



BEFORE THE APPEALS COMMITTEE OF THE COUNCIL FOR MEDICAL
SCHEMES
HELD *VIA MICROSOFT TEAMS VIDEO AND AUDIO CONFERENCING*
TECHNOLOGY

(Instituted in terms of the Medical Schemes Act No.131 of 1998)

REF. CMS NO: 80263

In the matter between:

Mr S

Appellant

and

The Registrar For Medical Schemes

First Respondent

Bonitas Medical Scheme

Second Respondent

RULING AND REASONS

INTRODUCTION

1. The Appellant is Mr S, a member of Bonitas Medical Scheme.
2. The First Respondent is the Registrar of the Council for Medical Schemes (the “Registrar”), duly appointed executive officer in terms of the Medical Schemes Act 131 of 1998 (the “MSA”).
3. The Second Respondent is Bonitas Medical Scheme (“Bonitas”), a Medical Scheme duly registered and regulated under the Medical Schemes Act, Act 131 of 1998 (“MSA”).
4. This is an appeal under section 48(1) of the MSA, providing that –

“(1) Any person who is aggrieved by any decision relating to the settlement of a complaint or dispute may appeal against such decision to the Council.”

5. The Appellant appeared and represented himself.
6. Miss D appeared for the Second Respondent.
7. The First Respondent did not appear but indicated that he would abide by the Appeals Committee’s decision.
8. The Appeals Committee heard the Appeal on 04 August 2023 via audio and video conferencing link.

BACKGROUND

9. Mr S is a 63-year-old male who joined the Bonitas Medical Scheme on 1 September 2020 on the Boncap Benefit option.

10. The member suffers from Chronic Plaque Psoriasis and was put on treatment by his treating dermatologist.
11. The Scheme declined to fund the treatment prescribed by the treating doctor.

MERITS OF THE APPEAL

12. Wide appeal

- 15.1 Appeals before the Appeals Committee are wide appeals. The Appeals Committee may consider the matter afresh and is not restricted to the records of proceedings that were before the Registrar.
- 15.2 The burden of proof rests on the Appellant who must prove on the balance of probabilities that the appeal should succeed.

ISSUES IN DISPUTE

13. The crisp issue for determination is whether or not the Scheme was correct to decline funding the member's Chronic Plaque Psoriasis taking into account the provisions of the Medical Schemes Act and the member's benefit option.

SUBMISSIONS BY APPELLANT

14. The member argued that he had been diagnosed with Chronic Plaque Psoriasis for many years.
15. It is the member's submission that the condition was duly disclosed to Bonitas upon joining the Scheme and the Scheme accepted his membership without any underwriting.
16. He further contended that his previous medical aid funded his medication for Chronic Plaque Psoriasis and therefore Bonitas should also fund the medication.

SUBMISSIONS BY RESPONDENT

17. The Respondent submitted that the diagnosis of Chronic Plaque Psoriasis is not on the list of PMB conditions as a consequence the member's medical treatment is an exclusion in terms of the Scheme's Rules.

DISCUSSION AND ANALYSIS

18. It is common course between the parties that Mr S suffered from Chronic Plaque Psoriasis with an ICD 10 code L40.
19. The foregoing condition is not a Prescribed Minimum Benefit (PMB) condition, it is neither listed in the 270 Diagnosis and Treatment-Pairs (DTPs), nor the 25 Chronic Disease List (CDL) conditions as well as the emergency medical conditions of the PMBs.
20. A report from the treating dermatologist, Dr Z states that the member was known to him with Chronic Plaque Psoriasis for the past 8 years. *"He presented in 2020 with Erythrodermic Psoriasis involving his whole body because of stopping his ongoing treatment (ICDL0: L 40). The patient needs ongoing treatment with systemic drugs as per prescription to control his Psoriasis."* (see p4 of the paginated bundle).
21. The treating doctor's prescription contained Methotrexate 15mg weekly, Epizone E + Dovate, Folic Acid 5mg and Dovate ointment. (p5 of the bundle).
22. Mr S is on a Boncap benefit option which in terms of the Scheme's Rules covers PMB conditions, CDL conditions, emergency medical conditions as well as hospital benefits obtained from Designated Service Providers (DSP).
23. According to section 32 of the Medical Schemes Act, the rules of a medical scheme and any amendments thereof shall be binding on the medical scheme

concerned, its members, officers and on any person who claims any benefit under the rules or whose claim is derived from a person so claiming.

FINDING

24. There is no legal basis to compel the Scheme to fund the member's Chronic Plaque Psoriasis.

ORDER

25. Having considered the matter, the Appeals Committee rules that:
 - 25.1. The Appeal is dismissed.

DATED AT THIS CENTURION ON 04 SEPTEMBER 2023

DR THANDI MABEBA (For and on behalf of the Appeals Committee)

CONCURRING WITH-

Mr M Mfundisi

Dr H Mukhari