

**THE COUNCIL FOR MEDICAL SCHEMES
APPEAL COMMITTEE**

In the Appeal between:

DISCOVERY HEALTH MEDICAL SCHEME

Appellant

and

MSS

Respondent

APPEAL RULING

1. S is the child dependant of N, who is a member of the Appellant.

2. S was treated for a craniopharyngioma, and following the removal of the tumour she has suffered from a growth hormone deficiency with the result that she has hardly grown.

3. Her growth hormone deficiency requires growth hormone supplementation, and it is this treatment that the Appellant has declined to fund.

4. The Appellant is of the view that only the removal of the tumour qualified for coverage as a prescribed minimum benefit, and the ongoing growth hormone

treatment does not fall within the PMB's as it is not included as one of the chronic diseases under the CDL.

5. In a ruling on this dispute the Registrar has held that the removal of the tumour was in accordance with PMB codes 950A and 951K.
6. The Registrar relied on section (2) of the Explanatory Notes to the Regulations in terms of the Medical Scheme Act, which provides as follows:

"Where treatment component of a category in annexure A of PMBs is stated in general terms (i.e. medical management or surgical management), it should be interpreted as referring to prevailing hospital based medical or surgical diagnostic and treatment practice for the specified condition. Where significant differences exist between the public and private sector practices, the interpretation of the prescribed minimum benefits should follow the predominant public hospital practice"

7. The Registrar found that because growth hormone deficiency consequent upon the removal of a tumour would be treated with hormone replacement in the public sector, the Appellant is obliged to cover the costs of such hormone replacement from its risk pool.

8. The committee's view is that the following considerations apply:
- 8.1. the relevant PMB code is 950A, since this code applies to the treatment of treatable benign and malignant brain tumours;
 - 8.2. it would appear to be accepted by all parties that pituitary gland dysfunction commonly accompanies craniopharyngioma;
 - 8.3. the growth hormone is one of the hormones produced by the pituitary gland;
 - 8.4. pituitary gland dysfunction may precede the treatment of the tumour itself; may become apparent immediately after surgery; or there might be some delay in the manifestation thereof, but in any event, this deficiency is common enough to be considered as an integral part of the medical management of a craniopharyngioma, and failure to treat the deficiency could have dire clinical consequences.
 - 8.5. The Appellant's argument, which is that chronic conditions arising from the treatment of PMB's are not covered unless they are specified in the CDL does not accord with the committee's interpretation of the Act. Thus, to use an example, which was put to the Appellant, the committee does not

agree that the surgical removal of a tumour such as that affecting the parathyroid tumour under code 951K, which is a PMB, would be covered, but long term parathyroid hormone replacement consequent thereupon would not be.

- 8.6. The committee is of the view that such an approach could never have been the intention of the legislation and could not be the correct interpretation of the words "medical and surgical management" because failure to replace the parathyroid hormone, both short and long term, following removal of a tumour such as that affecting the parathyroid gland would again have dire clinical consequences .
9. The committee is of the view that there are other PMB examples where the code implies long term treatment even though there is not a specific condition listed in the CDL's. A further example of such condition would be Acquired Haemolytic Anaemia, where there might be a chronic need for medicines and blood transfusions.
10. Taking the above considerations into account the committee finds that where the treatment of an acute PMB condition has a common, directly-related, medical consequence that is of chronic nature, then even if that consequence is

