



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 898.

2 Mei 1984

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

No. 59 van 1984: Wysigingswet op Mediese Skemas, 1984.

OFFICE OF THE PRIME MINISTER

No. 898.

2 May 1984

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

No. 59 of 1984: Medical Schemes Amendment Act, 1984.

Wet No. 59, 1984

WYSIGINGSWET OP MEDIESE SKEMAS, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Mediese Skemas, 1967, ten einde weg te doen met die vereiste dat 'n sekere lid van die Sentrale Raad vir Mediese Skemas slegs op aanbeveling van die Minister van Mannekrag aangestel kan word; ander voorsiening te maak betreffende die voortsetting van die lidmaatskap van sekere lede van mediese skemas; die Registrateur van Mediese Skemas te magtig om geregistreerde mediese skemas te gelas om sekere van hul reëls te wysig of op 'n ander wyse toe te pas; te bepaal dat 'n mediese skema 'n lid van slegs een vereniging wat mediese skemas verteenwoordig, kan wees; weg te doen met die stelsel ingevolge waarvan betaling vir sekere mediese dienste geskied aan die hand van 'n geldetarief bepaal met die goedkeuring van die Minister van Gesondheid en Welsyn, en voorsiening te maak vir die bepaling van 'n voordeleskaal deur die Verteenwoordigende Vereniging van Mediese Skemas en vir die direkte betaling van rekeninge vir mediese dienste ten opsigte waarvan die gelde nie die gelde voorgeskryf in die voordeleskaal oorskry nie; en sekere verouderde uitdrukkings en verwysings te vervang; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 April 1984.)*

DAAR WORD BEPAAL deur die Staatspresident 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, artikel 1 van Wet 49 van 1972, artikel 1 van Wet 43 van 1975 en artikel 1 van Wet 51 van 1978.

1. Artikel 1 van die Wet op Mediese Skemas, 1967 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur na die omskrywing van "boekjaar" die volgende omskrywing in te voeg:

"'diens' enige geneeskundige, sielkundige, paragenesekundige, verplegings-, snykundige of tandheelkundige behandeling, en ook die verskaffing van medisyne of van geneeskundige, snykundige, tandheelkundige of optiese benodigdhede of appa-
rate, of van akkommodasie in 'n hospitaal of
kraam- of verpleeginrigting;"

(b) deur die omskrywing van "geldetarief" te skrap;

(c) deur die omskrywing van "mediese skema" deur die volgende omskrywing te vervang:

"'mediese skema' 'n skema ingestel met die oogmerk om voorsiening te maak vir—

(a) die kostelose **[lewing]** verkryging van **[geneeskundige, paragenesekundige, verplegings-, snykundige of tandheelkundige dienste]** **[n]** **[diens [aan] deur]** lede daarvan en **[aan] deur** afhanklikes van sodanige lede; of

[(b)] die kostelose verskaffing van medisyne of van geneeskundige, snykundige, tandheelkundige, 25

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GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Medical Schemes Act, 1967, so as to do away with the requirement that a certain member of the Central Council for Medical Schemes may be appointed only on the recommendation of the Minister of Manpower; to make other provision regarding the continuation of the membership of certain members of medical schemes; to empower the Registrar of Medical Schemes to order registered medical schemes to amend certain of their rules or to apply them in another manner; to provide that a medical scheme may be a member of only one association representing medical schemes; to do away with the system in terms of which payment for certain medical services takes place according to a tariff of fees determined with the approval of the Minister of Health and Welfare, and to provide for the determination of a scale of benefits by the Representative Association of Medical Schemes and for the direct payment of accounts for medical services in respect of which the fees do not exceed the fees prescribed in the scale of benefits; and to replace certain obsolete expressions and references; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 19 April 1984.)

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

1. Section 1 of the Medical Schemes Act, 1967 (hereinafter referred to as the principal Act), is hereby amended—

5 (a) by the substitution for the definition of "medical scheme" of the following definition:

"'medical scheme' means a scheme established with the object of making provision for—

10 (a) the **[rendering]** obtaining, free of charge, **[to]** by members thereof and [to] by dependants of such members, of [medical, para-medical, nursing, surgical or dental services] any service; or

15 **[(b) the supply, free of charge, to members thereof and to dependants of such members, of medicines or of medical, surgical, dental or optical requirements or appliances or of accommodation in hospitals or nursing homes; or]**

20 (c) the granting of assistance to members thereof in defraying expenditure incurred by them in connection with the rendering of **[such services] any service [or the supply of such medicines, requirements, appliances or accommodation];**";

