Dr. Johannes Fiala
PhD, MBA, MM
Rechtsanwaltskanzlei

Fasolt-Straße 7, 80639 München Rückrufservice 089 / 17 90 900 info@fiala.de
Videoberatung

…to be denied a return to the SHI system?

Veröffentlicht am 29.01.2016

EC Regulation No 1408/71 of 14 June 1971 facilitates withdrawal from private health insurance (PKV)

Anyone wishing to change their health insurance (KV) has a difficult time, because without new insurance cover, the cancellation will not be effective with the previous KV. This applies especially to people who are 55 years old or older, who often find it impossible to return to the statutory health insurance (GKV). If one turns to a GKV, then this would have to advise – office obligation-adverse one finds rarely competent interlocutors and would have to complain later for compensation (OLG Munich, judgement of 01.06.2006, Az. 1 U 2388/02).

European law helps insured persons

It is not uncommon for the amount of the private health insurance contribution to exceed the pension income in old age. The increase in private health insurance contributions by about 7.5 % p.a. in old age as an empirical value is legally determined by the calculation regulation (KalV) on the basis of formulas – this is therefore also called the actuarial old-age problem of private health insurance. Those who return to the SHI system in old age or earlier will save up to more than €250,000 in expenses for the rest of their lives; and in addition, they will often have to make a patient's last will and testament because they will not take any senseless life-prolonging measures.

If you want to know whether your contact person at the SHI is competent, please ask for an explanation of EC Regulation No. 1408/71 of 14 June 1971. This can be unsuccessful right up to the head of the SHI office, even if he or she may be remunerated with up to more than €12 per month, plus company car and company pension scheme. And if you want to know more about it, you might ask the state and federal authorities – possibly with success. However, according to settled case law, a legal claim to advice exists only on the part of the social insurance institutions.

Comprehensive advice on the tariff change

Several hundred thousands of people with private health insurance turn to their private health insurance because they can no longer afford or do not want to pay the premiums that become more expensive with increasing age. Comprehensive advice on the change of tariff should be given, because there is a legal right to it if the need is recognised, §§ 6, 204 VVG – including liability of the private health insurance for incorrect advice. This advice is free of charge, sometimes in vain. Then he may come to the "tariff change broker" who will pay for his advice, with up to more than one annual premium saving. Afterwards, perhaps years later, the insured often finds that the initially "cheaper" tariff has become so expensive that it once again seems unaffordable.

Individual case advice for "tailor-made suit

The ways out of private health insurance are manifold and possible at almost any age. For example, a residence abroad can help, with statutory insurance requirements there. However, this has a few side effects, such as when the centre of life changes, the risk of double taxation arises.

Alternatively, the pensioner can pro forma take up employment abroad for a certain period of time as a Leihopa for 10 € per hour, which in some EU countries can lead to compulsory insurance in the local statutory health insurance system and subsequently also in Germany. This also requires concrete design advice, as a tailor-made suit in individual cases. And this is certainly associated with consultancy costs, which can be considerable – but they are negligible in comparison to the savings in contributions to the KV. Any failure to obtain advice from the SHI system should be carefully documented, and advice should be sought in advance to ensure that the prospects of later reimbursement by way of recourse are secured.

Change of profession and status

For example, anyone who is self-employed and wishes to remain so will not return to the SHI system in Germany even if he or she is 55 years old, even if he or she takes up paid employment on the side.

He can nevertheless become liable to social insurance in a foreign SHI system by taking up a part-time dependent employment there for some time or by transferring his residence.

Subsequently, he will be admitted to the German statutory health insurance system – even at retirement age. Knowing how and where, the self-employed person, the high-income employee and the over 55 year old will also become liable to statutory health insurance simply by taking on a short-term second job, even without changing their place of residence or reducing their main occupation, and this quite legally according to the existing legal regulations in Germany or in other EU countries. Helpers experienced in EU law can be found to organise the formalities for smooth implementation.

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

www.bindereport.de (Edition 1/2016)

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
PhD, MBA, MM

Rechtsanwaltskanzlei

Themengebiete

- Altersvorsorge und Vermögensplanung
- Lebensversicherung kündigen
- bAV Geschäftsführer und Gesellschafter-Geschäftsführer
- Zinsbetrug mit System
- Anwalt für Erbrecht und Vorsorge
- Betriebliche Altersvorsorge kündigen
- Rechtsanwalt für Versicherungsrecht in München
- Anwalt Asset Protection in München

Rechtliches

- Kontakt
- Juristische Zweitmeinung
- Impressum
- Datenschutz

Sprache ändern

Deutsch English

Kontakt

Rechtsanwaltskanzlei München
Dr. Johannes Fiala, PhD, MBA, MM
Fasolt-Straße 7, 80639 München

Cookie-Einstellungen

Privatsphäre Einstellungen Einwilligungsverlauf Zustimmung aufheben
Fasolt-Straße 7, 80639 München Rückrufservice 089 / 17 90 900 info@fiala.de Videoberatung

Video Anrufen Mail Kontakt