Private Practice Review2, March 2023



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#### In this Newsletter

Food for Thought News from Government Financial News Pharmaceutical News

News from Medical Schemes **CMS** Circulars Special Notes

#### FOOD FOR THOUGHT $(\rightarrow)$

Focus on: Gauteng hospitals face collapse

# Forget NHI; fix the hospital rot

"While undoubtedly hard-working and committed doctors and nurses are providing excellent care, the vast majority of the 16-m people who depend on Gauteng's public health facilities face a callous, uncaring and degrading system," reported Business Day 17 March 2023).



The decay can be seen hroughout Gauteng:

"Charlotte Maxeke Johannesburg Academic Hospital is still not operating at full tilt two years after an arsonist set it on fire; whistle-blower Babita Deokaran lost her life for flagging millions of rand of suspicious payments flowing through Tembisa Hospital; and just last week the province's security services stood idle as striking members of the National Education Health and Allied Workers' Union blockaded hospitals and placed patients' lives in jeopardy.

"When presented with this catastrophic state of affairs, the government's stock response is that there is not enough money in the health budget.

"And therefore, the argument is that the financing reforms proposed under National Health Insurance (NHI) will fix it all. That is naive at best and dishonest at worst.

"No health budget is ever enough. No budget is so small that the most basic items required to run a hospital cannot be purchased.

"This is not an underfunding problem, and NHI will not fix the corruption and indifference running through the veins of the Gauteng Health Department."



## Hospital is unsafe; CEO to be removed

A year-long investigation – the second in less than a decade - by the health ombud has confirmed complaints about harrowing conditions for pregnant women and babies at Gauteng's Rahima Moosa Mother and Child Hospital, reported **Business Day** (15 March 2023).

"Three words summed up the state of the hospital, said health ombud Malegapuru Makgoba on releasing his

final report: 'dirty, filthy and unsafe'." The investigation followed media reports

detailing how paediatrician Tim Meyer was suspended and threatened with disciplinary action for speaking about the conditions at the hospital and a complaint laid by DAMP Haseena Ismail.

"Regarding complaints against the CEO Nozuko Mkabayi, Makgoba recommended that she be removed from her position and a disciplinary process be instituted against her. Complaints have been laid against Mkabayi for being absent from the ailing facility for most of her tenure," reported Eyewitness News (14 March 2023).



## Doubts about ombud's recommendations

"Dr Tim De Maayer, the paediatric gastroenterologist who wrote an open letter to administrators at the Gauteng Department of Health about the conditions at Rahima Moosa Mother and Child Hospital (RMMCH), says it remains to be seen whether health ombud Prof Malegapuru Makgoba's recommendations in the hospital report will be implemented," reported Daily Maverick

(16 March 2023). Regarding the ombud's recommendations De Maayer - one of the 34 people interviewed by the health ombud and his team - said the report's findings were accurate.

The report was recently handed over to Minister of Health Dr Joe Phaahla after a year-long investigation. Among other problems, the report found that there was incontrovertible evidence that pregnant women were sleeping on the floors at RMMCH; sanitation and sewerage services were not working; the hospital did not have a laboratory service or blood bank; and only one CAT scan machine, which was broken

Also Read:

'Doctors flag high death risk as Rahima Moosa dysfunctionality exposed' - Medical Brief (22 March 2023) and

EDITORIAL: Gauteng hospitals face collapse – TimesLive (15 March 2023)



#### **NEWS FROM GOVERNMENT** $(\rightarrow)$

NHI may end up in 'the dustbin of history'

"The NHI proposal has been at the centre stage of national health policy for 15 years, aiming to nationalise the country's private health system by amalgamating it with the public sector into a centralised state-run monopoly called the NHI Fund."

wrote **Michael Settas**, chairman of the health policy unit at the Free Market Foundation in Business Day (28 March 2023).

"The fund's governance model, based purely on political appointees so much like

those of existing state-owned entities and public sector departments, dooms this proposal to catastrophe even before it commences.

"Along with the dearth of technical, feasibility or costing analyses on NHI, this informs us that it has little to do with healthcare and far more to do with the ANC's desire to control all of the levers of the economy in support of its Marxist dogma on the 'national democratic revolution'.

"Along with the valid concern raised in parliament on the NHI Bill, we may shortly get to a point where the NHI proposal finally gets relegated to where it belongs - the dustbin of history."

Health officials are *'turning on healthcare* workers'



Hanifa Manda, project manager of Campaign for Free Expression (CFE) said managers in the healthcare industry are turning on healthcare workers and subjecting them to disciplinary action and intimidation, instead of acting on their concerns.