Amendment of section 1 of Act 72 of 1967, as amended by section 1 of Act 95 of 1969, section 1 of Act 49 of 1972, section 1 of Act 43 of 1975 and section 1 of Act 51 of 1978.

of optiese benodighede of apparate of van akkommodasie in hospitale of verpleeginrigtings aan lede daarvan en aan afhanklikes van sodanige lede; of]

- (c) die verlening van bystand aan lede daarvan om uitgawe te bestry wat deur hulle aangegaan is in verband met die lewering van [sodanige dienste] 'n diens [of die verskaffing van sodanige medisyne, benodighede, apparate of akkommodasie];";
- (d) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:
"Minister" die Minister van Gesondheid en Welsyn;";
en
- (e) deur na die omskrywing van "Verteenwoordigende Vereniging van Mediese Skemas" die volgende omskrywing in te voeg:
"voordeleskaal" 'n voordeleskaal ingevolge artikel 29 bepaal;";

Wysiging van artikel 2 van Wet 72 van 1967, soos gewysig deur artikel 2 van Wet 95 van 1969 en artikel 2 van Wet 49 van 1972.

2. Artikel 2 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
"(a) is, behoudens die bepalings van paragrawe (b), (c), (d) [(e)] en (f), ook van toepassing met betrekking tot 'n mediese skema ingestel deur die Staat [of die Administrasie van die gebied Suidwes-Afrika];";
- (b) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
"(b) is, behoudens die bepalings van subartikel (2A), van toepassing met betrekking tot [die Siekefonds van die Suid-Afrikaanse Spoorweë en Hawens] 'n skema ingestel ingevolge 'n regulasie uitgevaardig kragtens artikel 32 van die Wet op [Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960)] Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983. (Wet No. 16 van 1983), slegs indien die Minister op versoek van die Minister van [Vervoer] Vervoerwese en by kennisgewing in die Staatskoerant verklaar het dat bedoelde bepalings aldus van toepassing is;";
- (c) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:
"(c) is, behoudens die bepalings van subartikel (2A), van toepassing met betrekking tot 'n [fonds] skema ingestel ingevolge 'n regulasie uitgevaardig kragtens artikel 33 (1) (b)bis van die Polisiewet, 1958 (Wet No. 7 van 1958), of artikel 94 (1) (b)bis van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), slegs indien die Minister op versoek van die Minister van [Polisie] Wet en Orde of die Minister van Justisie, na gelang van die geval, en by kennisgewing in die Staatskoerant verklaar het dat bedoelde bepaling aldus van toepassing is;";
- (d) deur paragraaf (e) van subartikel (1) te skrap;
- (e) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:
"(f) is, behoudens die bepalings van subartikel (2A), van toepassing met betrekking tot 'n fonds ingestel ingevolge 'n regulasie uitgevaardig kragtens artikel 26 (1) (b)bis van die Staatsdienswet, 1957 (Wet No. 54 van 1957), ten opsigte van die [Buro vir Staatsveiligheid] Nasionale Intelligensiediens, slegs indien die Minister op versoek van die Eerste Minister en by kennisgewing in die Staatskoerant verklaar het dat bedoelde bepaling aldus van toepassing is;";

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- (b) by the substitution for the definition of "Minister" of the following definition:
 "Minister" means the Minister of Health and Welfare;"
- 5 (c) by the insertion after the definition of "rules" of the following definition:
 "scale of benefits" means a scale of benefits determined in terms of section 29;"
- 10 (d) by the insertion after the definition of "scheme" of the following definition:
 "service" means any medical, psychological, paramedical, nursing, surgical or dental treatment, and includes the supply of medicines or of medical, surgical, dental or optical requirements or appliances, or of accommodation in a hospital or maternity or nursing home;" and
- 15 (e) by the deletion of the definition of "tariff of fees".

