



Appeal Process

Appeal must be made within **2 weeks** from certification date.

FOME MA[®] Appeal Unit

✉ appeal@fomema.com.my ☎ 03-2782 8777

📍 LOT 49 & 51 JALAN KAMPUNG PANDAN 55100, KUALA LUMPUR

PROCESS FOR APPEAL OF FOREIGN WORKERS' MEDICAL EXAMINATION

WHO CAN SUBMIT AN APPEAL REGARDING A FOREIGN WORKER'S MEDICAL STATUS?

Only the **employer** can submit an appeal through the examining doctor.

TO WHOM SHOULD THE APPEAL BE SUBMITTED TO?

Employers are to submit the appeal through the **examining doctor who carried out the medical examination** on the foreign worker

MY FOREIGN WORKER HAS BEEN FOUND MEDICALLY UNSUITABLE. HOW LONG DO I SUBMIT AN APPEAL?

The appeal should be submitted in writing to the examining doctor **within two weeks of the certification date or date of amendment** of the status of the foreign worker

HOW LONG DOES THE APPEAL PROCESS TAKE?

The appeal process may take up to **four weeks** from the time of registration of appeal. If the employer does not submit the required investigations within four weeks of the submission of the appeal, the case will be closed.

IS THERE ANY ADDITIONAL COST TO SUBMIT AND PROCESS THE APPEAL?

This will depend on the circumstances of each case as decided by the examining doctor. The examining doctor may require the foreign worker to re-take the X-ray, carry out laboratory tests or undergo a specialist assessment as required by the Ministry of Health. **All costs relating to the appeal will be borne by the employer.**

WHAT ARE THE DOCUMENTS THE AUTHORISED EMPLOYER HAS TO PROVIDE IF THE FOREIGN WORKER ATTACHED WITH A SUB-COMPANY OR A REPRESENTATIVE TO SUBMIT APPEAL?

If the sub-company or a representative making an appeal on behalf of the authorised employer, the authorised employer has to provide **an authorization letter to their sub-company or a representative.**

WHAT IS THE DURATION FOR THE CONFIRMATION TEST FOR DRUG (OPIATES AND CANNABINOIDS) TEST TO BE DONE?

Normally the drug confirmation test take up to **2-3 weeks** from the date of the original specimen sent to the testing centre.

WHY DOES FOME MA USE ORIGINAL SPECIMEN FOR APPEAL CASES REGARDING PREGNANCY AND DRUG?

Medical status is based on the **result obtained at the time of the medical examination.** Therefore, if there is a request to review the medical status, confirmation test should be carry out on the specimen collected on the initial medical examination.

OUR FOREIGN WORKER'S MEDICAL STATUS AT FOMEMA IS SHOWN UNSUITABLE WHILE OUR DOCTOR HAS PERSONALLY CONFIRMED TO US THAT HE HAS CERTIFIED OUR WORKER AS SUITABLE. WHAT IS THE EXPLANATION?

This could happen when either the x-ray findings or the laboratory's test results or both have shown abnormalities and these concerned have transmitted their findings accordingly. Despite the findings of abnormalities by X-ray clinic or laboratory, your chosen doctor had certified your worker SUITABLE. In such a situation of inconsistencies, our system of monitoring automatically detects them and upon our investigation (and based on criteria set by the Ministry of Health), the worker's status will be amended to UNSUITABLE. An example would be where the laboratory test detected the presence of hepatitis B antigen but the doctor chooses to transmit the certification as SUITABLE. This is the essence of the health-screening program under our system, to detect and prevent inconsistencies or likely abuses.

COULD FOMEMA CHANGE THE STATUS OF OUR FOREIGN WORKERS TO UNSUITABLE?

Yes, if we have subsequent evidence that the worker has not met the criteria of SUITABLE certification even though the examining doctor had initially certified the foreign worker as suitable. This mainly arises from our auditing of the X-ray films by our X-ray Quality Control Centre, where the X-ray film was initially misread as 'normal'. In such a situation, FOMEMA will inform the employer, the doctor and the Immigration Department accordingly that the foreign worker's status has been amended to UNSUITABLE.

WHAT ARE THE CONDITIONS THAT ARE NOT ALLOWED FOR APPEAL?

According to the policy agreed between the Ministry of Health Malaysia and FOMEMA SDN.BHD the conditions that are not allowed for appeal are:

- a) **TUBERCULOSIS**
All of the chest x-rays films reported with tuberculosis that already been audited by FOMEMA radiologist
- b) **MALARIA**
All medical screening result that found to be positive with malaria using the ELISA method during the medical screening process is already been proceed with confirmation test using the BFMP method done by MKAK (Makmal Kesihatan Awam Kebangsaan)
- c) **PREGNANCY**
All medical screening result that found to be positive with pregnancy using the UPT method is already been proceed with confirmation test using the existing blood sample by Serum B-HCG method.
- d) **SYPHILIS**
All medical screening result that found to be positive with syphilis using the VDRL method is already been proceed with a confirmation test using the existing blood sample by RPR method.