



RULINGS ISSUED BY THE OFFICE OF THE REGISTRAR

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K v MEDSHIELD MEDICAL SCHEME

Declined funding due to non-disclosure of material information

This complaint was submitted by Mr K (the complainant) against Medshield Medical Scheme (the Scheme). The complaint arose following the Scheme's alleged failure to approve authorisation for Mr K's knee surgery, citing non-disclosure of a pre-existing condition. The complainant was aggrieved by the Scheme's refusal to revise its funding decision despite submitting all internal appeal processes. He, therefore, requested the Registrar to intervene.

On receipt of the complaint, it was referred to the Scheme for its formal response of as required by section 47 of the Medical Schemes Act. In its response to the complaint, the Scheme confirmed that the complainant had applied for membership without indicating any pre-existing medical conditions. The Scheme further stated that within three (3) months following the commencement of membership, the complainant requested hospital authorisation for Knee Arthroscopy / Surgery. The Scheme reportedly initiated an investigation to rule out non-disclosure and this entailed requesting the treating doctor to submit a Personal Medical Assessment report (PMA). On receipt, the report indicated that the complainant sustained an injury to his right knee in February 2023. Upon learning of this undisclosed knee injury, the Scheme resolved to impose a condition specific waiting period and decline the funding request for knee arthroscopy / surgery.

During investigations, the submissions made by both the complainant and the Scheme were reviewed by the Registrar. The complainant admitted that he did sustain a knee injury in March 2023 for which he sought treatment. However, he argued that the injury was treated, and he was not diagnosed with a chronic condition. The Registrar then determined that by withholding the information of his injury and treatment received, the complainant had deprived the Scheme of an opportunity to form its own view and accurately assess the extent of the risk associated with his membership.

The Scheme was not afforded an opportunity to impose waiting periods as it would have been entitled to. Section 29(2)(e) entitles medical schemes to cancel or suspend a member's membership on the grounds of non-disclosure of material information and this provision was found to be relevant in this case. For that reason, a ruling was therefore issued confirming the Scheme's decision. The complaint was accordingly dismissed.