

Namibia

Medical Aid Funds Act, 1995

COVID-19 Pandemic: Declaration of Undesirable Practice in terms of section 4(9) of the Medical Aid Funds Act, 1995

General Notice 129 of 2020

Legislation as at 3 April 2020

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COVID-19 Pandemic: Declaration of Undesirable Practice in terms of section 4(9) of the Medical Aid Funds Act, 1995 (General Notice 129 of 2020)

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Namibia Financial Institutions Supervisory Authority

1. Following reports of confirmed cases of the coronavirus disease, commonly known as COVID-19, in Namibia, and the declaration by the President of the Republic of Namibia His Excellency, Dr. Hage G. Geingob of a state of emergency, certain medical aid funds ("Funds") have taken measures to minimize the impact of COVID-19 on the business of the Funds.
2. The World Health Organization ("WHO") has declared that: "*Diagnostic testing for COVID-19 is critical to tracking the virus, understanding epidemiology, informing case management and to suppressing transmission.*" (WHO, 2020) Having regard to the seriousness of the COVID-19 pandemic and its implication on human life, it is imperative that members of Funds who meet the criteria for laboratory testing, be afforded access to the diagnostic testing and subsequent healthcare treatment recommended by WHO in accordance with their benefit option limits.
3. Against this background and under section 4(9) of the Medical Aid Funds Act, 1995 (Act No. 23 of 1995) (the "Act"), I hereby declare the practice of the curtailment of the use of benefits that members are entitled to in terms of the rules of Funds as an undesirable practice (e.g. requiring members to pay upfront for a COVID-19 test, or refunding members for upfront payments only if the result of the COVID-19 test is positive). This practice is not in the interest of the public, which is the basis on which Funds were established as envisioned in section 24(2)(a) of the Act.
4. In terms of section 28 of the Act, the Registrar is cognizant that every Fund seeks to carry on its business in accordance with sound business principles to preserve its financial soundness. In this regard, Funds are urged to find a balance between maintaining financial soundness and not creating additional financial burdens on members of the Funds, especially in light of the worldwide pandemic.

5. This notice is applicable to all registered medical aid funds and members (including beneficiaries) of medical aid funds. The said notice is issued pursuant to section 4(9) of the Act and any contravention thereof will be dealt with in accordance with the provisions of the Act.

K. S. Matomola

Registrar of Medical Aid Funds

Windhoek, 2 March 2020