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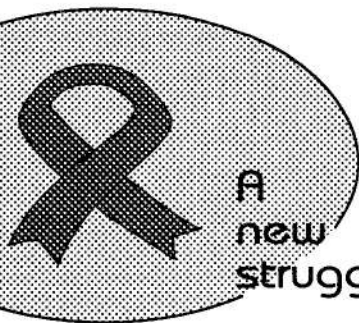
Vol. 420

PRETORIA, 5 JUNE 2000
JUNIE

No. 21256

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPUNE**

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DEPARTMENT OF HEALTH

CONTENTS

No. Page No. Gazette No.

GOVERNMENT NOTICE

Health, Department of
Government Notice

R. 570 Medical Schemes Act, 1998 (Act 131/1998): Amendment to the General Regulations 3 21256

GOVERNMENT NOTICE

DEPARTMENT OF HEALTH

No. R. 570

5 June 2000

MEDICAL SCHEMES ACT, 1998 (ACT NO 131 OF 1998)

AMENDMENT TO THE GENERAL REGULATIONS MADE IN TERMS OF THE MEDICAL SCHEMES ACT, 1998

The Minister of Health has, in terms of section 67(1), read with section 67(3)(b), of the Medical Schemes Act, 1998 (Act No 131 of 1998), after consultation with the Council for Medical Schemes, made the Regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations "the Regulations" means the regulations published under Government Gazette No. R. 1262 of 20 October 1999.

Substitution of regulation 11 of the Regulations

2. The following regulation is hereby substituted for regulation 11 of the Regulations:

"11. (1) A medical scheme may require an applicant to provide the medical scheme with a medical report on any condition present at the time of application for which medical advice, diagnosis, care or treatment was recommended or received within the 12 months period ending on the date on which an application was made by an applicant and his or her dependants.

(2) A medical scheme may impose a general waiting period of up to three months upon a new member and the member's dependant(s) before such member or dependant(s) is entitled to claim any benefits.

(3) A member may choose to make a payment of up to three months to a medical scheme *in lieu* of the waiting period referred to in subregulation (2).

(4) Subject to subregulation (5), a medical scheme may impose a condition specific waiting period of not more than 12 months on a member or dependant in respect of preexisting sickness condition.

(5) A medical scheme may impose a waiting period of not longer than one month on a person or his or her dependant whose membership of another medical scheme has been terminated because of a change of employment and who has not been a member or a dependant for a continuous period of least two years.

(6) A person contemplated in subregulation (5) shall apply for membership within three months of the change of employment."

Substitution of regulation 12 of the Regulations

3. The following regulation is hereby substituted for regulation 12 of the Regulations.

"12. No waiting period may be applied-

- (a) in respect of any treatment or diagnostic procedure covered within the prescribed minimum benefits;
- (b) to a member or dependant who changes from one benefit option to another within the same medical scheme unless the member or dependant is subject to a waiting period on the current option, in which case any remaining period may be applied;
- (c) to any person who has been a member of one or more medical schemes for a continuous period of at least 25 months or a dependant of such a member, and who applies for membership within three months of termination of membership of the previous medical scheme; or
- (d) on a child dependent born during the period of membership."

Amendment of regulation 13 of the Regulations

4. Regulation 13 is hereby amended by the substitution for subregulation (6) of the following subregulation:

"(6) Medical schemes must accept late joiners applying for membership without imposing any of the penalties prescribed in subregulation (1) for a period of 15 months from 1 January 2000 until 31 March 2001 and such applications must be accepted on a first come, first served basis."

Amendment of regulation 28 of the Regulations

5. Regulation 28 of the Regulations is hereby amended-

(a) by the substitution for subregulation (3) of the following subregulation:

"(3) Subregulation (2) must not be construed to restrict a medical scheme from applying a sliding fee scale based on the size of the group being introduced provided that the maximum amount in respect of a member introduced as specified in subregulation (2) is not exceeded."

(b) by the substitution for subregulation (5) of the following subregulation:

"(5) A medical scheme must not prevent a person from applying for membership of a medical scheme for the reason that that person is not using a broker to apply for such membership."

(c) by the substitution for subregulation (7) of the following subregulation:

"(7) Any person desiring to be accredited as a broker must apply in writing to the Council and the application must be accompanied by documentary proof of a recognised educational qualification and appropriate experience."

(d) by the substitution for subregulation (9) of the following subregulation:

"(9) Individuals not meeting the qualifications for a broker may apply to the Council for accreditation as apprentice brokers and such applications must be accompanied by documentary proof of-

- (a) Grade 12 education;
- (b) agreement by a fully accredited broker to supervise the applicant;
- (c) current accreditation of the supervising broker; and

(d) enrolment in a course of study sponsored by an organisation recognised by the Council."

