

Supreme Court Rejects BHF Appeal on Regulation 8.

28 September 2012

Dear colleagues

The Supreme Court of Appeal (SCA) on Thursday last week denied the BHF and SAMWUMED the right to appeal against the dismissal of their application for clarity on PMBs and Regulation 8. The SCA did not give reasons for its decision, but said its dismissal of the application for leave to appeal signified that the court is of the view that the appeal would have no prospects of succeeding. This was also the view expressed by Judge Cynthia Pretorius in the Gauteng North High Court application to appeal.

This matter has now been heard in the High-Court, gone on Appeal in the Gauteng North High Court and on further appeal to the Supreme Court of Appeal in Bloemfontein. We believe that millions of rands have been spent on legal costs alone in pursuing this matter. The BHF Board is accountable to their member schemes and ultimately scheme members for this money wasted. There is also still a cost order against BHF that they will have to deal with.

SAPPF once again thanks its members and member organisations who support SAPPF and who was one of the main opponents to this frivolous application by the BHF.

SAPPF reminds its members that as a general rule, all costs relating to the diagnosis and treatment of PMBs should be paid at cost, unless certain managed care tools such as Designated Service Providers and Formularies are applied by a Medical Scheme. Scheme members should also be educated by their doctors in this regard to ensure that they receive the relevant PMB benefits that they are entitled to.

Regards

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CEO