



Reference: Advocate Tembeka Ngcukaitobi to chair investigation
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Press Release 8 of 2019: Advocate Tembeka Ngcukaitobi to chair investigation into allegations of racial profiling by medical schemes

PRETORIA, June 11, 2019 - The Council for Medical Schemes (CMS) said on Tuesday Advocate Tembeka Ngcukaitobi has agreed to chair the investigation into allegations of racial profiling against Black, Coloured and Indian private medical practitioners.

The investigation, to be called the Section 59 Investigation follows allegations by members of the National Health Care Professionals Association (NHCPA) that they were being unfairly treated and their claims withheld by medical aid schemes based on race and ethnicity.

"The CMS believes that Advocate Ngcukaitobi, who is a respected legal mind, will help go to root of the allegations of racial profiling, black listing for payments, blocked payments, demands of confidential clinical information, bullying and harassment, coercion, entrapment and use of hidden cameras," said Dr Siphon Kabane, Chief Executive Officer and Registrar of CMS.

"According to Section 7 of the Medical Schemes Act, the CMS's mandate is to protect the interests of medical scheme members, and take any appropriate steps which it deems necessary. Our mandate is to measure the quality and outcomes of relevant health-care services by medical schemes, and to investigate complaints and settle disputes in relation to the affairs of medical schemes as provided for in the Medical Schemes Act.

"For the next four months Advocate Ngcukaitobi and his team of advocates, Adila Hassim and Kerry Williams, will get to the bottom of these allegations," said Dr Kabane. The Chairperson of the panel Advocate Ngcukaitobi is an advocate of the High Court and was recently nominated for Senior Counsel status by the Johannesburg Bar. Advocate Adila Hassim is an advocate of the High Court who practises in various areas of the law with a focus on constitutional Law and Kerry Williams is an advocate of the High Court with who has advised extensively on health care matters over the last 15 years

SUBMISSIONS

The Section 59 Investigating panel will receive written submission from interested parties until 30 June 2019. Interviews and public hearings will be conducted from 8 July 2019 to September 2019, and the final report will be delivered by the Investigating Panel on 1 November 2019.

Any interested persons including juristic persons, entities, institutions and organs of State are invited to make written submissions to the Section 59 Investigating panel by no later than 30th June 2019. Written submissions must be concise and succinct, and should include a brief summary. Submissions should be sent to cmsinvestigation@medicalschemes.com.

PUBLIC HEARINGS

After the submissions, the panel may request a deponent or any person to appear before it, and be interviewed on specified aspects. The public hearings will be opened to the media.

The total fraud cost in the South African private healthcare system is estimated at approximately R22bn each year. On 1 March 2019 at the 1st Fraud Waste and Abuse Summit convened by the Council for Medical Schemes, private healthcare representatives signed an industry charter as a pledge to combat fraud, waste and abuse.

At the end of the first ever Fraud, Waste and Abuse Summit organised by the CMS, the representatives from various medical aid companies, government and non-governmental organisations, pressure groups and academics, said the charter was one of many important steps to address the scourge of fraud, waste and abuse.

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