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

- 20 (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
 "(a) shall, subject to the provisions of paragraphs (b), (c), (d) [(e)] and (f), also apply with reference to a medical scheme established by the State **for the Administration of the territory of South-West Africa**;"
- 25 (b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
 "(b) shall, subject to the provisions of subsection (2A), apply with reference to **[the South African Railways and Harbours' Sick Fund]** a scheme established in terms of a regulation made under section 32 of the **[Railways and Harbours Service Act, 1960 (Act No. 22 of 1960)]** Conditions of Employment (South African Transport Services) Act, 1983 (Act No. 16 of 1983), only if the Minister has at the request of the Minister of Transport Services and by notice in the *Gazette* declared the said provisions to be so applicable;"
- 30 (c) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
 "(c) shall, subject to the provisions of subsection (2A), apply with reference to any **[fund] scheme** established in terms of any regulation made under section 33 (1) (b) *bis* of the Police Act, 1958 (Act No. 7 of 1958), or section 94 (1) (b) *bis* of the Prisons Act, 1959 (Act No. 8 of 1959), only if the Minister has at the request of the Minister of **[Police] Law and Order** or the Minister of Justice, as the case may be, and by notice in the *Gazette* declared the said provisions to be so applicable;"
- 35 (d) by the deletion of paragraph (e) of subsection (1);
- 40 (e) by the substitution for paragraph (f) of subsection (1) of the following paragraph:
 "(f) shall, subject to the provisions of subsection (2A), apply with reference to any fund established in terms of any regulation made under section 26 (1) (b) *bis* of the Public Service Act, 1957 (Act No. 54 of 1957), in respect of the **[Bureau for State Security] National Intelligence Service**, only if the Minister has at the request of the Prime Minister and by notice in the *Gazette* declared the said provisions to be so applicable;"
- 45 (f) shall, subject to the provisions of subsection (2A), apply with reference to any fund established in terms of any regulation made under section 26 (1) (b) *bis* of the Public Service Act, 1957 (Act No. 54 of 1957), in respect of the **[Bureau for State Security] National Intelligence Service**, only if the Minister has at the request of the Prime Minister and by notice in the *Gazette* declared the said provisions to be so applicable;"
- 50 (g) shall, subject to the provisions of subsection (2A), apply with reference to any fund established in terms of any regulation made under section 26 (1) (b) *bis* of the Public Service Act, 1957 (Act No. 54 of 1957), in respect of the **[Bureau for State Security] National Intelligence Service**, only if the Minister has at the request of the Prime Minister and by notice in the *Gazette* declared the said provisions to be so applicable;"
- 55 (h) shall, subject to the provisions of subsection (2A), apply with reference to any fund established in terms of any regulation made under section 26 (1) (b) *bis* of the Public Service Act, 1957 (Act No. 54 of 1957), in respect of the **[Bureau for State Security] National Intelligence Service**, only if the Minister has at the request of the Prime Minister and by notice in the *Gazette* declared the said provisions to be so applicable;"
- 60

Amendment of
 section 2 of
 Act 72 of 1967,
 as amended by
 section 2 of
 Act 95 of 1969
 and section 2 of
 Act 49 of 1972.

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- (f) deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:
- “(g) is behoudens die bepalings van subartikel (2A), van toepassing met betrekking tot ’n bepaalde mediese skema ingestel kragtens ’n ooreenkoms wat gepubliseer is of geag word gepubliseer te wees ingevolge artikel 48 van die Wet op **[Nywerheidsversoening]** Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), slegs indien die Minister op versoek van die Minister van **[Arbeid]** Mannekrag en by kennisgewing in die *Staatskoerant* verklaar het dat bedoelde bepalings met betrekking tot daardie mediese skema van toepassing is;”;
- (g) deur paragraaf (h) van subartikel (1) deur die volgende paragraaf te vervang:
- “(h) is met betrekking tot ’n mediese skema ten opsigte waarvan ’n kennisgewing ingevolge paragraaf (b), (c), (d), **[(e)]**, (f) of (g) uitgereik is, van toepassing met ingang van die datum wat in dié kennisgewing bepaal word.”;
- (h) deur subartikel (2A) deur die volgende subartikel te vervang:
- “(2A) ’n Mediese skema bedoel in subartikel (1) (b), (c), (d), **[(e)]** (f) of (g) **[van hierdie artikel]** waarop die bepalings van hierdie Wet nie van toepassing is nie, word by die toepassing van artikel 38 geag ’n geregi-streerde mediese skema te wees.”; en
- (i) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) By die toepassing van die bepalings 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 5 van Wet 72 van 1967, soos gewysig deur artikel 4 van Wet 95 van 1969, artikel 2 van Wet 43 van 1975 en artikel 2 van Wet 51 van 1978.

3. Artikel 5 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (2) te skrap.

Wysiging van artikel 11 van Wet 72 van 1967, soos gewysig deur artikel 5 van Wet 95 van 1969.

4. Artikel 11 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die fonds word geadministreer deur die **[Sekretaris van Gesondheid]** Direkteur-generaal: Gesondheid en Welsyn, wat behoorlik aantekening laat hou van alle gelde ontvang en bestee.”.

