



**SECTION 59 INVESTIGATION**  
**Day 11**  
**Minutes of the Inquiry**

Date	Thursday, 26 September 2019
Time	10:00
Location	420 Witch-Hazel, Block A, Eco Glades
Chairman	Adv. T. Ngcukaitobi

Agenda Subject	Discussion
I. Call to order	Chair Adv. Ngcukaitobi called the inquiry to order at 10:00 am.
II. Witness swore under oath	Chair called the motion to have Dr. Nonkosi Ngumbela, Ms. Babalwa Sikiti, Mr. Phumeza George Mntusanto, and Mr. Buyisile Pan to take an oath and then to begin with the powerpoint presentation.
III. Noting of submissions made by Dr. Ngumbela	Chair noted that they (the Secretariat, Advocates Ngcukaitobi, Williams and Hassim) received a written submission by Dr. Ngumbela.
IV. Dr. Ngumbela's presentation	<p>Dr. Ngumbela noted that she is accompanied by her daughter Adv. Mandlakazi Ngumbela and three of her patients namely, Mr. Phumeza George Mntusanto, Ms. Babalwa Sikiti, and Mr. Buyisile Pan.</p> <p>Dr. Ngumbela stated that she made her submission but there are letters that have been omitted from the submission. She noted that she had submitted four letters from MedScheme and one from Bonitas, which she submitted on the day of the inquiry but appeared that was the only one and the total number of pages of her initial submission was 123 pages but realized that the one the commission had was 105 pages.</p>
	<p><b><u>Background information about Dr. Ngumbela's practice:</u></b></p> <p>Dr. Ngumbela noted that she had been practicing medicine for 30 years as a GP. She serves 100%, black patients and the majority of them are the working class. Majority of her patients are registered with Bonitas, Gems, and some Discovery. All of them are on a lower medical cover option. Furthermore, Dr. Ngumbela stated in response to Adv. Williams' question that her practice is located in downtown East London. She also noted that she mostly treats patients with chronic diseases like Diabetes, HIV/AIDS, hypertension, etc.</p>

	<p>She also noted that in the 30 years of practicing medicine, she has never had any problems with medical aid schemes. In the instance of MedScheme, she has never had direct communication or contract with them because her contract with them was negotiated for her by the Independent Practitioners Association (IPA).</p>
	<p><b><u>Stopped or withdrawn payments:</u></b></p> <p>Dr. Ngumbela stated that it was a great shock for her to realize that MedScheme had stopped the payments. This was in February 2018. When she called MedScheme to inquire about what the problem was, she was not given any answers. She then had a telephone conversation with Mr. Devon Fleming who was the investigator who conducted the investigation under false pretenses saying that he was a doctor when demanding that Dr. Ngumbela should submit the patients' clinical records. It was only the 27<sup>th</sup> of March that a letter was sent to her stating that she had been suspended and was to give them records of all the medical scheme members and dependents. Including the records of all the codes, she had submitted or used to make claims. Dr. Ngumbela asserted that she had been using only one code with all her patients which is the code used for consultation. In all this, she refused to make any submissions to them. It was with the intervention of the IPA that a payment was made to her in the month of April, which was the last payment that she received.</p> <p>It was then a gun in April that she received another letter from MedScheme stating that the payments were stopped because she was working with Dr. May Khunyuzza and that she had refused to give them the patients' clinical records. She disputed that because she knew nobody with that name and that her patients didn't give consent to give out their records, which was why she could not have possibly been able to comply with MedScheme's demands.</p> <p>Adv. Hassim asked if Dr. Ngumbela could recall the exact dates when the telephone conversations with Mr. Fleming took place. In response to this, Dr. Ngumbela noted that she would do her best to provide the dates. Furthermore, Adv. Hassim and Chair asked making reference to the so-called" Dr. May Khunyuzza", was not a combination of her two locum doctors. She confirmed that it was so but that didn't rationalize the joining of two different surnames.</p>
	<p><b><u>" Debt" Incurred by Dr. Ngumbela/ clawbacks</u></b></p> <p>Dr. Ngumbela continued to explain to the commission that she received a letter from Bonitas stating that she was owing them an amount of R44 000 and MedScheme in a letter dated 17 April, they stated that she was owing them close to R66 000, which was apparently 5% of her claims from the various medical aid schemes that were numbered. Adv. Hassim asked if the R66 000 was broken down into the different medical aid schemes that MedScheme was representing. Dr. Ngumbela stated that it was not stated or calculated, it was a sum of money they just came up with without any rationale.</p> <p>On the 10<sup>th</sup> of May, Dr. Ngumbela received a letter that stated that her contract was officially terminated. She was perplexed by their decision and wondered why they</p>

