

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

In the matter between:

**[REDACTED] L**

Appellant

and

**REGISTRAR OF MEDICAL SCHEMES**

First Respondent

**SPECTRAMED**

Second Respondent

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**RULING**

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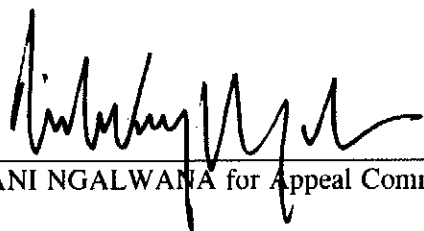
- 1 This is an appeal against the ruling of the Registrar in which he ruled that the scheme was correct in terminating the member's membership for non-disclosure of a pre-existing medical condition.
  
- 2 The appellant applied for membership of the scheme on 23 March 2008. In February 2008 her daughter was diagnosed with, among other things, tonsillitis. The appellant failed to disclose this in her application form. This is the basis for the scheme's termination of her membership.

- 3 The appellant denies that she was aware of the diagnosis at the time of her application for membership. But Doctor T [REDACTED] note in relation to the appellant's visit on 10 October 2007 clearly states the diagnosis as being "Tonsillitis". The appellant says this was never specifically conveyed to her and in support of this submitted the doctor's account that referred to a diagnosis of "pharyngitis," not tonsillitis
- 4 Even though Doctor T [REDACTED] seems to seek to retract that diagnosis in a letter dated 5 June 2009, there is no mistaking the diagnosis as spelt out in her record of the examination in 2007. In the result, there can be no dispute that the appellant's daughter had been diagnosed with tonsillitis before the appellant's application for membership of the scheme. She did not disclose this when asked specifically whether she or her dependant had ever been diagnosed with or treated for tonsillitis. The doctor was not present at the hearing to testify to what words were actually used to describe the child's condition, whether "tonsillitis," "pharyngitis" or simply "sore throat."
- 5 Magnanimously, the scheme has agreed to re-instate the appellant's membership with effect from 1 December 2009. The scheme will apply the same underwriting terms and treat the appellant as an applicant without any lapse in medical scheme membership and will enrol her with no waiting periods. The scheme is to be commended for this step because there is

nothing by way of evidence to suggest that the appellant deliberately misled the scheme.

**Finding**

6 In the circumstances, the scheme agrees to re-instate the appellant's membership from 1 December 2009.



VUYANI NGALWANANA for Appeal Committee

*For the Appellant:* Mrs L [REDACTED]

*For the 2<sup>nd</sup> respondent:* G [REDACTED]; A [REDACTED]; P [REDACTED]

*Date of hearing:* 26 November 2009

*Date of Ruling:* 04 December 2009