Wysiging van artikel 13 van Wet 72 van 1967, soos gewysig deur artikel 7 van Wet 95 van 1969 en artikel 6 van Wet 43 van 1975.

5. Artikel 13 van die Hoofwet word hierby gewysig deur subparagraaf (ii) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:

“(ii) die ander werksaamhede verrig en die ander pligte uitvoer wat van tyd tot tyd deur die **[Sekretaris van Gesondheid]** Direkteur-generaal: Gesondheid en Welsyn aan hom toegewys of hom opgelê word;”.

Wysiging van artikel 20 van Wet 72 van 1967, soos gewysig deur artikel 10 van Wet 95 van 1969, artikel 14 van Wet 43 van 1975 en artikel 5 van Wet 71 van 1978.

6. Artikel 20 van die Hoofwet word hierby gewysig deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

“(d) vir die voortsetting, onderworpe aan die voorgeskrewe voorwaardes, van die lidmaatskap van ’n lid wat met pensioen aftree of wie se dienste deur sy werkgewer beëindig word vanweë ouderdom, swak gesondheid of ander ongeskiktheid **[of totdat so ’n lid, uit hoofde van**

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- (f) by the substitution for paragraph (g) of subsection (1) of the following paragraph:
- “(g) shall, subject to the provisions of subsection (2A), apply with reference to a particular medical scheme established under an agreement published or deemed to have been published in terms of section 48 of the **[Industrial Conciliation] Labour Relations Act, 1956 (Act No. 28 of 1956)**, only if the Minister has at the request of the Minister of **[Labour] Manpower** and by notice in the *Gazette* declared the said provisions to be applicable with reference to that medical scheme.”;
- (g) by the substitution for paragraph (h) of subsection (1) of the following paragraph:
- “(h) shall apply with reference to a medical scheme in respect of which a notice has been issued in terms of paragraph (b), (c), (d), **[(e)] (f) or (g)** as from the date fixed in such notice.”;
- (h) by the substitution for subsection (2A) of the following subsection:
- “(2A) A medical scheme referred to in subsection (1) (b), (c), (d), **[(e)] (f) or (g) [of this section]** to which the provisions of this Act do not apply, shall for the purposes of section 38 be deemed to be a registered medical scheme.”; and
- (i) 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]**.”.
- 35 3. Section 5 of the principal Act is hereby amended by the deletion of paragraph (b) of subsection (2).
- Amendment of section 5 of Act 72 of 1967, as amended by section 4 of Act 95 of 1969, section 2 of Act 43 of 1975 and section 2 of Act 51 of 1978.
- 40 4. Section 11 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:
- “(2) The fund shall be administered by the **[Secretary for Health] Director-General: Health and Welfare**, who shall cause a proper record to be kept of all monies received and expended.”.
- Amendment of section 11 of Act 72 of 1967, as amended by section 5 of Act 95 of 1969.
- 45 5. Section 13 of the principal Act is hereby amended by the substitution for subparagraph (ii) of paragraph (a) of subsection (1) of the following subparagraph:
- “(ii) shall perform such other functions and carry out such other duties as may from time to time be assigned to or imposed upon him by the **[Secretary for Health] Director-General: Health and Welfare**.”.
- Amendment of section 13 of Act 72 of 1967, as amended by section 7 of Act 95 of 1969 and section 6 of Act 43 of 1975.
- 50 6. Section 20 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:
- “(d) for the continuation, subject to the prescribed conditions, of the membership of a member who retires on pension or whose employment is terminated by his employer on account of age, ill-health or other disability **[or until such member becomes, by virtue of re-employ-**
- Amendment of section 20 of Act 72 of 1967, as amended by section 10 of Act 95 of 1969, section 14 of Act 43 of 1975 and section 5 of Act 71 of 1978.

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herindiensneming, geregtig word op lidmaatskap van 'n ander geregistreerde mediese skema];”.

Wysiging van artikel 21 van Wet 72 van 1967, soos gewysig deur artikel 16 van Wet 43 van 1975.

7. Artikel 21 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Die registrateur kan 'n geregistreerde skema **[versoek]** gelas om 'n reël van daardie skema wat, na die oordeel van die registrateur, toegepas word op 'n wyse wat strydig is met die bepalings van hierdie Wet—”.

Wysiging van artikel 23A van Wet 72 van 1967, soos ingevoeg deur artikel 18 van Wet 43 van 1975.