	<p>could not resort to paying the money into her patients' accounts because at least her patients would still be able to come to her and would pay her.</p> <p>Dr. Ngumbela asserted that this affected her patients badly as most of them were not given ample time to find alternative doctors. Those with chronic diseases were not able to get their treatment including 71 of them that were HIV patients who have defaulted. She complained about how her patients were not followed up with and checked on if they had managed to get other doctors.</p> <p>Dr. Ngumbela was then requested to submit the proof of her communication with Mr. Devon Fleming and also her communication with the IPA so to determine how the IPA managed to get her payment reinstated after the first time it was stopped.</p>
<p>V.</p>	<p><b><u>How the patients were affected:</u></b></p> <p>Ms. Babalwa Sikiti had been going to see Dr. Ngumbela for a while, but she was shocked when she learned that Dr. Ngumbela could no longer see her because her medical aid scheme (Bonitas) had terminated their contract with her. She called to inquire about why Dr. Ngumbela had been removed from the list of doctors that were serving Bonitas' clients but she was not given an answer but only advised to look for another doctor. Ms. Sikiti did as she was advised and found a doctor but this didn't make the transition and change any easy for her.</p> <p>She pointed out how frustrating it was for her to start all over again with explaining herself to a total stranger who knew nothing about her medical history or situation. She further explained that she felt bullied and undermined by Bonitas because as a paying client, she was not informed on time about looking for another doctor.</p> <p>Mr. Phumeza Mntusanto noted that he had been Dr. Ngumbela's patient for 18 years. He also pointed to how he felt undermined by Polmed for not telling him about his doctor who no longer was paid by the scheme. He said that he even had to ask Dr. Ngumbela what the challenge was, of which at the time she also had no idea. He also called the medical scheme to find out what exactly was happening but he was not assisted in any way but told to look for another doctor. He was then given a list of 15 doctors of which 14 of them were white and one 1 was black and mentally ill.</p> <p>He believes that was disrespectful to him as a premium payer. He felt that there was some racial prejudice in all this. He then lodged a complaint with the CMS in March 2018 and he was told that his complaint would be attended to in September. He stated that he submitted his complaint in writing. It was only in November 2018 that a CMS official called him and told him that he would get back to him and look into the matter but never did.</p> <p>He also noted that changing doctors was a very difficult thing to do and that it took him for weeks before he could get his treatment. He needed his doctor back because not only did she know his medical history but even that of his children. He felt that a new doctor would not understand him and his beliefs and cultural heritage or stance.</p>

	<p>Mr. Buyisile Pan stated that he joined Bonitas in the year 2012. He said that he saw himself as an important person to the medical scheme because he pays his premiums without fail. He felt that he was undermined by the medical scheme for not telling him on time about the termination of Dr. Ngumbela’s contract with them. When he had fallen ill he had to walk a long distance to where the other doctor was. He also noted how frustrating consulting another doctor was for him, especially because this doctor could not speak his mother tongue as he is not fluent in English. He was particularly given one Dr. Van der Merwe with whom it was difficult to communicate.</p> <p>Mr. Pan moreover stated that consulting with other doctors was not a pleasant experience because most of them could not see him with his medical aid option because it was a low premium. This required him to pay certain amounts of money upfront. He also complained about how changing to another doctor was uncomfortable for him as he had to disclose his medical history with new people either than his previous doctor and her staff.</p> <p>Mr. Pan felt that this was an act of racial discrimination against Dr. Ngumbela. He also noted that he wants his doctor reinstated and all those responsible for this ordeal to be punished.</p>
VI.	<p><b><u>Conclusion</u></b></p> <p>Dr. Ngumbela stated that what she desired most was to have the people who have done this injustice to be punished. Chair asked a question about the black doctor who was listed among the 15 one of her patients were referred to who is said to be mentally ill. He asked if there are more white doctors than black doctors. Dr. Ngumbela asserted that that was not the case because there are definitely more black doctors than there are white doctors in the region.</p>
VII. Other business	<p><b><u>None</u></b></p>

Adjournment: Adjourned at 11:34 a.m. to return at 12:00 p.m.