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GOVERNMENT GAZETTE



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KAAPSTAD, 26 MEI 1972.

[No. 3520.]

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 881. 26th May, 1972.

No. 881. 26 Mei 1972.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 49 of 1972: Medical Schemes Amendment Act, 1972.

No. 49 van 1972: Wysigingswet op Mediese Skemas, 1972.

WET

Tot wysiging van die bepalinge van die Wet op Mediese Skemas, 1967, betreffende woordomsrywings; die toepassing van die Wet op sekere mediese skemas; die aanstelling van Vergoedingskommissies; en die inwerkingtreding van wysigings van die geldetarief; om voorsiening te maak vir erkenning deur die raad van sekere verenigings wat sekere mediese hulpskemas verteenwoordig; om die raad in staat te stel om 'n uitleg van die geldetarief te gee; betreffende die lewering van rekenings deur geneeshere, tandartse en ander verskaffers van benodigdhede en hulpdienste; om voorsiening te maak vir die betaling van rekenings van sekere geneeshere en tandartse deur sekere mediese skemas; vir die verhoging van strawwe vir tweede en daaropvolgende skuldigbevindings van misdrywe ingevolge die Wet; en vir die uitbreiding van die bevoegdhede van die raad om regulasies uit te vaardig; en om vir aangeleenthede wat daarmee in verband staan voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Mei 1972.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 72 van 1967, soos gewysig deur artikel 1 van Wet 95 van 1969.

1. Artikel 1 (1) van die Wet op Mediese Skemas, 1967 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende omskrywing na die omskrywing van „apteker” in te voeg:

„erkende vereniging” ’n vereniging wat verteenwoordigend van twee of meer geregistreerde mediese hulpskemas is, so lank as wat dit deur die raad as verteenwoordigend van bedoelde skemas erken word;”.

Wysiging van artikel 2 van Wet 72 van 1967, soos gewysig deur artikel 2 van Wet 95 van 1969.

2. Artikel 2 van die Hoofwet word hierby gewysig—

- (a) deur die uitdrukking „paragraaf (f)” waar dit in subartikel (2) voorkom, te vervang deur die uitdrukking „paragraaf (g)”;
- (b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) By die toepassing van die bepalinge van hierdie Wet met betrekking tot ’n mediese skema bedoel in subartikel (1) (b), (c), (d), (e), (f) of (g) van hierdie artikel, word die verwysing in artikels 16 (1), 19 en 33 na die inwerkingtreding van hierdie Wet, uitgelê as ’n verwysing na die toepaslike datum bedoel in subartikel (1) (h) van hierdie artikel.”.

Wysiging van artikel 30 van Wet 72 van 1967, soos vervang deur artikel 12 van Wet 95 van 1969.

3. Artikel 30 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Minister moet gedurende Junie 1974 en daarna by tussenpose van drie jaar ’n kommissie, wat die Vergoedingskommissie heet, aanstel om ondersoek in te stel of die geldetarief gewysig moet word.”;

MEDICAL SCHEMES AMENDMENT ACT, 1972

Act No. 49, 1972

ACT

To amend the provisions of the Medical Schemes Act, 1967, concerning definitions; the application of the Act to certain medical schemes; the appointment of Remuneration Commissions; and the commencement of amendments to the tariff of fees; to provide for recognition by the council of certain associations representing certain medical aid schemes; to enable the council to interpret the tariff of fees; concerning the rendering of accounts by medical practitioners, dentists and other suppliers of requirements and appliances; to provide for the payment of accounts of certain medical practitioners and dentists by certain medical schemes; for the increase of penalties for second and subsequent convictions of offences under the Act; and for the extension of the powers of the council to make regulations; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 17th May, 1972.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 (1) of the Medical Schemes Act, 1967 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "prescribed" of the following definition:

Amendment of section 1 of Act 72 of 1967, as amended by section 1 of Act 95 of 1969.

"'recognized association' means any association representing two or more registered medical aid schemes while recognized by the council as representing such schemes;"

2. Section 2 of the principal Act is hereby amended—

Amendment of section 2 of Act 72 of 1967, as amended by section 2 of Act 95 of 1969.

- (a) by the substitution for the expression "paragraph (f)" where it occurs in subsection (2) of the expression "paragraph (g)";
- (b) by the substitution for subsection (3) of the following subsection:

"(3) In the application of the provisions of this Act with reference to a medical scheme referred to in subsection (1) (b), (c), (d), (e), (f) or (g) of this section, the reference in sections 16 (1), 19 and 33 to the commencement of this Act, shall be construed as a reference to the relevant date referred to in subsection (1) (h) of this section."

