

Board of Health Funders exposes transparency concerns in healthcare regulation

The Board of Health Funders (BHF), a representative body encompassing a substantial portion of the nation's medical schemes and healthcare funders, made significant strides in the legal arena.

 By [Katja Hamilton](#) 8 Aug 2023



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In a [recent landmark decision](#) by the Pretoria High Court, favour was bestowed upon the BHF, driving the Council for Medical Schemes (CMS), the Registrar of Medical Schemes, and the Minister of Health to furnish a comprehensive record. This record would unveil the rationale behind the moratorium on exemptions for medical schemes to provide Low-Cost Benefit Options (LCBOs).

Within this framework, Low-Cost Benefit Options (LCBOs) could entail affordable medical schemes offering basic coverage for essential healthcare services and treatments.

The ruling mandated the CMS and the Minister of Health to deliver the specified documentation or information as per Rule 30A within 10 days of the verdict. However, the respondents failed to meet this deadline,

In a media statement, the BHF said, “The legal battle against the CMS and Minister of Health not only highlights their failure to comply with the court’s order, but also raises concerns about transparency and accountability within the healthcare system.

“This delay not only hampers the progress towards implementing affordable healthcare solutions, but also undermines public trust in the decision-making process of these regulatory bodies. This lack of adherence to court orders highlights the urgent need for effective enforcement mechanisms to ensure that court decisions are respected and implemented by the relevant parties.”

The BHF added that it’s worth noting that while the Minister of Health’s attorneys submitted certain documents under Rule 30A, this move was carried out concurrently with the appeal against the earlier judgement.

In the main application lodged on 8 August, the BHF requested the high court to:

- Lift the moratorium preventing medical schemes from providing LCBOs ... pending the finalisation of LCBO guidelines
- Declare that the failure to develop and implement the LCBO guidelines is irrational, unreasonable and unlawful.

The protracted process of crafting a framework for LCBOs has taken more than seven years and is yet to be finalised.

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