



RULINGS ISSUED BY THE OFFICE OF THE REGISTRAR

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H v DISCOVERY HEALTH MEDICAL SCHEME

This complaint concerned the Scheme's decision to decline funding Nintedanib (OFEV®), as prescribed for the Member's conditions.

In this matter, the Member was diagnosed with Progressive Pulmonary Fibrosis and her treating specialist prescribed treatment with Nintedanib (OFEV®). A funding request was submitted to the Scheme and the latter declined funding on the grounds that the Member's diagnosis does not amount to a Prescribed Minimum Benefit (PMB) condition and the treatment prescribed is not covered on the Member's benefit plan.

The issue which fell for determination herein was whether the Scheme was justified in its decision to decline funding Nintedanib (OFEV®).

During the investigation of this matter a clinical opinion was sought from the CMS's Clinical Review Committee. The CRC was requested to advise whether the Member's diagnosis is a PMB condition, and if so, whether the required treatment is PMB level of care.

PMB conditions are those condition listed in the Diagnosis and Treatment Pairs in Annexure A of the Regulations or any emergency medical condition. PMBs consist of a set of defined benefits to ensure that all medical schemes members and their beneficiaries have access to certain minimum health services irrespective of which benefit option the member belongs to. In terms of the provisions of Regulation 8(1) of the Act, the diagnosis, treatment and care of a PMB condition must be paid in full by a medical Scheme.

The CRC indicated that the Member's diagnosis is not a PMB condition. With regards to non-PMB conditions, a medical scheme's funding obligation is limited to its registered rules and the provisions of the applicable benefit option. Furthermore, in terms of section 32 of the Medical Schemes Act, the registered rules of a medical scheme are binding on the member, beneficiaries and anyone claiming a benefit thereunder.

As the Member's condition did not qualify for PMB funding, the Registrar could not compel the Scheme to approve funding of Nintedanib (OFEV®). The complaint was accordingly dismissed.