8. Artikel 23A van die Hoofwet word hierby gewysig deur 10 subartikel (6) deur die volgende subartikel te vervang:

“(6) Iedere mediese skema moet 'n lid wees van 'n in subartikel (2) beoogde vereniging wat mediese skemas verteenwoordig, maar mag nie 'n lid van meer as een sodanige vereniging wees nie.”.

Wysiging van artikel 28 van Wet 72 van 1967, soos gewysig deur artikel 21 van Wet 43 van 1975 en artikel 7 van Wet 51 van 1978.

9. Artikel 28 van die Hoofwet word hierby gewysig—

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

“(1) Waar 'n skriftelike klagte met betrekking tot 'n aangeleentheid waarvoor in die reëls van 'n geregi- streerde mediese skema voorsiening gemaak is **[behalwe 'n in subartikel (4) bedoelde klagte]**, by die raad ingedien is—

(a) deur die betrokke skema teen 'n **[geneesheer of tandarts of sielkundige of persoon wat 'n aanvullende gesondheidsdiensberoep beoefen, of die verskaffer van enige medisyne, benodigdhed, apparaat of akkommodasie in 'n hospitaal of verpleeginrigting]** diensverskaffer en daar nie met bedoelde klagte ingevolge **[die Wet op Geneeshere, 30 Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), of die Wet op Aptekers, 1974, (Wet No. 53 van 1974), of 'n ander]** 'n wet wat die gedrag of sake van **[geneeshere of tandartse of sielkundiges of persone wat 'n aanvullende gesondheidsdiensberoep beoefen of]** die betrokke verskaffer reël, gehandel moet of kan word nie; of

(b) deur **['n geneesheer of tandarts of sielkundige of persoon wat 'n aanvullende gesondheidsdiensberoep beoefen of]** sodanige verskaffer teen die skema,

moet die registrateur, by kennisgewing per aangetekende pos beteken, aan die party teen wie die klagte ingedien is, volledige besonderhede van die klagte verskaf, en bedoelde party versoek om hom vir die inligting van die raad van sy skriftelike kommentaar daarop te voorsien voor 'n in die kennisgewing bepaalde datum, wat nie vroeër is as dertig dae na die datum van die kennisgewing nie.”; en

(b) deur subartikels (4), (5), (6) en (7) te skrap.

Vervanging van artikel 29 van Wet 72 van 1967, soos gewysig deur artikel 11 van Wet 69 van 1969, artikel 22 van Wet 43 van 1975, artikel 8 van Wet 51 van 1978 en artikel 1 van Wet 42 van 1980.

10. Artikel 29 van die Hoofwet word hierby deur die volgende artikel vervang:—

“Voordeleskaal.

29. (1) (a) Die Verteenwoordigende Vereniging van Mediese Skemas (hieronder die Vereniging genoem) kan, onderworpe aan die voorwaardes wat die Minister by regulasie bepaal met betrekking tot 'n geldetarief wat kragtens artikel 12 (1) (b) van die Wet op Tandtegnici, 1979 (Wet No. 19 van 1979), bepaal is, by kennisgewing in die Staatskoerant 'n voordeleskaal ten opsigte van 'n diens aan 'n lid van 'n mediese skema of 'n afhanklike van so 'n lid bepaal.

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ment, entitled to membership of another registered medical scheme];”.

7. Section 21 of the principal Act is hereby amended by the substitution in subsection (3) for the words preceding paragraph 5 (a) of the following words:

Amendment of section 21 of Act 72 of 1967, as amended by section 16 of Act 43 of 1975.

“The registrar may **[request] order** a registered scheme to—”.

8. Section 23A of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

Amendment of section 23A of Act 72 of 1967, as inserted by section 18 of Act 43 of 1975.

- 10 “(6) Every medical scheme shall be a member of such an association representing medical schemes as is contemplated in subsection (2), but shall not be a member of more than one such association.”.

9. Section 28 of the principal Act is hereby amended—

Amendment of section 28 of Act 72 of 1967, as amended by section 21 of Act 43 of 1975 and section 7 of Act 51 of 1978.

