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H v DISCOVERY HEALTH MEDICAL SCHEME

The complaint concerned the Scheme's decision to terminate the Complainant's membership on the basis of non-disclosure of material information. The Complainant submitted that when the Scheme conducted its non-disclosure investigations, her treating doctor made an error regarding the last date of her consultation. She added that the Scheme relied on this incorrect information and terminated her membership. She confirmed that the information was subsequently amended however the Scheme declined to re-instate her membership.

In its response to the complaint, the Scheme submitted that the start date of the Complainant's membership was 01 January 2024. It advised that even though the treating doctor amended the consultation date from 27 December 2023 to 29 December 2023, this did not change the fact that the Complainant received treatment before the start date of 01 January 2024 and failed to communicate this to the Scheme. According to the Scheme, its application form advises prospective members of the duty to inform it of any changes that occur between the date they sign the application form and the date the membership starts and that failure to disclose same will result in termination of membership.

In adjudicating the complaint we considered Section 29(2)(e) of the Act which provides that a medical scheme shall not cancel or suspend a member's membership or that of his or her dependents, except on the grounds of non-disclosure of material condition.

Upon review of the submissions by both parties, it was established that the Complainant was obliged to disclose the consultation of 29 December 2023 and that her failure to disclose same prevented the Scheme from accurately assessing the application for membership. It was found that the termination of the membership was both justified and in accordance with Section 29(2)(e) of the Medical Schemes Act.

The complaint was dismissed.