(e) by the substitution for subregulation (10) of the following subregulation:

"(10) Accreditation as a broker may be granted by the Council for two years at a time, to expire at the end of the second year and certification of brokers and apprentice brokers shall be granted on an annual basis and shall expire at the end of each year."

(f) by the addition of the following subregulation:

"(11) Any person who has paid a broker compensation where there has been a material misrepresentation is entitled to the full return of all the money paid."

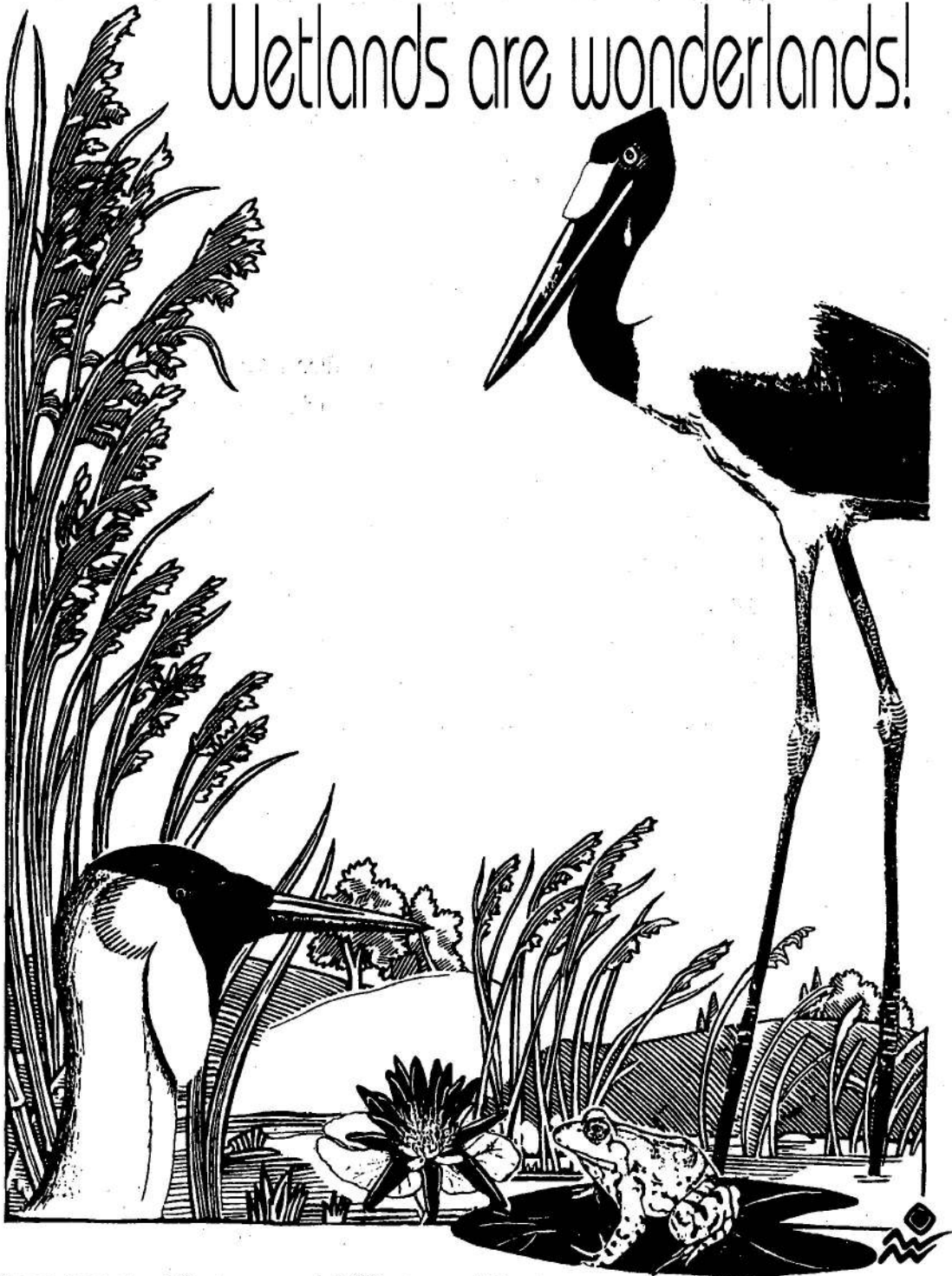


DR ME THSABALALA-MSIMANG

MINISTER OF HEALTH

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Department of Environmental Affairs and Tourism

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