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

“(1) Where a written complaint in relation to any matter provided for in the rules of a registered medical scheme **[other than a complaint referred to in subsection (4)]** has been lodged with the council—

- 20 (a) by the scheme in question against any **[medical practitioner or dentist or psychologist or person practising a supplementary health service profession or the supplier of any medicine, requirement, appliance or accommodation in a hospital or nursing home]** supplier of service and such complaint is not required or permitted to be dealt with in terms of **[the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), or the Pharmacy Act, 1974 (Act No. 53 of 1974), or any other]** a law regulating the conduct or affairs of **[medical practitioners or dentists or psychologists or persons practising any supplementary health service profession or]** the supplier in question; or

- 35 (b) by **[a medical practitioner or dentist or psychologist or person practising any supplementary health service profession]** such supplier against the scheme,

- 40 the registrar shall, by notice served by registered post, furnish the party complained against with full particulars of the complaint, and request such party to furnish him for the information of the council with his comments thereon in writing before a date specified in the notice, not being a date earlier than thirty days after the date of the notice.”; and

- 45 (b) by the deletion of subsections (4), (5), (6) and (7).

10. The following section is hereby substituted for section 29 of the principal Act:

Substitution of section 29 of Act 72 of 1967, as amended by section 11 of Act 69 of 1969, section 22 of Act 43 of 1975, section 8 of Act 51 of 1978 and section 1 of Act 42 of 1980.

- 50 “Scale of benefits.

29. (1) (a) The Representative Association of Medical Schemes (hereinafter referred to as the Association) may, subject to such conditions as the Minister may prescribe by regulation with regard to a tariff of fees determined under section 12 (1) (b) of the Dental Technicians Act, 1979 (Act No. 19 of 1979), by notice in the *Gazette* determine a scale of benefits in respect of any service to a member of a medical scheme or a dependant of such a member.

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- (b) Die Vereniging kan verskillende voordeleskaal ten opsigte van verskillende beroepe, persone of inrigtings, of verskillende kategorieë beroepe, persone of inrigtings, bepaal.
- (c) Voordat die Vereniging 'n voordeleskaal bepaal ten opsigte van 'n diens wat deur 'n bepaalde beroep of beroepe verskaf word, moet hy oorleg pleeg met die beroepsvereniging (as daar is) wat na sy oordeel die meerderheid van die persone wat daardie beroep of beroepe beoefen, verteenwoordig.
- (d) Waar 'n beroepsvereniging bedoel in paragraaf (c) ingevolge 'n riglyn aan sy lede gelde vasgestel het wat deur hulle vir die verskaffing van besondere dienste gevra kan word, moet die Vereniging, wanneer hy 'n voordeleskaal ten opsigte van sulke dienste bepaal, die verhouding tussen die gelde soos aldus ten opsigte van die onderskeie dienste vasgestel, handhaaf.
- (2) Die Vereniging moet binne drie maande na die bepaling van 'n riglyn vir gelde in subartikel (1) (d) bedoel of wanneer hy dit nodig ag of deur die raad daartoe versoek word, 'n voordeleskaal of 'n bepaling daarvan hersien, en kan dit wysig."

Herroeping van artikel 30 van Wet 72 van 1967, soos vervang deur artikel 9 van Wet 51 van 1978 en gewysig deur artikel 2 van Wet 42 van 1980 en artikel 1 van Wet 72 van 1981.

11. Artikel 30 van die Hoofwet word hierby herroep.

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Wysiging van artikel 32 van Wet 72 van 1967, soos vervang deur artikel 3 van Wet 42 van 1980 en gewysig deur artikel 2 van Wet 72 van 1981.

12. Artikel 32 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- "(1) 'n **[Geneesheer, tandarts of iemand wat 'n aanvullende gesondheidsdiensberoep beoefen of iemand anders wat dienste gelewer het aan, of]** Diensverskaffer wat 'n diens 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]** die voorgeskrewe tydperk **[vanaf die datum van bedoelde lewering of verskaffing en maandeliks daarna]** en op die voorgeskrewe wyse, 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, benodigdheid, apparaat of akkommodasie]**, aan die betrokke lid 'n rekening of staat verstrek waarin die besonderhede uiteengesit word wat voorgeskryf is."
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- "(2) 'n Diensverskaffer wat ingevolge subartikel (1) 'n rekening of staat verstrek het vir die verskaffing van 'n diens—
- (a) waarvoor gelde ingevolge 'n voordeleskaal bepaal is en ten opsigte waarvan die verskuldigde bedrag nie die gelde wat aldus bepaal is, oorskry nie; of
- (b) waarvoor gelde nie ingevolge 'n voordeleskaal bepaal is nie, maar onder omstandighede en op voorwaardes deur die Minister voorgeskryf,

