

Urgent PPBU Update

The North Gauteng High Court delivered judgment in the application of the Board of Health Care Funders of Southern Africa (BHF) and Samwumed to issue a declaratory order on the interpretation of the words "pay in full" in regulation 8(1) of the General Regulations made pursuant to the Medical Schemes Act, 131 of 1998.

The court dismissed the application, that was opposed by the Council of Medical Schemes and 11 others, with costs.

The result of this ruling is that medical schemes that used this application to act in contravention of the Medical Schemes Act and Circulars of the Council of Medical Schemes, will have to abide by the decision of the High Court and pay for PMB's in full!

SASA members are encouraged to resubmit accounts for PMB conditions that were rejected or partly paid by Funders and request for payment in full for the services delivered.

Funders that still refuse to pay for PMB conditions in full, despite a request for "payment in full", can be reported to the CMS. Complaint forms can be downloaded by going to http://www.medicalschemes.com/files/Application%20Forms/Complaint_Form.doc

The following medical schemes and administrators supported the application according to the judgment: Medscheme Holdings (Pty) Ltd, Samwumed, Fedhealth Medical Scheme, Compicare Wellness Medical Scheme, Goodhope Medical Aid Society, PG Bison Medical Aid Society, IBM (SA) Medical Scheme, Grintek Electronics Medical Aid Scheme, Building & Construction Industry Medical Aid Fund, Universal Healthcare Administrators (Pty) Ltd, Optimum Medical Scheme, Umvuzo Health Medical Scheme, Sechaba Medical Solutions (Pty) Ltd, Sizwe Medical Fund and Topmed Medical Scheme.

Profmed Medical Scheme sent out letters to Providers that claimed for "payment in full" for PMB conditions. These letters stated that Profmed sought legal opinion in this regard and that the opinion suggested that Profmed would be acting in contravention of its rules and the law if it were to pay PMB's as interpreted by the CMS. They suggested that the Board of Profmed might revisit its decision after a declaratory order has been issued.

The PPBU suggest that it is appropriate for Profmed and other Funders that held such an opinion, to revisit it's decision and start paying for PMB's in full with immediate effect. It would also be reasonable to expect Funders to pay for all PMB claims that was rejected in the past, "in full".

To access the full judgment (http://www.medicalschemes.com/files/Judgements%20on%20Appeals/BHFvsCMS_Reg8PMB.pdf).

Regards

PPBU