



## PRESS RELEASE

Reference:	CMS welcomes ruling on defamation matter by Genesis medical scheme
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### **Press release 4 of 2017: CMS welcomes ruling on defamation matter brought by Genesis medical scheme**

The Council for Medical Schemes (CMS), is pleased with the High Court judgment on the defamation matter brought against it by the Genesis medical scheme.

“The judgment by the High Court bolsters the CMS’s commitment to protect the interest of members of medical schemes at all times”, said Acting Chief Executive & Registrar for the Council for Medical Schemes Dr Siphon Kabane.

Genesis medical scheme brought an urgent application before the High Court asking the court to order the CMS to remove, within 24 hours, a number of statements from its website relating to the scheme’s non-compliance with the Prescribed Minimum Benefit Regulations following complaints by its own members. The argument raised by Genesis before the High Court was that the statements in question were defamatory.

“As a regulator we have a duty to publish factual information about trends and developments in the medical scheme industry, including observations on any conduct that may have a negative impact on members of medical schemes, or the industry itself. The publication of information regarding Genesis medical scheme’s disregard of a judgement by the Supreme Court of Appeal (SCA) regarding the payment of prescribed minimum benefits (PMBs) can therefore never be viewed as defamation. Our position is guided by the provisions of the Medical Schemes Act, No. 131 of 1998, regarding the payment for claims on medical conditions which fall within the classification of PMBs. Our concern remains that members of Genesis have been left financially exposed and may in future be still financially exposed regarding payment of PMB treatment in private hospitals by Genesis.” Dr Kabane added.

The High Court stated in its judgment that the statement that members of Genesis have been left financially exposed and may in future still be financially exposed regarding the payment of PMB treatment in private hospitals is correct. It concluded that the statements published by the CMS in this regard were true and in the public interest. The scheme's application was subsequently dismissed with costs.

The dispute regarding the scheme's selection of public facilities as DSPs is still pending before the Appeals Committee of the Council.

End

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