- Tamar Kahn (Business Day, 24 March 2023)

"At an event hosted by the CFE, the Progressive Health Forum and the Institute for Security Studies, Manda said healthcare workers are afraid to speak out because of a clause in the public service regulations that requires them to seek approval from a superior before engaging with the media.

"She said the clause was not intended to stifle dissent but is being abused by authorities to cover up their own wrongdoing. Fear of speaking out in the public healthcare sector runs so deep that only a few of the more than 7 000 public healthcare sector employees asked by the CFE to complete an anonymous online questionnaire had the confidence to do so."

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# Gauteng Health's 'mass exodus'

The Gauteng Department of Health has issued a statement announcing the departure of five senior officials: They include the head of the department, Nomonde Nolutshungu; CEO of Steve Biko Academic Hospital, Mathabo Mathebula, who left after 21 years of service within the Gauteng public health system at the end of February; Nkele Lesia, the CEO of Chris Hani Baragwanath Academic Hospital, who will retire at the end of July after 16 years in the Gauteng public health system; Lucas Ndhlovu, the CEO of Dr George Mukhari Academic Hospital, who will be leaving at the end of March; Carel van Heerden, a director in the legal service unit, who will be joining the National Department of Mineral Resources; and health economist Esethu Worku who will join Online Bank Group as a senior health economist.

Nolutshungu's departure is also expected to have a bearing on the disciplinary case (regarding tender irregularities worth more than R850-m) against the department's suspended chief financial officer Lerato Madyo and the CEO of Tembisa Hospital, Dr Ashley Mthunzi, who played a key role in the case, reported *City Press* (19 March 2023).

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Also read Chris Barron's interview with Wits University healthcare governance expert Professor Alex van den Heever on the collapse of public hospitals in Sunday Times (19 March 2023)

#### Instead of surgery: 'Call the President'

"Instead of surgery, orthopaedic patients at Livingstone Hospital in Gqeberha, Eastern Cape, are being given a letter explaining that they cannot be helped because no metal implants are available. The letter includes the number of the Presidential Hotline for patients to call," reported **Daily Maverick** (27 March 2023) "Desperate patients with broken arms and legs are begging for help, but the doctors say

they can do nothing. A hospital source said the sad truth is that most patients think it is acceptable to wait and worry that complaining will jeopardise their chances of getting surgery."

### Conflicting legal views on NHI confuse MPs

"Parliament's health committee has been presented with two opposing legal opinions on the National Health Insurance (NHI) Bill, leaving MPs with an unexpected headache as they finalise deliberations on the proposed law,"



This follows a warning by Parliamentary legal adviser Sueanne Isaac saying the role of medical schemes would be fundamentally altered once the NHI is fully implemented. She warned that if medical scheme users suffer a reduction in healthcare access due to full implementation of the NHI, it will give rise to a Constitutional challenge based on a violation of section 27 (1) of the constitution.

- "Isaac said the proposal to exempt all transactions in terms of the NHI Bill from the Competition Act was not in line with the Constitution's provisions for competitive and cost-effective procurement. She said only the NHI Fund should be excluded from the act."
- Meanwhile, Deputy Chief State Law Adviser, Ayesha Johaar, presented a legal opinion saying that the bill did not unlawfully infringe on any fundamental rights. She said the provisions had been considered to ensure they aligned with the Constitution and other legislation.

**Opposition MPs walk out in protest over NHI Bill** "Opposition MPs walked out of Parliament's health committee in protest after the chair declined their request to postpone deliberations on the National Health Insurance (NHI) Bill to allow them more time to consider the complexities of the legal advice received last week," reported Tamar Kahn (22 March 2023) "After opposition MPs walked out, ANC MPs presented their party's position on the input received last week. They agreed with the position the state law adviser, Ayesha Johaar, put forward, saying the bill was rational and in line with the constitution."

**FINANCIAL NEWS**  $(\rightarrow)$ 

1 000 pro bono surgeries a condition for Mediclinic merger



BusinessLive reported on 24 March that the merger between hospital group Mediclinic and its shareholder Remgro, with Switzerland's MSC Mediterranean Shipping, has been approved by the Competition Tribunal. The firms received notification last week for the go-ahead.

"The Mediclinic group, which Remgro founded in the 1980s, operates 74 hospitals, five

subacute hospitals, two mental health facilities, 20 day clinics and 22 outpatient clinics in SA, Namibia, Switzerland and the Middle East."

In its statement, issued on 24 March, the Competition Tribunal notes several conditions for the merger that will benefit SA's public sector. They include that Mediclinic will provide support in addressing surgical backlogs in the public healthcare sector by performing, with partnering practitioners and specialists, at least 1 000 pro bono surgeries at its facilities in South Africa in aggregate over its next five financial years.

