover specific needs) are only available to eligible thalidomide victims and only during their lifetime. Eligibility of heirs is limited according to § 13(5) ContStifG, which only allows inheritability of thalidomide benefits for the group of heirs defined under the law and only for claims which were already payable at the time the eligible person passed.

Since there are no special provisions for caregivers of thalidomide victims, care or coverage for this person is currently only available through the general rules for caregivers. We would like to explain these rules below.

#### **Social security benefits for caregivers**

The nursing care fund allows relatives, friends or neighbours working as a non-professional caregiver according to § 19 of the Eleventh Book of the Social Security Code (SGB XI) benefits under pension insurance, accident insurance and labour promotion (cf. § 44 Social Security Code XI), when providing services for a person requiring care of at least care level 2.

Note: Social security rules do not apply to professional caregivers (nursing staff working for care facilities / nursing services, youth serving their voluntary social year, etc.), as they receive remuneration or financial benefits.

Due to the low level of care provided, there is no coverage for caregivers providing care for a person requiring level 1 care.

#### **a. Pension insurance benefits, § 44(1) Social Security Code XI**

Nursing care funds and private insurance companies pay non-professional caregivers to the competent statutory pension insurance provider, when

- providing care and assistance with housekeeping for at least 10 hours per week, divided into at least two days per week,

and

- providing care in a residential environment, such as the person's apartment, including a nursing home or a household the person requiring care moved into.

The Medical Service of the health insurance or an expert hired by the nursing insurance include the need for care, the extent of services provided by the caregiver, in their evaluation. After the assessment the Nursing Care Fund will automatically contact the caregiver to obtain information required for pension insurance. The Nursing Care Fund notifies the respective insurance company of the compulsory coverage. An application is not required.

The premium is calculated based on a notional wage. Premiums are further based on the required level of care, whether the person depending on care receives attendance allowance, combined benefits (so a portion of each attendance allowance and non-cash benefits) or only non-cash benefits.

<b>Level of care</b>	<b>Receipt of attendance allowance</b>	<b>Receipt of combined benefits</b>	<b>Receipt of non-cash benefits</b>
<b>2</b>	27 %	22.95 %	18.9 %
<b>3</b>	43 %	36.55 %	30.1 %
<b>4</b>	70 %	59.5 %	49 %
<b>5</b>	100 %	85 %	70 %
% of the monthly allocation base (corresponds to 2018: 3,045 Euro West, 2,660 Euro East)			

#### **b. Accident insurance benefits, § 44(2a) Social Security Code XI**

Caregivers, providing care for a person of at least level of care 2, are by law further covered under accident insurance whilst providing care services. Requirements and the process correspond to those of pension insurance benefits. Meaning a separate application is again not required.

#### **c. Unemployment insurance, § 44(2b) Social Security Code XI**

Lastly, caregivers providing care for a person of at least level of care 2, are compulsorily insured under unemployment insurance whilst providing care. As with

pension insurance and accident insurance, no separate application is required. Compulsory coverage is determined when the care-dependent person is evaluated.

### **Note on information from the consultancy department**

The consultancy department only provides general information. It is not guaranteed to be absolutely complete or updated daily.

For a personal consultation pertaining to the specific case please contact the **community helpline of the Federal Ministry of Health (Tel.: +49 30-340 60 660 2)** or **your nursing care fund**.

Please feel free to contact us for additional information or feedback and suggestions regarding the consultation. E-mail us at [geschaefsstelle@contergan.bund.de](mailto:geschaefsstelle@contergan.bund.de) or phone us at **+49 221-3673-3673**. We look forward to hearing from you.

Note:

Personal information is not documented with your consultation request, as it is not required for the consultation and therefore not allowed under data protection laws.