

SADA's concern on delays in inquiry into racial profiling by medical schemes

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INTRODUCTION

The South African Dental Association (SADA) acknowledges the ongoing concerns and frustrations expressed by its members regarding the indefinite delay in the release of the final report on racial profiling by medical schemes. This issue affects not only the medical profession at large but also our members in oral health, who are deeply concerned about the implications of these delays.

BACKGROUND

The investigation into claims of racial profiling by medical schemes was initiated in 2019 following serious allegations by a group of healthcare workers. These workers claimed that medical administrators and schemes were engaging in discriminatory practices by disproportionately targeting black and Indian doctors and therapists for fraud investigations, while white healthcare providers were rarely subjected to such scrutiny. These allegations raised significant concerns about racial bias within the medical schemes, prompting calls for a thorough and transparent inquiry to address the issue.

The Council for Medical Schemes (CMS) responded to these allegations by appointing an independent investigation

panel in July 2019. The panel, chaired by prominent legal figures Adila Hassim, Tembeka Ngcukaitobi, and Kerry Williams, was tasked with examining whether there was evidence of racial profiling in the investigation practices of medical schemes and administrators. This inquiry was a critical step towards understanding and addressing potential systemic racism within the healthcare industry.

The scope of the inquiry was broad, focusing on the application of Section 59 of the Medical Schemes Act. This section allows medical schemes to recover payments made in error or due to fraud, theft, or misconduct discovered after the fact. The central question was whether this legal provision was being applied discriminatorily against black and Indian healthcare providers.

The investigation involved a series of hearings that began in July 2019 and concluded in January 2020. These hearings provided a platform for affected healthcare providers to present their experiences and for medical schemes to explain their investigative processes. The panel received extensive submissions, including from major players like Discovery Health and Medscheme, which were critical to understanding the practices and methodologies employed in fraud detection.



Throughout the inquiry, there was considerable public and professional interest, as the outcome had the potential to influence regulatory practices and restore trust in the fairness of medical schemes. The findings of the investigation were initially scheduled for release on December 16, 2020. However, just before the scheduled media conference, the release was halted at the request of Health Minister Dr. Zweli Mkhize, who indicated that he had not yet reviewed the report's findings.

This last-minute intervention led to a significant delay. The panel of advocates agreed to meet with the Health Minister and the medical scheme regulator to discuss the findings. Despite their willingness to engage, the panel was not granted meetings with either the Minister or the Council for Medical Schemes. This lack of communication has contributed to the indefinite delay in the report's release, causing frustration and concern among healthcare providers and stakeholders who are eagerly awaiting the inquiry's conclusions.

The delay has been further compounded by financial issues, with the CMS reportedly spending R11.3 million in unbudgeted funds on the investigation. This expenditure has put additional pressure on the regulator, which is now considering legal action to compel the panel to complete and release the final report.

As the healthcare industry continues to grapple with these unresolved issues, the importance of finalizing and publishing the report cannot be overstated. The findings are expected to provide crucial insights into whether racial discrimination exists within the investigative practices of medical schemes and to recommend measures to ensure equitable treatment of all healthcare providers moving forward.

CURRENT STATUS

Despite the completion of the hearings and the preparation of an interim report in January 2021, the final report has yet to be published. The release has been stalled due to an ongoing impasse between the investigation panel and the Council for Medical Schemes (CMS), with both parties attributing the delays to each other.

Key Points of Contention

1. **Ministerial Involvement:** Health Minister Dr. Zweli Mkhize requested a delay in the report's release, stating he needed more time to review the findings and seek clarifications from the panel. This step has contributed significantly to the delay.

2. **Financial Constraints:** The CMS, having spent R11.3 million on the inquiry, has faced budgetary pressures, adding to the complexity of finalizing the report.
3. **Allegations of Obstruction:** Accusations have been made that the CMS is intentionally blocking the release of the report. However, the CMS contends that it is the panel's responsibility to finalize the document.
4. **Panel's Stance:** The panel, led by Adv Tembeka Ngcukaitobi, maintains that they have presented a detailed plan and budget for completing the report, which has not been accepted by the CMS. They assert that the delay is due to a lack of communication and support from the CMS.

Impact on the Medical Community

The indefinite delay has caused significant distress among healthcare providers, especially those who believe they have been unfairly targeted. The interim report indicated that black healthcare practitioners were more likely to be accused of fraud, waste, or abuse compared to their white counterparts. This finding underscores the urgency of resolving the matter to ensure fairness and transparency in the industry.

SADA's Position

SADA remains committed to supporting all its members and addressing their concerns with the utmost seriousness. We urge for the swift resolution of this matter to bring finality and clarity, which is crucial for maintaining trust and integrity within the healthcare sector.

Conclusion and Call to Action

We sympathize deeply with those affected by these unresolved issues and acknowledge the stress and uncertainty this prolonged delay has caused. SADA calls on all parties involved—the CMS, the investigation panel, and the Health Minister—to expedite the release of the final report. This is essential to address the allegations of racial profiling, ensure equitable treatment of all healthcare providers, and uphold the standards of justice and transparency within our profession.

Final Note

SADA will continue to monitor the situation closely and provide updates to our members as new information becomes available. We advocate for transparency, fairness, and prompt resolution to restore confidence in our medical and dental healthcare systems.

NOTICE OF POSTPONEMENT OF THE SOUTH AFRICAN DENTAL ASSOCIATION (SADA) 2022 ANNUAL GENERAL MEETING

The SADA FYE 2022 Annual General Meeting (AGM), previously set for 25 April 2024, is postponed due to finalisation of the auditing procedures. The majority of the work has been finalised, but the last parts are only being finalised in early April 2024. A new date will be communicated soon. We apologize for any inconvenience.

Dr N Osman

SADA Board of Directors
2 April 2024



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