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RULINGS ISSUED BY THE OFFICE OF THE REGISTRAR

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M v MEDSCHEME HOLDINGS (PTY) LTD

Section 59(3) Withholding payment

The complaint concerned the Administrator's decision to withhold payments from the Complainant's practice in terms of Section 59(3) of the Medical Schemes Act.

The Complainant submitted that mentioned that documents were submitted to the Administrator for verification of service (VOS), however the Administrator did not finalise the processes but instead continued to withhold payment towards her practice.

In responding to the complaint, the Administrator submitted that the desktop analysis of Complainant's claims showed possible anomalies that placed her practice amongst cost drivers of rising Mental Health costs around KZN. Such practice's profile necessitated it to implement risk mitigation steps in line with provisions of Section 57(4) and (6) of the Act. Thus, the Scheme made a call to place the Complainant of claims withhold status.

Upon investigation, the submissions made by both the Complainant and the Administrator were reviewed. Based on the evidence before the Registrar, the Administrator did not corroborate its decision to invoked section 59(3) of the Act, since it did not tender evidence to confirm that the Complainant was not entitled to the payments received (section 59(3)(a)), or that the payments were the result of fraud, theft, negligence, or misconduct (section 59(3)(b)).

A ruling was therefore issued directing the Administrator to finalise its investigation and release funds to the Complainant's practice.