

# Summary of Health Issues in South Africa

Period 14/03/2016 – 18/03/2016

The Constitutional Court dismissed the application for leave to appeal a judgement of the Supreme Court of Appeal ordering the medical scheme known as Genesis to pay in full the cost of treatment of a Prescribed Minimum Benefit (PMB) despite of where the treatment was obtained. In the absence of a designated service provider, the fund must, in terms of Regulation 8 of the Medical Schemes Act of 1998, reimburse the full cost of some 270 conditions.

There is no limitation as to what specialists, doctors and hospitals can charge for the treatment of such PMB, this being cited as one of the reasons for the high cost of healthcare in South Africa.

The question asked is whether the rules of the scheme may be overruled by the Court? Both the High Court and the Supreme Court said the rules were binding as they were contractual in nature. Upon further legal enquiry, a contradiction appeared, in that the SCA found that the Medical Aids Schemes Act overrides that of the rules of a medical scheme.

A short background to the case that attracted this attention revolved around a minor dependent child, after having been involved in an accident required three external prostheses which were applied in an attempt to heal the wound. The scheme in question held that there were no benefits for that recourse, and Genesis had not appointed a DSP. This option to appoint such is the decision of the Scheme and is not mandatory on the part of any scheme. The Court held that even though there was no benefit for external prostheses, the treatment was for a PMB and the scheme had to pay in full.

REFERENCE: SUSAN ERASMUS; FIN 24, 14<sup>TH</sup> MARCH 2016

The Office of Health Standards Compliance inspected 417 facilities recently to determine whether various state of institutes and clinics were up to scratch. Of grave concern was an example cited, that Manne Dipico Hospital in the Northern Cape scored a low 44% because its CEO was a theatre scrub nurse spending her time in theatre due to the facility being short staffed. This is shocking to say the least!!!

REFERENCE TAMAR KAHN: BUSINESS DAY, 17<sup>TH</sup> MARCH 2016