

APPEAL COMMITTEE OF THE COUNCIL FOR MEDICAL SCHEMES

In the matter between:

I C [REDACTED] Appellant

and

COMPCARE MEDICAL SCHEME First Respondent

QA CARE PLUS (PTY) LTD Second Respondent

RULING

1 This is an appeal by Mr R C [REDACTED] on behalf of his mother, Mrs I G [REDACTED], against a decision of the scheme refusing to authorise Mrs C [REDACTED] admission at a Netcare rehabilitation facility ("the Netcare facility"). As the facts are well-known to both parties as regards what gave rise to Mrs C [REDACTED] requiring rehabilitation, they are not repeated here.

2 The scheme contends that Mrs C [REDACTED] was admitted at the Netcare facility without pre-authorisation being obtained from the scheme for the admission.

It says it refused pre-authorisation in light of the provisions of its clinical protocols and best practice guidelines. None of these were produced at the hearing or made available to the committee.

- 3 The scheme took the view that Mrs C█████ could perfectly be attended to at a “step-down facility” for which it would be prepared to pay for the required physiotherapy.
- 4 Mr G█████ submits that the step-down facility for which the scheme was prepared to pay was not appropriate for the level of care required by his mother. He said he visited the step-down facilities and observed general neglect of patients which he says his mother could not possibly have survived as she needed high-level care. The Netcare facility on the other hand is a fully equipped hospital.
- 5 Doctor S█████ says the scheme usually authorises stays of up to 4 weeks at a rehabilitation facility depending on the medical condition. Mrs C█████ spent 3 weeks at Netcare.
- 6 Doctor Snyman also conceded that if he had seen the motivation by a Neurologist who treated Mrs C█████ (Doctor M█████) he would have agreed to the admittance of Mrs C█████ at the Netcare facility. However Dr S█████ was incorrect in stating that Dr M█████ diagnosis of “critical illness polyneuropathy” was based on hindsight and made for the first time in June

2009. In fact this was the diagnosis made by Dr Me [REDACTED] in December prior to referral to Dr M [REDACTED] and confirmed in a letter dated 17 February 2008. In his motivation, Doctor M [REDACTED] explains the medical condition of Mrs C [REDACTED] and gives a history of her treatment. He then opines that step-down facilities **“would not have been able to provide Mrs C [REDACTED] with the required level of care”**.

7 Doctor S [REDACTED] concession is, with respect, reasonably made. A decision of the kind with which we are here concerned (one that affects the medical well-being of a human and quality of life) has far-reaching consequences and needs to be taken with care and with due regard to all the relevant facts. The facts set out by Doctor M [REDACTED] (in his motivation dated 3 June 2009) as regards Mrs C [REDACTED] condition at the time of her admittance at the Netcare facility are not disputed by any of the respondents' representatives. Doctor S [REDACTED] cannot be faulted for making the concession in these circumstances.

8 According to Doctor V [REDACTED] Z [REDACTED], Mrs C [REDACTED] was too frail for admission at the Netcare facility to be of any benefit to her. So, says she, Mrs C [REDACTED] was too old and too frail. Putting her in an expensive facility like the Netcare facility would be a waste of money that could more fruitfully be spent on a younger person.

9 Mrs Cattich was 86 years old at the time of her admittance. Mr C [REDACTED] laments that the scheme seemed to be writing off her mother because of her

old age. Doctor V. Z. did not do much to allay that concern in her submission that Mrs C. was too old and too frail to benefit from the level of care that the Netcare facility had to offer.

- 10 In fairness to her, however, she has to make an assessment at the time of application, and this assessment may well apply to many if not most members of this age for whom admission to a rehabilitation facility is sought. Perhaps she could not have imagined that Mrs C. condition would have improved as quickly as it appears to have done. Perhaps the scheme thought the worse of Mrs C. condition than it in fact was. There is, however, nothing to suggest that the scheme was intent on denying Mrs C. her medical benefit. The refusal can be attributed to nothing more than an error of judgment.

Finding

- 11 In the circumstances, the appeal must succeed. The scheme is directed to pay the costs of the Netcare Rehabilitation Hospital.


VUYANI NGALWANA for Appeal Committee

For the Appellant:

Mr R C.

For the respondents:

*Dr S [REDACTED]; Dr V [REDACTED] Z [REDACTED] K [REDACTED]; H [REDACTED]
E [REDACTED]*

Date of hearing:

26 November 2009

Date of Ruling:

04 December 2009