3. Section 30 of the principal Act is hereby amended—

Amendment of section 30 of Act 72 of 1967, as substituted by section 12 of Act 95 of 1969.

- (a) by the substitution for subsection (1) of the following subsection:

"(1) The Minister shall, during the month of June, 1974, and thereafter at intervals of three years, appoint a commission, to be known as the Remuneration Commission, to enquire into the question whether the tariff of fees should be amended.";

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- (b) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:

„(d) iemand wat deur die Minister aangestel word uit minstens drie persone wie se name vir die doel deur die erkende verenigings voorgelê is.”;

- (c) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Indien na die verstryking van 'n tydperk van drie weke vanaf die datum waarop die registrateur die Mediese Vereniging van Suid-Afrika of die Tandheelkundige Vereniging van Suid-Afrika of die erkende verenigings skriftelik versoek het om 'n lys van name soos beoog in subartikel (2) (b), (c) of (d) voor te lê, genoemde Mediese Vereniging of Tandheelkundige Vereniging of erkende verenigings nog nie genoemde lys aan die registrateur voorgelê het nie, moet die Minister 'n geskikte persoon as lid van die kommissie aanstel in die plek van die persoon wat hy sou aangestel het indien genoemde Mediese Vereniging of Tandheelkundige Vereniging of erkende verenigings, na gelang van die geval, nie aldus in gebreke gebly het om genoemde lys voor te lê nie.”;

- (d) deur paragraaf (c) van subartikel (6) deur die volgende paragraaf te vervang:

„(c) die erkende verenigings.”;

- (e) deur subartikel (9) deur die volgende subartikel te vervang:

„(9) Indien die kommissie in sy verslag voorstel dat die geldetarief gewysig word, moet die Minister so gou doenlik na die ontvangs van dié verslag, die geldetarief by kennisgewing in die *Staatskoerant* wysig soos deur die kommissie in die verslag aangedui, en so 'n wysiging tree in werking op die eerste dag van Januarie van die daaropvolgende jaar.”;

- (f) deur die volgende subartikel by te voeg:

„(11) By die toepassing van 'n tarief, wat in die geldetarief uiteengesit word, op 'n bepaalde geval, is die beslissing van die raad afdoende.”.

Vervanging van
artikel 32 van
Wet 72 van 1967.

4. Artikel 32 van die Hoofwet word hierby deur die volgende artikel vervang:

„Rekening
van genees-
here, tand-
artse en
verskaffers
van beno-
digdhede of
hulpdienste,
en die
betaling van
sekere
rekenings
deur sekere
mediese
skemas.

32. (1) 'n Geneesheer, tandarts of iemand anders wat dienste gelewer het aan, of enige medisyne, benodigdhede, apparaat of akkommodasie in 'n hospitaal of verpleeginrigting verskaf het aan 'n lid van 'n geregistreerde mediese skema of aan iemand ten opsigte van wie 'n lid van 'n geregistreerde skema op voordele kragtens die skema geregtig is, moet, binne dertig dae vanaf die datum van bedoelde lewering of verskaffing en maandeliks daarna, indien die voordele van bedoelde skema van toepassing is ten opsigte van die lewering van die betrokke diens of die verskaffing van die betrokke medisyne, benodigtheid, apparaat of akkommodasie, aan die betrokke lid 'n rekening of staat verskrek waarin die besonderhede uiteengesit word wat voorgeskryf is.

(2) 'n Geneesheer of tandarts, wat ingevolge artikel 29 (1) verplig is om dienste te lewer teen die tariewe wat in die geldetarief uiteengesit is, moet, indien 'n bedrag wat aan hom verskuldig is ten opsigte van dienste gelewer, behalwe dienste gelewer terwyl bedoelde geneesheer nie ingevolge artikel 29 (1) gebonde was nie soos vermeld, nog nie betaal is nie na verloop van 'n tydperk van twee maande

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- (b) by the substitution for paragraph (d) of subsection (2) of the following paragraph:

“(d) a person appointed by the Minister from among at least three persons whose names have been submitted for that purpose by the recognized associations.”;

- (c) by the substitution for subsection (3) of the following subsection:

“(3) If after the expiration of a period of three weeks from the date on which the registrar requested the Medical Association of South Africa or the Dental Association of South Africa or the recognized associations in writing to submit a list of names as contemplated in subsection (2) (b), (c) or (d), the said Medical Association or Dental Association or recognized associations have not yet submitted the said list to the registrar, the Minister shall appoint any suitable person as a member of the commission in the place of the person he would have appointed if the said Medical Association or Dental Association or recognized associations, as the case may be, had not so failed to submit the said list.”;

- (d) by the substitution for paragraph (c) of subsection (6) of the following paragraph:

“(c) the recognized associations;”;

- (e) by the substitution for subsection (9) of the following subsection:

“(9) If the commission proposes in its report that the tariff of fees should be amended, the Minister shall, as soon as possible after the receipt by him of such report, amend the tariff of fees by notice in the *Gazette* as indicated by the commission in such report, and such amendment shall come into operation on the first day of January of the following year.”;

- (f) by the addition of the following subsection:

“(11) For the purpose of the application of any tariff, specified in the tariff of fees, to any particular case, the decision of the council shall be final.”.

