

**THE COUNCIL FOR MEDICAL SCHEMES
APPEAL COMMITTEE**

In the matter between:

HD

Appellant

and

DISCOVERY HEALTH MEDICAL SCHEME

Respondent

APPEAL COMMITTEE RULING

1. The appellant appeals against a ruling of the respondent's disputes committee upholding a decision by the respondent to decline payment in respect of surgery to remove swollen breast tissue that has developed on the chest of DH, the dependant of the appellant.
2. Amongst the documentation presented to the appeal committee was the letter containing the diagnosis of DH's condition, compiled by his surgeon, Dr R D. That letter, which is dated 20 May 2005, contains the following paragraph:

*"The above-named 14 year old male presents with painful (L)
sided idiopathic gynaecomastia. A lesion is prominent and*

causes considerable discomfort when lying prone and when participating in contact sport.”

3. Annexure “C” to the respondent’s rules as registered with the Council for Medical Schemes contains the applicable exclusions and limitations. It provides as follows:

“1 Exclusions

With due regard to the prescribed minimum benefits and unless otherwise provided for or decided by the board, expenses incurred in connection with any of the following will not be paid by the scheme:

.....

1.18 Health care services relating to breast reduction/enlargement and gynaecomastia”

4. The exclusions contained in the respondent’s rules do not depend on whether the treatment in question is necessary or cosmetic. It is an absolute exclusion applicable in all instances.
5. There can be no dispute that the surgery that is required by the appellant’s dependant is required to address a condition of

gynaecomastia. In the circumstances, the rules which bind both the appellant and the respondent provide that the respondent will not pay for such surgery.

6. The respondent was therefore justified in declining the appellant's request for payment, and the disputes committee was correct in upholding this decision.

7. The appeal consequently fails.

DATED AT SANDTON THIS DAY OF MARCH 2006

P R JAMMY
For: APPEAL COMMITTEE