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- (b) The Association may determine different scales of benefits in respect of different professions, persons or institutions, or different categories of professions, persons or institutions.
- 5 (c) Before the Association determines a scale of benefits in respect of any service supplied by a particular profession or professions, it shall consult the professional association (if any) which in its opinion represents the majority of those persons practising such profession or professions.
- 10 (d) Where a professional association contemplated in paragraph (c) has fixed in terms of a guide to its members fees which may be charged by them for the supply of particular services, the Association shall, when determining a scale of benefits in respect of such services, maintain the ratio between the fees so fixed in relation to the respective services.
- 15 (2) The Association shall within three months after the fixing of a guide to fees referred to in subsection (1) (d) or when it deems it necessary or when it is requested by the council to do so, review any scale of benefits, or any provision thereof, and may amend it."
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25 11. Section 30 of the principal Act is hereby repealed.

Repeal of section 30 of Act 72 of 1967, as substituted by section 9 of Act 51 of 1978 and amended by section 2 of Act 42 of 1980 and section 1 of Act 72 of 1981.

12. Section 32 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
- 30 "(1) A **[medical practitioner, dentist or person practising a supplementary health service profession or other person who has rendered any service or supplied any medicine, requirement, appliance or accommodation in a hospital or nursing home]** supplier of service who has rendered any service to a member of a registered medical scheme or to any person in respect of whom a member of a registered medical scheme is entitled to benefits under the scheme, shall within [thirty days] the prescribed period [from the date of such rendering or supplying and monthly thereafter] and in the prescribed manner, 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.";
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- 40 (b) by the substitution for subsection (2) of the following subsection:
- 45 "(2) A supplier of service who in terms of subsection (1) has furnished an account or statement for the rendering of a service—
- 50 (a) for which fees have been determined in terms of a scale of benefits and in respect of which the amount due does not exceed the fees so determined; or
- 55 (b) for which fees have not been determined in terms of a scale of benefits, but in circumstances and on conditions prescribed by the Minister,

Amendment of section 32 of Act 72 of 1967, as substituted by section 3 of Act 42 of 1980 and amended by section 2 of Act 72 of 1981.

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kan binne die voorgeskrewe tydperk en op die voorgeskrewe wyse, indien die verskuldigde bedrag nie betaal is nie, 'n afskrif van die rekening of staat aan die betrokke mediese skema stuur.”;

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

“(3) 'n Geregistreerde mediese skema aan wie 'n rekening of staat, of 'n afskrif daarvan, ooreekomstig die reëls van die skema of ingevolge subartikel (2), na gelang van die geval, gestuur is—

(a) ten opsigte van 'n diens bedoel in subartikel (2) (a) moet die verskuldigde bedrag, behoudens die reëls van die skema betreffende die maksimum voordele waarop sy lede geregtig is; direk aan die betrokke diensverskaffer betaal;

(b) ten opsigte van 'n diens bedoel in subartikel (2) (b) kan, behoudens die reëls van die skema en enige voorgeskrewe omstandighede en voorwaardes, die verskuldigde bedrag of 'n gedeelte daarvan direk aan die betrokke diensverskaffer betaal.”; en

- (d) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Ondanks die bepalings van die reëls van 'n mediese skema, verminder die skema die bydrae wat 'n lid ingevolge sodanige reëls verplig is om te maak tot die betaling van 'n rekening ten opsigte van 'n diens, indien die [persoon of inrigting of plek] diensverskaffer wat die diens gelever het ['n tarief] gelde wat laer is as die [tarief] gelde wat in die [geldetarief] betrokke voordeleskaal uiteengesit is, hef, met die volle bedrag waarmee sodanige rekening minder is as die [tarief] gelde ten opsigte van die diens wat in die [geldetarief] voordeleskaal uiteengesit is.”.

Wysiging van artikel 41 van Wet 72 van 1967, soos vervang deur artikel 29 van Wet 43 van 1975 en gewysig deur artikel 4 van Wet 42 van 1980.

13. Artikel 41 van die Hoofwet word hierby gewysig deur die volgende woorde by paragraaf (a) van subartikel (1) te voeg:

“asook daardie dienste wat ingesluit moet word by die dienste waarvoor die skemas vir die doel van sodanige voordele voorsiening maak;”.

Vervanging van artikel 42 van Wet 72 van 1967, soos vervang deur artikel 30 van Wet 43 van 1975.

14. Artikel 42 van die Hoofwet word hierby deur die volgende artikel vervang:

“Raad moet gevalle van onbetaamlike of skandelerike gedrag aan belanghebbende statutêre rade rapporteer.

