

'Everyone jittery' about the legal framework needed to bring NHI to life

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Developing the legal framework to breathe life into the National Health Insurance (NHI) policy is likely to take twice as long as the government has planned, one of SA's leading healthcare lawyers told delegates at the annual Hospital Association of SA (Hasa) conference on Wednesday.

It will require such a complex set of legislative reforms, it will be impossible to achieve by 2022, said Werksmans Attorneys' director of healthcare and life science practice, Neil Kirby.

The NHI aims to provide quality healthcare services to everyone, which is free at the point of delivery, and to narrow the gap between the care currently available to the rich and poor. The government's latest policy on NHI is set out in a White Paper released by Health Minister Aaron Motsoaledi in June, which says the enabling legislative framework for NHI is to be developed between 2017 and 2022.

In addition to amending 11 existing healthcare acts, the government would probably need to craft two entirely new pieces of NHI-related legislation, said Kirby. This would likely involve an NHI Act stipulating who would belong to the scheme and the role of providers, and an NHI Fund Act to deal with the financing mechanisms, he said.

Amendments would probably be needed to the Consumer Protection Act and the Labour Relations Act as well. Once the acts had been promulgated, they would require enabling regulations to bring them into effect, Kirby said.

"This is gargantuan, paradigm-shifting stuff. [This] is an incredible burden on Parliament, which has to deal with numerous issues: this is not an issue that necessarily takes precedence over other legislative processes," he warned. "This cannot be rushed, but the slower it is, the more jittery everyone becomes."

By - TAMAR KAHN, Business Day