



Section 59

Established in terms of Section 7(a)(b)(c)(d), 8(a) and (k) and 9(2) of the Medical Schemes Act, 131 of 1998.

Dear Sir/Madam

SECTION 59 INVESTIGATION PANEL - PROBE OF ALLEGED RACE DISCRIMINATION BY MEDICAL SCHEMES FOR THE COUNCIL FOR MEDICAL SCHEMES

NOTICE 1

22 July 2019

PROVISIONAL WORKING METHODS OF THE PANEL

Adv Tembeka Ngcukaitobi | Adv Kerry Williams | Adv Adila Hassim

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Block A, Eco Glades 2 Office Park, 420 Witch-Hazel Avenue, Eco Park, Centurion, 0157

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1. The Terms of Reference (“TOR”) of the Investigation Panel (“**the Panel**”) require it *inter alia* to: “investigate complaints and allegations received by the CMS relating to section 59 of the Act and Regulation 5 and 6 of the Regulations”.
2. The TOR called upon any interested persons to “make written submissions to the [Panel] in relation to all or specific items of the Terms of Reference, by no later than 19 July 2019”.
3. The Rules of Procedure for the Panel (“**Procedural Rules**”) provide *inter alia* that “the Panel shall function as an inquisitorial body and not an adjudicative body”.
4. In light of the TOR and the Procedural Rules the Panel believes it will be helpful to formulate its provisional working methods.
5. These provisional working methods have been drafted in view of the fact that the Panel is conducting an inquiry and not conducting a trial. The Panel is not determining whether anyone should face criminal prosecution nor whether anyone is civilly liable for any breach of the law.
6. These provision working methods have also been drafted to assist interested and affected parties in planning how to engage the Panel; and to assist the Panel in managing the public hearings and collecting of documentary evidence.

Phases of work

7. The Panel will divide its work into a number of phases.

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8. Currently the first phase involves a public hearing, commencing on **Monday, 29 July 2019**, for regulatory bodies, professional and other associations that may have an interest in, or have information on, the issues raised in the terms of reference.

9. Further phases of the Panel will be announced as the investigation progresses. These phases will include oral evidence from individual complainants, individual medical schemes, individual administrators, and other interested individuals who wish to provide evidence in order to assist the Investigation. Currently the Panel has proposed the following preliminary timetable, which is subject to change, and sets out 6 public hearing sessions as follows:

Date	Stakeholder	Time	Venue
29 July 2019	Solutionist Thinkers Group	10:00 – 12:30	Council for Medical Schemes Block A Eco Glades 2 Office Park 420 Witch-Hazel Avenue Eco Park Centurion
29 July 2019	Competition Commission	13:30 – 16:30	Council for Medical Schemes Block A Eco Glades 2 Office Park 420 Witch-Hazel Avenue Eco Park Centurion

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30 July 2019	Council for Medical Schemes	10:00 – 12:30	Council for Medical Schemes Block A Eco Glades 2 Office Park 420 Witch-Hazel Avenue Eco Park Centurion
30 July 2019	Board of Healthcare Funders of Southern Africa	13:30 – 16:30	Council for Medical Schemes Block A Eco Glades 2 Office Park 420 Witch-Hazel Avenue Eco Park Centurion
31 July	Health Professions Council of South Africa	10:00 – 12:30	Council for Medical Schemes Block A Eco Glades 2 Office Park 420 Witch-Hazel Avenue Eco Park Centurion
31 July 2019	National Healthcare Professionals Association	13:30 – 16:30	Council for Medical Schemes Block A Eco Glades 2 Office Park 420 Witch-Hazel Avenue Eco Park Centurion

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1 August 2019	South African Medical Association	10:00 – 11:30	Council for Medical Schemes Block A Eco Glades 2 Office Park 420 Witch-Hazel Avenue Eco Park Centurion
1 August 2019	Independent Practitioners Association Foundation	11:30 – 13:00	Council for Medical Schemes Block A Eco Glades 2 Office Park 420 Witch-Hazel Avenue Eco Park Centurion
2 August 2019	Health Funders Association	10:00 – 11:30	Council for Medical Schemes Block A Eco Glades 2 Office Park 420 Witch-Hazel Avenue Eco Park Centurion
2 August 2019	Health Forensic Management Unit	11:30 – 13:00	Council for Medical Schemes Block A Eco Glades 2 Office Park 420 Witch-Hazel Avenue Eco Park Centurion

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Session 2 : 20, 21 and 23 August 2019 Public Hearings: Medical Schemes and Administrators
Session 3 :29 and 30 August 2019 Public Hearings: Medical Schemes and Administrators
Session 4: 11, 12 and 13 September 2019 Public Hearings: Discovery Health (Administrator)
Session 5: 17,18 and 19 September 2019 Public Hearings: Medscheme
Session 6: 25, 26, 27 and 30 September 2019 Public Hearings: Discovery (Medical Scheme); GEMS; Bonitas and any other medical schemes or interested parties

Notification to interested parties regarding the public hearings

10. The Panel intends to invite specific interested parties (“**invited parties**”) to make oral submissions at the upcoming public hearings.
11. Invited parties are requested to:
 - a. Respond to the invitation with an indication of whether they intend to make oral submissions and who will be their representative, within one week of receiving the invite;
 - b. Provide the Panel with a written copy of their submission (in Word or PowerPoint format), one week in advance of the date of the first day of the hearing session to which they have been invited;

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- c. Provide the Panel with any documents (written or electronic) that they intend to rely or present as evidence, one week in advance of the date of the first day of the hearing session to which they have been invited.
12. Invited parties who received invites on 4 July 2019 for the first session of hearings beginning on Monday, 29 July 2019 are requested to:
 - a. Respond to the invitation with an indication of whether they intend to appear to make oral submissions and who will be their representative by **Tuesday, 23 July 2019**;
 - b. Provide the Panel attend with the items listed in paragraph **11 (b) and (c)** above (i.e. written copies of their submissions and any documents they intend to rely on present as evidence) by close of business on **Thursday, 25 July 2019**.
13. The Panel may request invited parties to address topics that are not included in their written submissions. The parties will be given reasonable notice of any such request from the Panel.

Miscellaneous matters

14. During public hearings, the Panel will sit from 10h00 to 16h00 with a one-hour lunch adjournment.
15. The venue of the public hearings is: **Block A, Eco Glades Office Park 420 Witch-Hazel Avenue, Eco Park Centurion.**

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Yours sincerely,

The Investigation Panel

TRANSMITTED ELECTRONICALLY WITHOUT SIGNATURE

Adv Tembeka Ngcukaitobi | Adv Kerry Williams | Adv Adila Hassim

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