# NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION NO. 763**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 10 MARCH 2023**

**(INTERNAL QUESTION PAPER NO. 08)**

**Mrs E R Wilson (DA) to ask the Minister of Health:**

(1) What number of times has the anti-corruption forum within the health sector (HSACF) met in each year since it was established in 2018;

(2) what (a) number of allegations of corruption have (i) been referred to the forum and (ii) resulted in investigations by the HSACF in each year since 2018 and (b) was the nature of the allegations, such as fraud, maladministration and/or corruption;

(3) what number of the specified investigations have resulted in (a) successful criminal prosecutions, (b) civil recoveries, (c) medical practitioners struck off the roll, (d) medical aid scheme sanctions emanating from HSACF referrals in each case,

(4) what specified preventative and/or risk-management measures were implemented by the HSACF? **NW862E**

**REPLY:**

1. The Health Sector Anti-Corruption Forum (HSACF) has convened its meetings on Nine (09) occasions since 2018, below is the details of the meetings:

|  |  |
| --- | --- |
| **#** | **Date of Meeting** |
| 1. | 23 August 2018 |
| 2. | 20 November 2018 |
| 3. | 27 November 2019 |
| 4. | 21 May 2019 |
| 5. | 30 June 2020 |
| 6. | 02 December 2020 |
| 7. | 29 June 2021 |
| 8. | 30 March 2022 |
| 9. | 21 September 2022 |

In addition, the HSACF has established the Steering Committee that has been mandated to assess all health-related corruption allegations that have been reported. The Steering Committee serves as an operational structure of HSACF and meets more frequently or as and when there are new allegations that has been reported, which requires to go through assessment process.

1. (a) Number of allegations of corruption have (i) been referred to the forum and (ii) resulted in investigations by the HSACF in each year since 2018.
* A total number of eleven (11) allegations were reported to the HSACF in 2018/19/20. All allegations were referred to the relevant entities who are part of the HSACF for formal investigations as per their legislative mandate.
* A total number of twelve (12) allegations were reported to the HSACF in 2020/21. All allegations were referred to the relevant entities who are part of the HSACF for formal investigations as per their legislative mandate.
* A total number of five (05) allegations were reported to the HSACF in 2021/22. All allegations were referred to the relevant entities who are part of the HSACF for formal investigations as per their legislative mandate.
* One (01) allegation was reported to the HSACF in 2022/23. The allegation was referred to the relevant entity who is part of the HSACF for formal investigations as per their legislative mandate.
1. The HSACF has registered quite a significant investigations outcomes or successes in twelve (12) matters that were reported to the Forum and formally investigated by member entities. The below table highlight some of the successes in terms of criminal prosecution, civil recoveries, and medical aid sanctions:

| **#** | **Entity Investigated** | **Investigation Outcomes** |
| --- | --- | --- |
| 1 | Health Professional Council of South Africa | * Presidential report submitted in May 2022
* DC referrals 19
* NPA referrals 21
* SARS referrals 2
* OHSC referral 1
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| 2 | Provision of Aero Medical & Patient Transport – NW | * Freezing order of former HOD pension to the value of R2 125 113,58
* R30 000 000 civil proceeding have been instituted.
* HOD has been referred for disciplinary and has been dismissed on 13 January 2020
* NPA criminal referral for 2 officials (Thapelo Buthelezi & CFO Mr Lekalakala)
* Disciplinary referral made for CFO who facilitated the irregular payments to Buthelezi EMS
* Civil proceedings underway to the value of R204 million are being instituted against Buthelezi EMS
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| 3 | Provision of Aero Medical & Patient Transport – FS | * 10 disciplinary referrals.
* 8 referrals for administrative action.
* 5 referrals to the NPA
 |
| 4 | National Health Laboratory Services | * 8x Disciplinary Referrals
* 11x NPA Referrals
* 8x finalised investigations
* 1 x Civil referral: Review application against 8 companies: R172 million. Preservation order obtained
 |
| 5 | Council for Medical Schemes | * 13 x disciplinary referrals relating to 2 individuals.
* 1 x criminal referral relating to 18 individuals.
* 4 x systemic recommendations
* 53 x investigations concluded (lifestyles, complaints, procurement, regulatory reviews)
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| 6 | Office of the State Attorney | Focus Area 1: Maladministration in connection with the affairs of the office of the State Attorney in relation to― (*a*) legal services that were provided, or procured, by the office of the State Attorney in the performance of its functions as contemplated in section 3 of the State Attorney Act, 1957 (Act No. 56 of 1957), on behalf of― (i) the Gauteng Department of Health and the Eastern Cape Department of Health in respect of claims based on medical negligence; *Legal Practitioners** Civil litigation instituted to the value of R82 994 347 for potential cash and/or assets recovered.
* R 217 000 Acknowledgement of Debt - AoD signed
* 8x disciplinary referrals
* 15x administration actions referrals
* 12x criminal referrals

*Medical negligence cases in Court.** Civil litigation instituted to the value of R412 549 298 for potential cash and/or assets recovered.
* Rand value of potential loss prevented to the amount of R412 549 298
* 14x disciplinary referrals made.
* 13x administrative action referrals
* 7x criminal prosecution referrals
* Rand value of matters in respect of which evidence was referred for the institution or defence/opposition of civil proceedings to the value of R412 549 298

Focus Area 2: Maladministration in connection with the affairs of the office of the State Attorney in relation to ― the South African Police Service in respect of claims based on wrongful arrest or detention, assault, or malicious prosecution.* Rand value of potential cash and/or assets to be recovered to the value of R1 600 000.00
* Rand value of potential loss prevented to the amount of R25 747 581
* 1x disciplinary referral made.

