



Ukungadalulwa Kolwazi Oluphathele Nezinsiza.



ISIZULU

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UKUNGADALULWA KOLWAZI OLUPHATHELENE NEZINSIZA.

Ukugcwaliswa kwefomu lokufaka isicelo noma iphepha lemibuzo lezempilo ngokuphathelelene nezikimu zezokwelapha kungesinye sezinyathelo ezibalulekile ngokuphathelelene nobudlelwano bezenkontileka phakathi komhlomuli kanye nesikimu sezokwelapha. Iphepha lemibuzo lezempilo efomini lokufaka isicelo liyingxenye yenkontileka futhi kumele lisayinwe yilungu. Kubaluleke kakhulu ukuthi ulwazi oluhlinzekiwe lube ngoolufanele ngokweqiniso. Ofake isicelo kumele achaze yonke imininingwane ngokuphathelelene nabathembeke kuwe ulwazi lwezempilo kanye nezifo ovele unazo uma ugcwalisa noma uhlinzeka ngemininingwane yephepha lemibuzo lezempilo.

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Inqubo yokufaka isikhalazo.



Ukubaluleka kwemininingwane ephathelene nezinsiza uma ufaka isicelo sokuvikelwa isikimu sezempilo.

- Imininingwane ephathelene nezinsiza yinoma iluphi ulwazi okungenzeka kube nomthelela ekukwazini kwesikimu ukubala ingozi esizifaka kuyo uma ilungu elisha lingena esikimini. Ibhezini lesikimu sezokwelapha ukuthatha ingozi ngokushintshisana nemali ekhokhwa ngenyanga.
- Noma kungeke kusetshenziswe iminyaka yobudala kanye nesimo sezempilo selungu ukuze kunqunywe ukuthi ilungu lizokhokha malini noma ukubandlulula ilungu nganoma iyiphi indlela, kuyingxenywe yemininingwane ephathelene nezinsiza okumele ichazwe ephepheni lemibuzo lezempilo uma ufaka isicelo sokuba yilungu lesikimu sezokwelapha ukuze kwenziwe ukuhlololwa ingozi okufanele.
- Kubalulekile ukuthi izikimu zezokwelapha zazi ngokuphelele ngesikhathi sokufakela isicelo sokuba yilungu, ububanzi bengozi ezizifaka kuyo. Lokhu kusiza isikimu ukuthi sinqume lokho esikuvikelayo okusebenzayo ngokuphathelene nesicelo esifakiwe ngasinye kanye/ noma abathembele kuye, ngokuhambisana nokuhlinzekelwe kuMthetho Wezikimu zezokwelapha, uNombolo 131 we-1998 (uMthetho).
- Ngenxa yokuthi uhlelo lokubhalisa amalungu amasha lungathatha isikhathi eside, amalungu kudingeka ukuthi azise isikimu sezokwelapha nganoma yiziphi izinguquko ngokuphathelene nesimo sawo sezempilo kusukela ngosuku agcwalisa ngalo ifomu lokufaka isicelo kuze kufike osukwini lokungena .

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Ukuphula umthetho kanye nokujeziselwa ukwehluleka ukuhambisana noMthetho.

Ukungadaluli ulwazi ngokuphathelelene nezinsiza kuyicala elibomvu. UMthetho Wezikimu Zezokwelapha uhlinzekela ukuphula umthetho kanye nokujeziswa okungenzeka kusetshenziswe kulabo abehlulekayo ukuhambisana noMthetho. Isigaba 66 soMthetho, sibalula okunye ukuphulwa komthetho kanye nokujeziswa okumele kusetshenziswe ngokuphathelelene nokuhluleka ukuhambisana nokuhlinzekwe uMthetho:

66 Ukuphulwa komthetho kanye nokujeziswa

- Noma ubani –
 - a) ophula noma yikuphi okuhlinzekwe yilo Mthetho noma owehluleka ukuhambisana nalokhu okulapha;
 - b) wenza noma abangele noma yikuphi ukukhokhelwa umhlomulo okusolwa ukuthi kumele ukhokhwe ngokuphathelelene nemithetho yesikimu sezokwelapha, ebe azi ukuthi lesi sicelo sezokukhokhelwa asilona iqiniso;
 - c) owenza azi noma obangela ukwethulwa kwemininingwane ngokuphathelelene nezinsiza ekungelona iqiniso esikimini sezokwelapha, ukuze kusetshe-
nzelwe ekuqaguleni noma yimaphi amalungelo

anoma yimuphi umhlomulo okumele utholakele ngokuphathelelene nesikimu sezokwelapha;

