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Videoberatung

Opportunities for a reduction in contributions or a return to statutory health insurance

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– What the tariff change broker never reveals and rarely knows –

A recent study by a lobby organisation proposes to make statutory health insurance (GKV) more attractive for lower earning self-employed persons, as reported by a newspaper from Southern Germany. For self-employed persons there would be a minimum contribution of 342 euros per month.

It is astonishing what journalists take over unchecked, for example when the deception is taken to extremes by the journalist joining the demand for a change in the law according to which self-employed persons are paid according to income. This leads to the question of how this happens. Just pure lobbying of the SHI, ignorance or intention?

SHI-insured persons can also pay less than the minimum contribution – on request

No SHI system voluntarily points out that self-employed persons can also apply to pay a lower contribution than the so-called minimum contribution to SHI if they have a lower income. You have to figure it out for yourself. Or, for example, seek advice from the SHI system and, if the advice is incomplete, later bring an official liability action for damages against the SHI system.

The legal “trick” is to contradict the contribution classification with the minimum contribution – and to keep the justification open by means of proof of income to be submitted later, such as the tax assessment notice. Some unfriendly clerks at the SHI do not express “reservations”, thus unnecessarily provoking an objection procedure, and accept that naive self-employed persons with a monthly profit of about 342 Euros may pass this money one to one to the SHI.

Otto the normal consumer does not learn such vulgarities at school. However, the term “minimum contribution” does not mean that this is the minimum contribution that the self-employed person must actually pay. Just as the minimum penalty under the German Criminal Code can be lower again because of § 49 StGB, not to mention the fact that early release is possible retrospectively, or a pardon by the Federal President, for example in view of winning the European Football Championship. The opposite was done earlier, the conversion of a prison sentence into a death penalty (wheels, quartering and hanging between the goalposts) to make room in the dungeon for the losing team, except for the goalkeeper who was shot from the penalty spot.

Ongoing false advice from insurance brokers

Of the approximately 9 million persons fully insured in private health insurance (PKV) only about 1.4 million are self-employed plus about 400,000 family members. The lobby organisation, a proper foundation, also promotes the unnecessary departure from the GKV by spreading half-knowledge, and later poverty in old age of the self-employed through high private health insurance contributions. However, it is not uncommon for it to be more advantageous to remain in the private health insurance system – an examination in individual cases is therefore always advisable. If the possibility of lower contributions for self-employed persons on application is hardly known to insurance brokers, and the self-employed are therefore transferred to private health insurance for the (apparent) contribution savings, this is false advice and the self-employed person can demand compensation in the amount of the premium to be paid in private health insurance minus the premium to be paid in statutory health insurance on application according to income:

In addition, the costs of services that are not paid for by the private health insurance, but which the statutory health insurance would have paid for. This is enforced in court, first as a declaratory action, then as an action for payment – the amount of the loss will be explained and quantified by an actuarial expert opinion.

More favourable SHI contribution by founding a small GmbH

In fact, the minimum contribution for self-employed persons in 2016 will be 137.57 euros plus an additional contribution from the individual insurance company plus nursing care insurance. And if this is still too expensive for you, you can also sell, lease, rent out, or leave your business to the next generation through an anticipated succession – or to a good friend. If you are a former self-employed person and only an employee there, you may pay even less – and this quite legally, if everything is organised correctly and actually carried out in the same way, i.e. not just for appearances.

Switching to statutory health insurance is also possible and attractive at age 55 and over

Those who have not returned to the SHI system until shortly after the middle of their working life are not compulsorily insured in the health insurance scheme for pensioners (KVdR), with about half the usual contribution. The disadvantage of this is that you become a voluntarily insured person, and thus do not escape the contribution of capital and rental income. It can be different if well designed compulsory insurance exists for other reasons – even as a pensioner.

The optimised design can save a six-figure sum, even if you have already reached the age of 55 and can no longer easily switch to statutory health insurance.

Regularly, one can hardly expect help and advice from the SHI on how the changeover works. The own PKV insurance broker has no increased interest in this either.

The privilege of the KVdR, i.e. the reduction of contributions at retirement age, refers to the time of the start of retirement with the Deutsche Rentenversicherung Bund (DRV), regardless of whether full or partial pension is paid. If necessary, you have to postpone the start of your pension there – and in return you get a bonus in the pension amount.

Moreover, one must not have been admitted to the SHI system only after the age of 55.

One day in the statutory health insurance system is enough – the practice can be different

One day in the statutory health insurance – no matter how you got in – is enough to have to stay in it, if you do not prove that you are covered otherwise. Another question is how income and assets are then subsequently structured so that a suitable classification of contributions can be made. Both are first of all different questions, with possibly different criteria.

Change of profession and/or stay abroad as well as change of status lead to SHI

The self-employed veterinarian can be employed at the animal shelter, for example, to be compulsorily insured until the age of 55. If after some time you are disappointed because your expectations have not been met and you change your mind, this does not reverse the date of entry into compulsory insurance. The distribution of income and wealth within the family, with regard to the assessment of contributions, seems to be the secondary problem.

Alternatively, a stay abroad with compulsory insurance is more often a possibility, or the often unnecessary change to a private health insurance company abroad – in order to then establish compulsory insurance, even after the age of 55. Relatives and family members abroad can make the return to statutory health insurance noticeably easier.

Twice as expensive advice from the tariff change broker?

Courts have repeatedly found that the tariff change broker in the PKV provides prohibited legal advice. Some can be paid several thousand euros in advance and only then take action. The supposedly cheap tariff often leads to the fact that a few years later one pays much more than before or in the original tariff. However, such illicit legal advice not only leads to no fee being owed, but also to increased liability.

by Dr. Johannes Fiala and Dipl.-Math. Peter A. Schramm

by courtesy of

https://www.komet-pirmasens.de/

published in “Der Koment, trade journal for showmen and market traders” 10.12.2016 (issue 5555, page 3-4)

and

www.kapitalschutz-vertraulich.de

(published in Kapitalschutz-vertraulich, Strategy Paper Issue 34/2016, page 2-5 under the heading Specialist article on insurance: Opportunities for premium reductions or a return to statutory health insurance)

and

published in Innovation und Technik, issue 2-2017, pages 46-47 under the heading: Opportunities for premium reductions or a return to statutory health insurance)

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https://www.handwerke.de

(Computers in Crafts, Edition 3/2017, Page 6-7)

and

www.euro-focus.de (published in issue 09/2017, pages 91-92)

Sie haben Fragen?

Scheuen Sie sich nicht, uns für ein Kennenlerngespräch anzurufen. Gerne nehme ich mir persönlich Zeit, um Ihren Fall zu prüfen und den ungefähren Aufwand für Ihr Anliegen abzuschätzen.

Danach sind Sie schon einen Schritt weiter!

Sie erreichen uns per Telefon unter der Nummer 089 / 17 90 900 oder mit einem Klick auf den Button:

Anruf starten

Dr. Johannes Fiala

Ihr Anwalt aus München ist zuverlässig und kompetent immer an Ihrer Seite.

Weiterempfehlung

Sie haben gefunden, wonach Sie gesucht haben? Sie kennen jemanden der unserer Unterstützung benötigt?
Empfehlen Sie uns gerne weiter.

Dr. Johannes Fiala
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