Healthcare service provision and injuries in the time of COVID-19 pandemic: A legal and regulatory perspective

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This study will describe the current legal and regulatory frameworks implemented during the different phases of the COVID-19 pandemic, assessing how well they worked. It will offer insights regarding coverage and reimbursement for specific health and social care services for people having suffered severe injuries in the context of providing work under particular circumstances, often far removed from their regular working space. Working environments and spaces, as well as overall working conditions, have been radically changed in a sudden and unexpected way. Jobs have been placed at risk, with many disproportionally affected by the lack of supporting mechanisms. New working routines have impacted the lives of many, altering not only working, but also disrupting living patterns. There is a strong emerging need to adapt the legal and regulatory framework related to health and social care services provision, in terms of prevention but also in relation to coverage and reimbursement. New injury patterns and new forms of injury, incl. in relation to mental health, have arisen. They are coupled with burden-of-proof challenges and the need to rebalance social rights. Unprecedented legal and regulatory measures were required to mitigate the social and economic effects of this global health emergency on businesses, workers and citizens. In this context of limitation of individual rights and social freedoms, questions of implementation of EU and international conventions arose (TFEU, ECHR, ILO), while legal and regulatory measures had to be enacted in order to create effective framework for pricing and reimbursement of the specific injuries, during emerging circumstances. Balancing sustainability, burden-of-proof issues and social rights through a comprehensive methodological framework can help resolve ambiguities that often leaded to litigation and, at the same time, resolve the issues of proportionality and legitimate aim in terms of the adopted regulations.