Focus Area 3: The procurement of legal services, as contemplated in paragraph 2(*a*) of this Schedule, by the office of the State Attorney, or payments which were made in respect thereof, in a manner that was―(*a*) not fair, competitive, transparent, equitable or cost-effective; or (*b*) contrary to manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the office of the State Attorney, and any related unauthorised, irregular or fruitless and wasteful expenditure which the Department or the State incurred as a result thereof.* Rand value of potential cash and/or assets to be recovered to the value of R4 146 476 079.
* Rand value of actual cash and/or assets recovered to the value of R2 228 773.44
* 2x disciplinary referrals
* 5x criminal prosecution referrals

Focus Area 4: Irregular conduct by— (*a*) employees or officials of the office of the State Attorney; or (*b*) any other person or entity, relating to the allegations referred to in paragraphs 2 or 3 of this Schedule."* 27 criminal prosecution referrals
* 33 Administrative action referrals
* 28 disciplinary referrals
* 1x SARS referral
* 12x systemic recommendations made.
 |
| 7 | South African Health Product Regulatory Authority | * 5x criminal referral letters have been for referred to NPA to institute criminal prosecutions for fraud in respect of 5 officials who caused the issuing of irregular licenses.
* 5x disciplinary action referral letters (DCs) have been referred to the South African Products Regulatory Authority (SAHPRA) so that they can be disciplined in line with their policies and the Public Service Act.
* The investigating team is busy drafting the Final Presidential Report.
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| 8 | National Department of Health Medico Legal Claims | * 18 legal practitioners are being investigated by the Special Investigating Unit (SIU) that assisted the Office of the State Attorney in rendering legal services in respect of medical negligence claims on the Gauteng Department of Health and the Eastern Cape Department of Health.
* 17 claims of legal practitioners still need to be verified by Legal Tax Bill Consultants.
* The SIU is also busy litigating cases involving Hypoxic Ischemic Encephalopathy (HIE) with acute profound & partially prolonged in courts costing more than R203 549 298.
* Hypoxic Ischemic Encephalopathy (HIE) with acute profound & partially prolonged. Hypoxic Ischemic Encephalopathy (HIE) with acute profound & partially prolonged.
* The SIU has investigated Janilite (PTY) Ltd which acted as intermediary in both ECDH & GDH and a settlement of R2 228 773.44 was agreed by the departments with the assistance of the SIU.
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| 9 | National Department of Health | * The docket has been submitted to the State Prosecutor for decision, this matter relate to senior officials who defrauded the Department of Health millions in subsistence and travel irregularities.
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| 10 | Government Employee Medical Scheme (GEMS) | * The docket is almost complete, the Investigator is working on concluding financial report based on financial statements. The docket will soon be submitted to State Prosecutor for decision
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| 11 | COVID-19 National Proclamation | * The final report was submitted to the President in June 2022. The legal outcomes have been presented to Parliament oversight Committees
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| 12 | Pretoria Eye Institute | * Acknowledgements of debts was signed on this matter with some of the medical schemes that are affected who were involved in claim irregularities.
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1. Specified preventative and/or risk-management measures were implemented by the HSACF
2. A series of webinars were successfully rolled out in 2020/21FY under the banner of HSACF Corruption Prevention Program with the following objectives:
* *To create public awareness about corruption in the health sector*
* *To profile the Health Sector Anti-Corruption Forum (HSACF)*
* *To raise awareness about whistleblowing and witness protection*

Amongst the thematic areas in relation to health sector corruption that were discussed include the following:

* The corruption pandemic in South Africa’s health sector
* National Health Insurance (NHI) and its vulnerability to corruption
* Combatting corruption in the private health sector
* When corruption and Covid-19 intersect
* Unpacking whistleblowing protection in South Africa
1. Collaboration with UNODC to implement corruption prevention programs in South Africa’s health sector.
* The HSACF is collaborating with the UNODC to implement corruption prevention initiatives in the health sector, which include strengthening whistleblowing/reporting mechanism and corruption risk assessments. Two (2) health sector entities were identified to implement these projects.
* These entities include HPCSA where a pilot project will be implemented on strengthening their internal whistleblowing/reporting channels and National Department of Health where corruption risk assessments will be implemented in particular around procurement.
1. Corruption Risk Mitigation Plan for COVID-19 Vaccine Roll-Out
* The COVID-19 Corruption Risk Mitigation Plan (CRIMP) was initiated to supports the National Covid-19 Vaccine Roll-Out Plan, led by the Inter-Ministerial Committee, chaired by the Deputy President
* The key objective of CRIMP was to develop and implement a specific anti-corruption lens on the roll-out of the vaccine taking lessons from the PPE investigations.
* The development of the CRIMP was led by DPME, working closely Health Sector Anti-Corruption Forum, convened by the SIU under the ACTT Prog 4.

The specific purpose of CRIMP was to enhance and complement existing efforts by providing:

* Framework and template to assess COVID-19 Vaccine corruption risks.
* Consolidate and Assess (“hack”/stress test) the workstream plans into a single, living anti-corruption risk mitigation plan.
* Act as coordination interface between the IMC work streams and specialist anti-corruption capacity (such as ACTT and its Fusion Centre) where required.
* Act as coordination interface with civil society, business, and labour; and optimise the existing mechanisms (e.g., with the SIU led Health Sector Anti-Corruption Forum) on broadening the anti-corruption response.

END.