

Namibia

Medical Aid Funds Act, 1995

General Regulations, 1997

Government Notice 12 of 1997

Legislation as at 15 November 2017

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General Regulations, 1997
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Republic of Namibia
Annotated Statutes

Medical Aid Funds Act, 1995

General Regulations, 1997
Government Notice 12 of 1997

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[This is the version of this document at 15 November 2017.]

[Note: The version of this legislation as at 15 November 2017 was revised and consolidated by the Legal Assistance Centre and the Government of the Republic of Namibia. All subsequent amendments have been researched and applied by Laws.Africa for Namibia.]

The Government Notice which publishes these regulations notes that they were made after consultation with the Namibian Association of Medical Aid Funds.

1. Definitions

In these regulations, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Act shall have that meaning and-

“**practice number**” means the number allotted to a supplier of medical services by the Association in terms of regulation 5;

“**supplier of medical services**” means-

(a) a health facility or hospital as defined in section 1 of the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994); and

(b) a person who is registered and authorised to practice under the-

(i) Allied Health Services Professions Act, 1993 (Act 20 of 1993);

[The Allied Health Services Professions Act 20 of 1993 has been replaced by the Allied Health Professions Act 7 of 2004.]

(ii) Medical and Dental Professions Act, 1993 (Act 21 of 1993);

[The Medical and Dental Professions Act 21 of 1993 has been replaced by the Medical and Dental Act 10 of 2004.]

(iii) Pharmacy Profession Act, 1993 (Act 23 of 1993); and

[The Pharmacy Profession Act 23 of 1993 has been replaced by the Pharmacy Act 9 of 2004.]

- (iv) Nursing Professions Act, 1993 (Act 30 of 1993); and

[The Nursing Professions Act 30 of 1993 has been replaced by the Nursing Act 8 of 2004.]

“the Act” means the Medical Aid Funds Act, 1995, (Act 23 of 1995).

2. Application for registration of a fund and registration certificate

- (1) An application for the registration of a fund in terms of section 23 of the Act shall be made in the form as set out in Form MAF1 in Annexure 2, which shall be completed in duplicate and be accompanied, in addition to the documents referred to in section 23(2)(b) of the Act, by the application fee prescribed in Annexure 1.
- (2) A certificate of registration referred to in section 24(3) of the Act shall be in the form as set out in Form MAF2 in Annexure 2, and shall be issued to the applicant upon payment of the registration fee prescribed in Annexure 1.

3. Recruitment of members

- (1) No registered fund or administrator of such a fund shall pay or offer to pay or cause to be paid or offered any reward to any person-
 - (a) for introducing any person as a new member of such fund; or
 - (b) for consenting to retain any person as a member of the fund.
- (2) No person shall receive or agree to receive any amount which he or she knows is being paid or offered to be paid to him or her as a reward for any purpose mentioned in subregulation (1).

4. Proof of membership

- (1) Upon the admission of a person as a member of a registered fund, such fund shall provide such member with a certificate of membership containing the following particulars:
 - (a) The name and address of the fund;
 - (b) the name of the member and of each dependent of such member who is entitled to benefits under the fund;
 - (c) the member's membership number;
 - (d) the date with effect from which the member shall be entitled to benefits under the fund;
 - (e) where applicable, an indication of any medical services or sickness conditions that are specifically excluded from benefits in respect of the member or any of his or her dependents;
 - (f) where applicable, the fact that the rendering of medical services is limited to a specific supplier of medical services or a group or category of suppliers of medical services.
- (2) A registered fund shall, at the request of any person who was a member of such fund for a continuous period of two years or more, and if such request is received by the fund within two years of the date of termination of such person's membership, provide that person with a written statement of proof of his or her former membership of the fund, showing-
 - (a) the date of his or her admission to membership of that fund and the date on which each of his or her dependents became entitled to benefits under the fund;
 - (b) the date of termination of such person's membership and, where applicable, the date on which any of his or her dependents ceased to be entitled to benefits under the fund;
 - (c) particulars of any limitations or exclusions from benefits which applied to such person or his or her dependents in respect of his or her membership of that fund.

5. Practice number

- (1) Any supplier of medical services may apply to the Association for the allocation of a practice number for the purpose of the identification of his or her practice in claims submitted to registered funds and for the proper administration and processing of such claims by registered funds.
- (2) An application referred to in subregulation (1) shall comply with such requirements as the Association may determine.

6. Statement of account of suppliers of medical services

- (1) A supplier of medical services who has rendered a medical service to a member of a registered fund or to a dependent of such a member shall within 30 days of rendering such service, and, in the case of a credit transaction, monthly thereafter, furnish to such member a statement of account showing-
 - (a) the surname and initials of the member;
 - (b) the surname and first name and other initials, if any, of the patient;
 - (c) the name of the registered fund concerned;
 - (d) the membership number of the member
 - (e) the practice number of the supplier concerned, and in the case of a group practice, also the name of the practitioner by whom the medical service was provided;
 - (f) the date on which each medical service was rendered;
 - (g) the nature and the cost of each medical service rendered, including, where applicable, the item code number relating to such service, and, if any medicine was supplied to the patient, the name thereof and particulars of the quantity and dosage and the net amount payable in respect thereof;
 - (h) in the case of medicine supplied by a pharmacist to the patient according to a prescription, a copy of the original prescription or a certified copy of such prescription, if required by the registered fund;
 - (i) the name and the practice number of the referring medical practitioner or dentist;
 - (j) if an operation was carried out on the patient in a theatre-
 - (i) the name and the practice number of the medical practitioner or dentist who performed the operation;
 - (ii) the name and practice number of every other medical practitioner or dentist who assisted at that operation; and
 - (iii) all procedures carried out; and
 - (k) in the case of a first statement of account in respect of orthodontic treatment, a treatment plan indicating-
 - (i) the total amount expected to be charged for the treatment;
 - (ii) the expected duration of the treatment;
 - (iii) the initial amount and monthly amounts to be paid by the member.
- (2) Every receipt issued by a supplier of medical services in respect of the payment for any medical service rendered to a member or former member of a registered fund or a dependent of such a member shall contain the supplier's practice number.

