

**IN THE APPEAL COMMITTEE OF THE COUNCIL FOR
MEDICAL SCHEMES**

Case Number: CMS 19305

In the matter between:

DCT

Appellant

and

REGISTRAR FOR MEDICAL SCHEMES

Respondent

RULING

1 The appellant was granted access to Discovery Health's chronic medicine benefit on the basis of his previous medical scheme's acceptance of a lipogram of 31 December 2001 which showed a cholesterol level of 6,9mg. A Lipitor 40 drug was approved but after several years of suffering side effects he stopped taking the drug and resorted to diet and homeopathic remedies. His doctor subsequently prescribed a drug called Crestor which seemed to control his cholesterol

level better than the Lipitor and other remedies he tried. But Discovery Health declines to fund the drug on the ground that his risk of a myocardial infarct at the time of re-application for chronic benefits is below the level of risk prescribed by the algorithm for the treatment or management of hyperlipidaemia with drug therapy, namely, 20% and above.

- 2 The registrar took the same view.
- 3 On the December 2001 lipogram the appellant's risk factor stood at 6%.
On a later lipogram performed in August 2007, albeit while receiving treatment, his risk factor was 8%.
- 4 In these circumstances the appellant does not meet the clinical entry criteria for drug therapy with a view to the treatment or management of hyperlipidaemia.
- 5 It was suggested during the hearing that the 2001 lipogram was perhaps too old to be of any assistance, and that the 2007 lipogram was performed while the appellant was on alternative remedies and thus could also not be an accurate reflection of what his risk level would be if he were to go off any remedy and then perform the lipogram, as it were,

from a zero base. This, as a course of action, would be medically and ethically unacceptable and so we are left with what we have.

6 In the circumstances, the appeal cannot succeed.

VUYANI NGALWANA for Appeal Committee

For the Appellant: Mr and Mrs D

For the Respondent: Mr P Mavuso

For Discovery:

Date of hearing: 15 December 2008

Date of Ruling: 21 January 2009