4. The following section is hereby substituted for section 32 of the principal Act:

Substitution of section 32 of Act 72 of 1967.

“Accounts of medical practitioners, dentists and suppliers of requirements or appliances, and the payment of certain accounts by certain medical schemes.

32. (1) A medical practitioner, dentist or other person who has rendered any services or supplied any medicine, requirement, appliance or accommodation in a hospital or nursing home to a member of a medical scheme or to any person in respect of whom a member of a registered scheme is entitled to benefits under the scheme, shall, within thirty days from the date of such rendering or supplying and monthly thereafter, if the benefits of such scheme apply in respect of the rendering of the service or the supplying of the medicine, requirement, appliance or accommodation in question, furnish the member concerned with an account or statement reflecting such particulars as may be prescribed.

(2) A medical practitioner, or dentist, who is bound in terms of section 29 (1) to render services at the tariffs specified in the tariff of fees, shall, if any amount due to him in respect of services rendered, other than services rendered while such medical practitioner or dentist was not bound in terms of section 29 (1) as aforesaid, is still unpaid after the expiration of a period of two months as

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vanaf die datum waarop 'n in subartikel (1) bedoelde rekening aan die betrokke lid verstrekkend is, 'n afskrif van bedoelde rekening per aangetekende pos aan die betrokke geregistreerde mediese skema stuur.

(3) By ontvangs van so 'n afskrif, betaal die betrokke geregistreerde mediese skema 'n in subartikel (2) bedoelde bedrag direk aan bedoelde geneesheer of tandarts: Met dien verstande dat, ondanks die bepalinge van die in artikel 22 bedoelde reëls, geen mediese skema verplig is om bedoelde bedrag, of deel daarvan, te betaal nie, tensy 'n afskrif van 'n in subartikel (1) bedoelde rekening deur die bedoelde geneesheer of tandarts aan die betrokke mediese skema gestuur word, nie later nie as die laaste dag van die vierde maand wat volg op die maand waarin die dienste gelewer is ten opsigte waarvan bedoelde bedrag verskuldig is."

Wysiging van artikel 41 van Wet 72 van 1967, soos gewysig deur artikel 15 van Wet 95 van 1969.

5. (1) Artikel 41 (1) van die Hoofwet word hierby gewysig deur paragraaf (e) deur die volgende paragraaf te vervang:

„(e) die wyse waarop en die tydperk waarin 'n betaling wat kragtens 'n mediese skema verskuldig is, gedoen moet word;”.

(2) Die bepalinge van subartikel (1) word geag in werking te getree het op die datum van die inwerkingtreding van die Hoofwet.

Kort titel en inwerkingtreding.

6. Hierdie Wet heet die Wysigingswet op Mediese Skemas, 1972, en die bepalinge daarvan tree in werking op 'n datum wat deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal word.

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from the date on which the member concerned has been furnished with an account referred to in subsection (1), send by registered post a copy of such account to the registered medical scheme concerned.

(3) On receipt of such a copy the registered medical scheme concerned shall pay any amount referred to in subsection (2) directly to such medical practitioner or dentist: Provided that, notwithstanding the provisions of the rules referred to in section 22, no registered medical scheme shall be obliged to pay any such amount, or portion thereof, unless a copy of an account referred to in subsection (1) is sent to such medical scheme by such medical practitioner or dentist not later than the last day of the fourth month following the month during which the services in respect of which such amount is due, were rendered.”.

5. (1) Section 41 of the principal Act is hereby amended by the substitution for paragraph (e) of subsection (1) of the following paragraph:

Amendment of section 41 of Act 72 of 1967 as amended by section 15 of Act 95 of 1969.

“(e) the manner in and the period within which any payment due under a registered medical scheme shall be made;”.

(2) The provisions of subsection (1) shall be deemed to have come into operation on the date of commencement of the principal Act.

6. This Act shall be called the Medical Schemes Amendment Act, 1972, and the provisions thereof shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