7. Limitation on claims

- (1) A registered fund shall not in its rules or in any other manner impose any condition conferring upon the registered fund the right to limit, exclude, retain or withhold the payment of any benefit in respect of any member or former member of such fund or any dependent of such member on account of-
 - (a) The claim for such benefit not being submitted or, in the case of a claim which was returned for correction, not being resubmitted, within a specified period the expiry date of which is sooner than the last day of the fourth month following the month during which the medical service in question was rendered or during which the claim was returned for correction, as the case may be; or
[The word “the” at the beginning of paragraph (a) should not be capitalised.]
 - (b) the non-payment, partially or fully, of an amount which is owing to a supplier of medical services by the member or former member of the fund.
[The word “owning” in paragraph (b) should be “owing”.]
- (2) Where a claim submitted to a registered fund is found to be erroneous or unacceptable for payment, the registered fund shall return the claim to the member concerned within 30 days of the receipt of the claim together with a written statement stating the reasons why the claim is considered to be erroneous or unacceptable, and such member shall be afforded time to correct and resubmit such claim as contemplated in subregulation (1)(a).

8. Payment of claims

- (1) A registered fund shall-
 - (a) subject to its rules and these regulations, pay any claim for any benefit lodged under its rules by a member of the fund or a supplier of medical services within six weeks of the date on which such claim is received by the fund; and
 - (b) together with such payment, send a payment advice to the member showing-
 - (i) the name and membership number of the member;
 - (ii) the name of the supplier of medical services;
 - (iii) the final date of service reflected on the statement of account which is covered by the payment; and
 - (iv) the total amount charged by the supplier of medical services and the amount of the benefit awarded for such service.

9. Investments

- (1) Every registered fund shall keep in Namibia, subject to subregulation (2), assets of which the value shall not at any time be less than 35% of the total value of the assets of such fund.
- (2) The assets which shall be kept in Namibia as provided for in subregulation (1) shall be in the form of one or more of the following classes of assets:
 - (a) Cash in hand;
[The word “cash” should not be capitalised.]
 - (b) a credit balance in an account in the name of the registered fund at a bank which is situated in Namibia and which is registered in terms of the Banks Act, 1965 (Act 23 of 1965), or at a building society which is situated in Namibia and registered in terms of the Building

Societies Act, 1986 (Act 2 of 1986) or at the Post Office Savings Bank referred to in the Post and Telecommunications Act, 1992 (Act 19 of 1992);

[The Banks Act 23 of 1965 has been replaced by the Banking Institutions Act 2 of 1998.]

- (c) bills, debentures or securities issued or guaranteed by-
 - (i) Government of the Republic of Namibia;
 - (ii) a local authority in Namibia which is legally entitled to levy tax on immovable property;
 - (iii) the Agricultural Bank of Namibia; or
 - (iv) any organisation which, in the opinion of the Registrar, is financially sound and has been approved by him or her.
- (3) For the purposes of this regulation “value” means-
 - (a) in respect of a fixed asset, the difference between the cost price and the total amount provided for or written off for depreciation or reduction in value since the date of acquisition;
 - (b) in the case of other assets, the value thereof as reflected in the financial statements of the registered fund and in respect of which the auditor expressed an opinion.
- (4) Where the total value of the assets of a registered fund is to be determined for the purposes of subregulation (1), the value of any insurance policies shall not be taken into account.

10. Application for change of name of registered fund

An application for the permission of the Registrar to change the name of a registered fund as required by section 25(3) of the Act, shall be submitted to the Registrar in writing and shall be accompanied by the fee prescribed in Annexure 1 for such an application.

11. Registration of amendment of rules of a registered fund

An application for the approval of the Registrar of any amendment to the rules of a registered fund, as required by subsection (1) of section 31 of the Act, shall be accompanied by the written notice referred to in subsection (2) of that section and by the fee prescribed in Annexure 1 for the registration of such amendment.

12. Fees for inspection of documents

A person who wishes to inspect a document in the office of the Registrar pursuant to section 40 of the Act shall pay to the Registrar the fee which is prescribed in Annexure 1.

13. Penalties

Any person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and be liable on conviction to a fine not exceeding N\$ 2 000 or to imprisonment for a period not exceeding six months.

14. Repeal of regulations

Government Notice R.2395 of 10 December 1976 is repealed.

ANNEXURE 1**FEES PAYABLE**

	Item	Fee payable
(a)	Application for registration of fund section 23);	N\$500-00.
(b)	Registration of fund (section 24).	N\$ 50.00.
(c)	Application for permission to change name of registered fund (section 25(3)):	N\$ 50.00.
(d)	Change of name of a registered fund (section 25):	N\$ 50.00.
(e)	Registration of amendment of rule, per A4 page or part thereof (section 31):	N\$10.00.
(f)	Inspection of documents, per A4 page or part thereof (section 40(1)):	N\$ 5.00.

ANNEXURE 2**FORMS MAF 1 & MAF 2**

[Editorial note: The forms have not been reproduced.]