

**THE COUNCIL FOR MEDICAL SCHEMES
APPEAL COMMITTEE**

In the Appeal between:

Z Appellant

and

OLD MUTUAL STAFF MEDICAL SCHEME Respondent

APPEAL RULING

1. The Appellant applied to her medical scheme, the Respondent, for funding for a breast reduction operation.

2. On 11 April 2006 the Respondent declined the Appellant's request and communicated its decision in a letter of that date, in which it indicated that its medical advisors had declined the request on the basis that the Appellant's Body Mass Index did not meet the criteria of the scheme.

3. At the Appeal hearing Dr Harrison, on behalf of the scheme, explained that whilst Body Mass Index was just one of the considerations considered by the scheme in scoring an Applicant for a breast reduction operation, it was in some

senses a determinative consideration, in the sense that if the applicant's Body Mass Index exceeds 28 the application is declined. Dr Harrison indicated that international practice was that a BMI of 27 is used as the threshold above which breast reduction operations are generally declined.

4. In the Appellant's case her body mass index was 31.5, which is the "obese" range.
5. The Appellant proceeded with the surgery knowing that her application for funding had been declined. She then sought a review of the Respondent's decision, as well as seeking an *ex gratia* payment from the Respondent. Both of these were declined.
6. The committee, having heard the representations of the Appellant and the Respondent, is satisfied that it is acceptable for medical schemes to develop objective criteria according to which they assess whether procedures such as breast reductions will be funded. The criteria set by the Respondent in this complaint would appear to be justifiable, and there is no real dispute that the Appellant did not satisfy the criteria.
7. In the circumstances the Respondent was entitled to apply its criteria and decline to fund the surgery, and the appeal must consequently fail

DATED at JOHANNESBURG on this

day of SEPTEMBER 2007

P R JAMMY

For: Appeal Committee