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ICD-10 CODING FOR NON MEDICAL SCHEME CLAIMS

1. Background

It has been highlighted to the National ICD-10 task team that certain patient information that should be kept confidential is being disclosed to debt collection agencies, specifically for non medical scheme patients. This circular aims to address these concerns and highlight once again the importance of patient confidentiality across the healthcare spectrum.

2. Detail

Regulation 5(f) to the Medical Schemes Act 131 of 1998 states that the relevant diagnostic and such other item code numbers that relate to such relevant health service must be included on accounts by suppliers of services:

This by implication states that no other documents shall contain information relating to a patient's medical condition. This would include debt collection accounts forwarded to a debt collection agency by the healthcare provider.

The National Health Act 61 of 2003, section 14(1) and 14(2) states the following: "All information concerning a user, including information relating to his or her health status, treatment or stay in a health establishment is confidential. 14(2) subject to section 15,

- a. The user consents to the disclosure in writing
- b. A court order or any law requires that disclosure or
- c. Non disclosure of the information presents a serious threat to public health.

A statutory body established in terms of the
Medical Schemes Act, 1998 (Act 131 of 1998)

Chairperson: Prof. W Pick Registrar & CE: Dr M Gantsho



As per the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA"), the definition of Personal information can be defined as "inter alia, information about an identifiable individual, including but not limited to information relating to the physical or mental health or well-being or blood type of the individual." This definition corresponds with the definition of personal information as provided for in the ECT Act and the Protection of Personal Information Bill.

As per the communication published by the CMS on the 2 Feb 2007 in the document titled, "Notice to consumers, All you need to know regarding ICD10 codes" it clearly states the following, "Your doctor, and all other health care professionals are legally and ethically obliged not to reveal your information (unless you have authorized it for medical scheme reimbursement purposes).

This document was published on the 2 February 2007, and can be found at

<http://www.medicalschemes.com/Publications/Publications.aspx?catid=24>

3. Conclusion and recommendation

The National ICD10 Task Team cannot stress the importance of patient confidentiality enough and has repeatedly urged providers and healthcare stakeholders to comply with the relevant acts. In light of this it is clear that no patient information shall be disclosed in any form to a third party debt collection agency via ICD10 coding or descriptions of conditions.

For any further information please feel free to contact the Council for Medical Schemes at

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