# NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION NO. 889**

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**(INTERNAL QUESTION PAPER NO. 16)**

**Mr N N Chirwa (EFF) to ask the Minister of Health:**

By what date will he institute an investigation into allegations of racial profiling raised by general practitioners to the Council for Medical Schemes that medical aid schemes do not pay them on the basis of racial discrimination?

**NW2039E**

###### REPLY:

The Council for Medical Schemes (CMS) instituted an investigation into racial profiling by medical schemes on 16 May 2019, following allegations of racial profiling raised by General Practitioners, as directed by the Ministry of Health. The investigation is called the “Section 59 Investigation” in line with the Section in the Medical Schemes Act, 131 of 1998, which unpacks the charges by suppliers of service. The CMS on 25 June 2019 published the Terms of Reference for the Section 59 Investigation Panel in CMS Circular 45 of 2019. Circular 45 of 2019 is attached as **Annexure A**.

The Section 59 investigation is in terms of CMS’s regulatory mandate, under section 7(a)(b)(c)(d), 8(a) and (k) and 9(2) of the Medical Schemes Act, 131 of 1998. The CMS appointed an independent investigation panel chaired by Advocate Tembeka Ngcukaitobi together with Advocates Adila Hassim and Kerry Williams. The investigation will examine allegations made by medical practitioners, that they are being treated unfairly, and their claims are being withheld by medical schemes based on their ethnicity and colour of their skin. The panel will ultimately make recommendations to the CMS in relation to addressing the complaints, the appropriate administrative, legal and policy interventions.

Accordingly in terms of the circular 45 above, Section 59 Investigation panel was to receive written submissions from interested parties until 19 July 2019, extended from 30 June 2019. Interviews and public hearings were to be conducted from 29 July 2019 to September 2019, and the final report is to be delivered by the Investigation Panel in November 2019.

A total of 75 submissions were received within the open period for submissions and 163 submissions were received after the closing date. All submissions were handed over to the Investigation Panel for further deliberations and scrutiny. To date the CMS held 2 sessions of hearings consisting of 9 days. Session 1 had 221 attendees and 9 stakeholders appeared before the Investigation Panel. The 9 stakeholders were:

1. Solutionist Thinkers Group – 29 July 2019
2. Competition Commission – 29 July 2019
3. Council for Medical Schemes – 30 July 2019
4. Board of Healthcare Funders of Southern Africa – 30 July 2019
5. Health Professions Council of South Africa – 31 July 2019
6. National Healthcare Professionals Association – 31 July 2019
7. South African Medical Association – 1 August 2019
8. Independent Practitioners Association Foundation – 1 August 2019
9. Health Funders Association – 2 August 2019

Session 2 had 134 attendees and 10 stakeholders. The 10 stakeholders were:

1. South African Private Practitioners Forum – 20 August 2019
2. Independent Community Pharmacy Association – 20 August 2019
3. Elsabe Klinck and Associates – 21 August 2019
4. Health Man – 21 August 2019
5. South African Medical and Dental Practitioners – 21 August 2019
6. South African Optometric Association 23 August 2019
7. Wim Trengove (SC) – 23 August 2019
8. Dental Professions Association – 23 August 2019
9. South African Society of Psychiatrists – 29 August 2019
10. NHC Healthcare Centre – 29 August 2019

The next public hearings took place on the 25th, 26th and 27th September 2019 where individual complainants were heard. The dates of the 17th, 18th, 21st, 22nd, 23rd, 24th/25th October will be reserved for Medical Schemes and Administrators.

END.