



## CIRCULAR

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### **Circular 19 of 2011: Former members of Protea Medical Scheme are protected**

The principle of open enrolment enshrined in the Medical Schemes Act 131 of 1998 prescribes that any member who wishes to join a medical scheme must be allowed to do so and be admitted to the open medical scheme of his/her choice.

All open medical schemes are therefore legally obliged to admit former members of Protea Medical Scheme (in liquidation) without engaging in any form of discrimination.

In this regard members are referred to Section 29(n) of the Act.

Limitations to the open enrolment principle, applicable to open medical schemes, are:

- (1) Section 29(1) of the Act, which says that waiting periods may be imposed only where an application for membership is made in respect of a member who has not been a member of a medical scheme for the 90 days immediately preceding the date of application; and
- (2) Section 29A(2) of the Act, which confers a discretion on a medical scheme to impose a condition-specific waiting period of "up to 12 months" in respect of an application made by a member or dependant who was previously a beneficiary of a medical scheme for a continuous period of up to 24 months, terminating less than 30 days immediately prior to the date of application, "except in

*respect of treatment or diagnosis procedures covered within the prescribed minimum benefits”.*

Prescribed minimum benefits (PMBs) include emergency medical conditions, 270 medical conditions defined in the Diagnosis and Treatment Pairs (DTPs) in the Act, and 25 chronic conditions defined in the Chronic Diseases List (CDL). For more information in this regard members are invited to log on to our website [www.medicalschemes.com](http://www.medicalschemes.com).

All members of medical schemes and in particular former members of Protea Medical Scheme (in liquidation) are encouraged to report any breaches of the Medical Schemes Act to [complaints@medicalschemes.com](mailto:complaints@medicalschemes.com).

A handwritten signature in black ink, appearing to read 'CRAIG BURTON-DURHAM', with a large, stylized circular flourish at the end.

**CRAIG BURTON-DURHAM**  
**HEAD: LEGAL SERVICES UNIT**