

Medications Included in “The List of Medications Subsidized by Government” After the Treatment Will Also be Subjected to Reimbursement as per the Principle of Equality

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Ankara Regional Administrative Court 12th Administrative Chamber has ruled that the amount paid for medication during the chemotherapy treatment should be reimbursed to the patient since this medication is later included in "The List of Chemotherapy Medications to be Provided by Hospitals" with the announcement of the General Directorate of General Health Insurance. Accordingly, the Regional Administrative Court decided that the rejection of the reimbursement request for the amounts previously paid is unlawful and against the "Principle of Equality" protected under the Constitution.

The cancer patient who covered his own medicine expenses during the chemotherapy treatment, requested to be reimbursed due to the fact that the same medication has later been included in "The List of Chemotherapy Medications to be Provided by Hospitals" as of 30 August 2016. Upon the rejection of the request, the applicant has filed a lawsuit before the Ankara 11th Administrative Court. The Administrative Court upheld the decision based on the fact that concerning prescriptions and the invoices have been issued before the medication was included in the relevant list.

Ankara Regional Administrative Court has accepted the appeal request of the plaintiff and revoked the Administrative Court decision based on the following reasons:

- As per the Article 2 of the Constitution, the Republic of Turkey is a social state governed by the rule of law.
- According to the Article 5 of the Constitution, the State aims to ensure the welfare, peace and happiness of individuals and society, to protect the fundamental rights and freedoms, to provide the conditions required for the development of the individual's material and spiritual existence.
- Article 17 of the Constitution asserts that all individuals have the right to life, right to protect and develop their material and spiritual existence.
- As per Article 56 of the Constitution, the State has the duty to protect the life, physical and psychological health of the individuals.
- Article 60 of the Constitution states that everyone has the right to social security and the State is under the obligation to establish and maintain such security.
- In the light of the fact that the concerning medication is included in "The List of Chemotherapy Medications to be Provided by Hospitals", reimbursing only some of the patients in the same treatment process whereas not reimbursing the others is against the "Principle of Equality".

Please see this [link](#) for the full text of the Ankara Regional Administrative Court's decision dated 8 November 2018 number 2018/1511 E. and 2018/1430 K. (only available in Turkish).

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