



Section 59 Investigation

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.

Statement:

Opening of the Section 59 Investigation Panel (on 19 November 2019)

- 1) Today the Panel will be hearing evidence from the expert appointed by the Panel, Dr Zaid Kimmie. Dr Kimmie has submitted a detailed written report to the Panel. A copy of his written report will not be made public until the schemes and administrators have had an opportunity to comment.
- 2) We note that we have received correspondence from Discovery Health (on 12 November 2019) regarding Dr Kimmie's testimony – requesting that Discovery have an opportunity to comment on his report and check his facts before he reaches any conclusions or preliminary findings. We considered this request and have decided not to accede to it. In the interests of fairness and transparency Dr Kimmie should be allowed to present his evidence on the basis of the process he, the Panel and the relevant administrators and schemes have followed so far. Most importantly, the relevant administrators and schemes will have an opportunity to comment on (or challenge) his findings and evidence when they make their presentations and give their evidence early next year.
- 3) The Panel will make available to Discovery Health, GEMS and Medscheme a complete copy of the report containing Dr Kimmie's reasoning and findings as well as other models and data sets relevant to each scheme and administrator. This will give these schemes and administrators a full and fair opportunity to comment. They will also have access to today's transcript and the accompanying power point presentation.

Adv Tembeka Ngcukaitobi | Adv Kerry Williams | Adv Adila Hassim

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- 4) Additionally, Discovery, GEMS and Medscheme have made various claims of confidentiality over information they have provided. We have asked Dr Kimmie not to include this information in his presentation and his slides. We are accordingly respecting the request for confidentiality in this session, but will be engaging with Discovery, GEMS and Medscheme regarding this information so that transparency in this Investigation is ensured.
- 5) Finally, we note that we do not want this Investigation to be delayed. It is important that the parties involved in the Investigation continue to cooperate in a pragmatic way – allowing it to be concluded early next year. The intention is to have one more hearing in late January or early February where the schemes and administrators are given an opportunity to present their evidence and be heard. Thereafter the Panel hopes to write up its report.

19 November 2019

The Investigation Panel

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