- d) ukwazi noma yini eyiqiniso noma ukwenzeka kwanoma yiphi isehlakalo esinomthelela ngokuphathelelene nokuthola kwakhe umhlomulo ngokuphathelelene nemithetho yesikimu sezokwelapha, futhi owehluleka ukudalula lawa maqiniso noma isehlakalo esikimini sezokwelapha ngenhloso yokuthola esikimini sezokwelapha umhlomulo okungamele awuthole noma umhlomulo omkhulu kunalowo okumele awuthole;
- e) onikeza ngesitatimende, i-akhawunti noma incwadi yokukhokhelwa elungqini noma kunoma yimuphi omunye umuntu, azi ukuthi lesi sitatimende, i-akhawunti noma incwadi yokukhokhelwa engelona iqiniso futhi engasetshenziselwa yilungu elinjalo ukuze lifake isicelo sokukhokhelwa isikimu sezokwelapha noma yimuphi umhlomulo noma umhlomulo ongaphezu komhlomulo okumele awuthole ngokuphathelelene nemithetho yesikimu sezokwelapha; noma
- f) okuzokwenzeka ukuthi, ngokuphathelelene nokuhlinzelwe esigabeni esingaphansi kwesiyinhloko (2), abe necala, futhi kumele akhokhe inhlawulo noma aboshwe





isikhathi esingekho ngaphezu kweminyaka emihlanu noma kokubili ukuhlawuliswa kanye nokuboshwa. [Isigaba esingaphansi kwesiyinhloko.(1) esichitshiyelwe isigaba 27(b) soMthetho onguNombolo 55 wezi-2001.]

Nanoma yiliphi ilungu elihlulekayo ukudalula ulwazi oluphathelele neziniza noma elibeka ngendlela engeyona iqiniso okuphathelele neziniza okungasetshenziswa ukunquma amalungelo okuthola imihlomulo ngokuphathelele nemithetho yesikimu, uzotholakala, ngokuphathelele nesi-gaba esingaphansi kwesiyinhloko (2), enecala lokwephula umthetho, futhi kuzomele uma esetholakele enecala, ukuthi akhokhe inhlawulo noma aboshwe isikhathi esingekho ngaphezu kweminyaka emihlanu, noma ukukhokha inhlawulo kanye nokuboshwa.

Imiphumela yokungadaluli ulwazi oluphathelele neziniza

Ukwengeza esigatshaneni esingenhla, Isahluko 5 S29 (2)(e) sihlizekela ukuthi isikimu sezokwelapha sikhansela ubulungu ngokuphathelele nokungadaluli ulwazi ngokuphathelele neziniza. Kafushane nje, ukungadaluli ulwazi ngokuphathelele neziniza kungaholela:

- Ekukhanselweni kobulungu besikimu sezokwelapha belungu, kanye nalobo balabo abathembele kulo.
- Uma kukhanselwa inkontileka ngaphansi kwalezi zimo ithathwa njengasebenzi, lokhu kuchaza ukuthi ayikho emthethweni futhi ayinamthelela ngokuphathelele nezomthetho.
- Isikimu kumele kulesi simo sibuyisele yonke imali ekhokhwe yilungu futhi zonke izicelo zokukhokhelwa esezikhokhelwe ilungu zijikiswe.

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Imibiko yezempilo yokuqinisekisa izifo ovele unazo.



- Ngenxa yezinhloso zokuvikela isikimu sezokwelapha kungenzeka sicele umbiko wezempilo welungu noma wothembele elungwini ukuze siqinisekise amaqiniso ngokuphathelene nezifo avele enazo.
- Isikimu Sezokwelapha sikwazi kuphela ukucela umbiko welungu noma othembele kulo ngokuphathelene nesifo avele enaso lapho kuye kwancanywa noma kwahlinzekwa khona ukucetshiswa kwezempilo, ukuhlonzwa kwesifo, ukunakekelwa noma ukwelashwa, esikhathini esiyizinyanga eziyishumi nambili ngaphambi kosuku lokufaka isicelo sokuba yilungu lesikimu.
 - Esimweni lapho isikimu sezokwelapha sidinga umbiko welungu noma othembele kulo ngokuphathelene nesifo avele enaso lapho kuye kwancanywa noma kwahlinzekwa khona ukucetshiswa kwezempilo, ukuhlonzwa kwesifo, ukunakekelwa noma ukwelashwa, esikhathini esiyizinyanga eziyishumi nambili ngaphambi kosuku lokufaka isicelo sokuba yilungu lesikimu, isikimu kumele sikhokhele izindleko zombiko.



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Thinta Umkhandlu Wezikimu Zezokwelapha (CMS).



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