## Profit versus Health



Only four industries in the world account for about one-third of global preventable deaths. They are: unhealthy processed food and drinks, fossil fuels, alcohol and tobacco. They cause 19-m deaths annually, according to a recent series of reports published in *The Lancet*. – The **Conversation Africa** (27 March 2023).

"The world's largest commercial companies routinely operate in a way that masks their practices and allows them to continue and expand in the name of neoliberal economic freedoms. As a result, these transnational corporations drive rapidly rising sickness and death levels, disability, environmental damage and widening social inequities."

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## Independents win battle with Clicks



"Independent pharmacies have won their seven-year battle against JSE-listed health and beauty retailer Clicks over its ownership of pharmacies and a drug manufacturer after the Constitutional Court ruled the company had contravened regulations to the Pharmacy Act," reported Business Day (29 March 2023).

"The Constitutional Court emphasised that while the Department of Health can withdraw Clicks' pharmacy licences or close the pharmacies, such action would be 'very drastic'. It suggested the department might allow Clicks to regularise the situation by divesting itself of its pharmaceutical manufacturing subsidiary Unicorn Pharmaceuticals that owns a licensed manufacturing pharmacy with 39 generic drugs registered with the SA Health Products Regulatory Authority."

#### PHARMACEUTICAL NEWS $(\rightarrow)$

Safety of cough medicines SAHPRA under investigation



SA Health Products Regulatory Authority (SAHPRA) is investigating cough medicines containing pholcodine after authorities in the EU, Australia, and the UK pulled them from the market over safety concerns, reported Business Day 922 March 2023)

"The opioid pholcodine has been used as a cough suppressant since the 1950s. However, it recently sparked concern that it may trigger sudden, life-threatening allergic reactions in people who later undergo a general anaesthetic."

Only one case of an anaphylactic reaction linked to *pholcodine* use has been reported to SAHPRA, and the patient has fully recovered, according to spokesperson Uyven Gounden. Gounden said seven cough medicines containing pholcodine are registered in SA. They are Pholtex Forte, Pholtex Junior and Pholtex Plus; Procof; Folcofen; Sinutuss Linctus; and Respinol Compound Linctus.

#### **GENERAL NEWS** $(\rightarrow)$



# WHO warns of oral health crisis in SA

According to the latest World Health Organisation (WHO) report on the global burden of oral disease, SA faces an oral health crisis, with millions suffering from tooth loss, oral cancer and tooth decay. - Medical Brief (22 March 2023).

"Especially children: 41% of one to nine-year-olds had untreated tooth decay; at least 28% of those five and over suffered from this in baby and permanent teeth; while nearly 25% of teenagers had severe gum disease in 2019.

"Oral diseases are among the biggest challenges in global health today and mainly affect the most disadvantaged people," said Dr Khanyi Makwakwa, the South African Dental Association's (SADA) and FDI national liaison officer.

SA had 1.1 dentists per 10 000 people in 2019, below the global average of 3.28 per 10 000.

**NEWS FROM MEDICAL SCHEMES**  $(\rightarrow)$ 

# **Google in court over** medical records



"Google has asked London's High Court to throw out a lawsuit brought on behalf of 1.6-m people over medical records provided to the tech giant by a British hospital trust,"

reported *Reuters* (20 March 2023)

The Royal Free London NHS Trust transferred patient data to Google's artificial intelligence firm DeepMind Technologies in 2015 in relation to the development of a mobile app designed to analyse medical records and detect acute kidney injuries.

"Antony White, representing Google and DeepMind, said in court filings that most claimants 'did not suffer any tangible consequence, let alone detriment or distress, as a result' of their information being provided to DeepMind'."



# AfroCentric won't pay a

2023).

dividend "Healthcare group AfroCentric has decided against paying an interim dividend as it recorded a drop in profit in its latest half-year results," reported Business Day (14 March

The company, valued at R3.2-bn on the JSE, said in its results for the six months to end-December 2022 that its profit fell by 16.9% year-on-year to R194.25-m.

"AfroCentric owns the country's second-biggest medical scheme administrator, Medscheme, and provides healthcare products and services to the public and private healthcare sectors. Despite total income improving by 1.3% to R4.34-bn, no interim dividend was declared to help the cash flow as a significant investment in an information technology system and upgrading of its infrastructure continues."

 $(\rightarrow)$ **CIRCULARS FROM THE CMS** 

New circulars published by the CMS in March 2023:

Circular 12 of 2023:

Categorisation of assets in terms of

Annexure B to the Regulations

Circular 11 of 2023:

Circular 13 of 2023: List of registered medical schemes of 2023 Update on the status of the development of **LCBO** Guidelines

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