42. Wanneer dit vir die raad blyk dat die gedrag van iemand wat kragtens die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), die Wet op Aptekers, 1974 (Wet No. 53 van 1974), [of] die Wet op Verpleging, [1957 (Wet No. 69 van 1957) 1978 (Wet No. 50 van 1978), of die Wet op Geassosieerde Gesondheidsdiensberoep, 1982 (Wet No. 63 van 1982), geregistreer is, sodanig is dat dit onbetaamlike of skandelerike gedrag uitmaak of gedrag wat met inagneming van so iemand se beroep, onbetaamlik of skandelerik is, moet die raad die aangeleentheid rapporteer aan die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad, die Suid-Afrikaanse Aptekersraad [of], die Suid-Afrikaanse [Verpleegstersraad] Raad op Verpleging of die Suid-Afrikaanse Raad vir Geassosieerde Gesondheidsdiensberoep, watter raad ook al regsbevoegdheid in die saak het.”.

Oorgangsbepaling.

15. Totdat 'n voordeleskaal kragtens artikel 29 van die Hoofwet bepaal word, word 'n geldetarief soos omskryf in die Hoofwet voor die wysiging daarvan deur hierdie Wet en wat onmid-

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may within the prescribed period and in the prescribed manner, if the amount due has not been paid, send a copy of that account or statement to the medical scheme in question.”;

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

“(3) A registered medical scheme to which an account or statement, or a copy thereof, has been sent in accordance with the rules of that scheme or in terms of subsection (2), as the case may be—

- 10 (a) in respect of a service contemplated in subsection (2) (a) shall pay the amount due, subject to the rules of the scheme regarding the maximum benefits to which its members are entitled, direct to the supplier of service concerned;
- 15 (b) in respect of a service contemplated in subsection (2) (b) may, subject to the rules of the scheme and any prescribed circumstances or conditions, pay the amount due or a portion thereof direct to the supplier of service concerned.”; and

- 20 (d) by the substitution for subsection (4) of the following subsection:

“(4) Notwithstanding the provisions of the rules of a medical scheme, a scheme shall decrease the contribution of a member which he is bound to make in terms of such rules to the payment of an account in respect of a service, if the [person] supplier of service who [or institution or place which] rendered the service, charges [a tariff] fees which [is] are lower than the [tariff] fees specified in the [tariff of fees] scale of benefits in question, by the full amount by which such account is lower than the [tariff] fees in respect of the service specified in the [tariff of fees] scale of benefits.”.

- 25 13. Section 41 of the principal Act is hereby amended by the addition to paragraph (a) of subsection (1) of the following words:

“as well as those services which shall be included in the services for which those schemes make provision for the purposes of such benefits;”.

Amendment of section 41 of Act 72 of 1967, as substituted by section 29 of Act 43 of 1975 and amended by section 4 of Act 42 of 1980.

- 40 14. The following section is hereby substituted for section 42 of the principal Act:

“Council to report cases of improper or disgraceful conduct to statutory councils in question.

45 42. Whenever it appears to the council that the conduct of any person registered under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), the Pharmacy Act, 1974 (Act No. 53 of 1974), [or] the Nursing Act, [1957 (Act No. 69 of 1957)] 1978 (Act No. 50 of 1978), or the Associated Health Service Professions Act, 1982 (Act No. 63 of 1982), is such as to constitute improper or disgraceful conduct or conduct which, when regard is had to such person's profession, is improper or disgraceful, the council shall report the matter to the South African Medical and Dental Council, the South African Pharmacy Board

50 [or], the South African Nursing Council or the South African Associated Health Service Professions Board, whichever council or board has jurisdiction in the matter.”.

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Substitution of section 42 of Act 72 of 1967, as substituted by section 30 of Act 43 of 1975.

15. Until a scale of benefits has been determined under section 29 of the principal Act, a tariff of fees as defined in the principal Act before the amendment thereof by this Act and

Transitional provision.

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dellik voor die inwerkingtreding van hierdie Wet van krag was, geag 'n voordeleskaal te wees wat kragtens genoemde artikel 29 bepaal is.

Kort titel en inwerkingtreding.

16. Hierdie Wet heet die Wysigingswet op Mediese Skemas, 1984, en tree in werking op 'n datum wat die Staatspresident by 5 proklamasie in die *Staatskoerant* bepaal.

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which was in force immediately before the commencement of this Act, is deemed to have been determined under the said section 29.

16. This Act shall be called the Medical Schemes Amendment Act, 1984, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and
commencement.

