

REPUBLIC OF SOUTH AFRICA

NATIONAL HEALTH INSURANCE BILL

*(As introduced in the National Assembly (proposed section 76); explanatory summary of
Bill and prior notice of its introduction published in Government Gazette No. 42598
of 26 July 2019)
(The English text is the official text of the Bill)*

(MINISTER OF HEALTH)

[B 11—2019]

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

BILL

To achieve universal access to quality health care services in the Republic in accordance with section 27 of the Constitution; to establish a National Health Insurance Fund and to set out its powers, functions and governance structures; to provide a framework for the strategic purchasing of health care services by the Fund on behalf of users; to create mechanisms for the equitable, effective and efficient utilisation of the resources of the Fund to meet the health needs of the population; to preclude or limit undesirable, unethical and unlawful practices in relation to the Fund and its users; and to provide for matters connected herewith.

PREAMBLE

RECOGNISING—

- the socio-economic injustices, imbalances and inequities of the past;
- the need to heal the divisions of the past and to establish a society based on democratic values, social justice and fundamental human rights; and
- the need to improve the quality of life of all citizens and to free the potential of each person;

BEARING IN MIND THAT—

- Article 12 of the United Nations Covenant on Economic, Social and Cultural Rights, 1966, provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
- Article 16 of the African Charter on Human and People’s Rights, 1981, provides for the right to enjoy the best attainable state of physical and mental health, and requires States Parties to take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick;
- the rights to equality and human dignity are enshrined in the Constitution in sections 9 and 10, respectively;
- the right to bodily and psychological integrity is entrenched in section 12(2) of the Constitution;
- in terms of section 27(1)(a) of the Constitution everyone has the right to have access to health care services, including reproductive health care;

- in terms of section 27(2) of the Constitution the State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of the right of access to health care services;
- in terms of section 27(3) of the Constitution no one may be refused emergency medical treatment; and
- section 28(1)(c) of the Constitution provides that every child has the right to basic health care services;

AND IN ORDER TO—

- achieve the progressive realisation of the right of access to quality personal health care services;
- make progress towards achieving Universal Health Coverage;
- ensure financial protection from the costs of health care and provide access to quality health care services by pooling public revenue in order to actively and strategically purchase health care services based on the principles of universality and social solidarity;
- create a single framework throughout the Republic for the public funding and public purchasing of health care services, medicines, health goods and health related products, and to eliminate the fragmentation of health care funding in the Republic;
- promote sustainable, equitable, appropriate, efficient and effective public funding for the purchasing of health care services and the procurement of medicines, health goods and health related products from service providers within the context of the national health system; and
- ensure continuity and portability of financing and services throughout the Republic,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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SCHEDULE**REPEAL AND AMENDMENT OF LEGISLATION AFFECTED BY ACT****Definitions**

1.	In this Act, unless the context indicates otherwise—	20
	“ accredited ” means to be in possession of a valid certificate of accreditation from the Fund as issued in terms of section 39;	
	“ ambulance services ” means ambulance services as contemplated in Part A of Schedule 5 to the Constitution;	
	“ Appeal Tribunal ” means the Appeal Tribunal established by section 44;	25
	“ asylum seeker ” has the meaning ascribed to it in section 1 of the Refugees Act;	
	“ Benefits Advisory Committee ” means the Benefits Advisory Committee established in terms of section 25;	
	“ Board ” means the Board of the Fund established by section 12;	
	“ central hospital ” means a public hospital designated as such by the Minister as a national resource to provide health care services to all residents, irrespective of the province in which they are located, and that must serve as a centre of excellence for conducting research and training of health workers;	30
	“ certified ”, in respect of a health establishment, means to be in possession of a valid certificate issued by the Office of Health Standards Compliance as provided for in the National Health Act;	35
	“ Chief Executive Officer ” means the person appointed in terms of section 19;	
	“ child ” means a person under the age of 18 years as defined in section 28(3) of the Constitution;	
	“ complementary cover ” means third party payment for personal health care service benefits not reimbursed by the Fund, including any top up cover offered by medical schemes registered in terms of the Medical Schemes Act or any other voluntary private health insurance fund;	40
	“ comprehensive health care services ” means health care services that are managed so as to ensure a continuum of health promotion, disease prevention, diagnosis, treatment and management, rehabilitation and palliative care services across the different levels and sites of care within the health system in accordance with the needs of users;	45
	“ Constitution ” means the Constitution of the Republic of South Africa, 1996;	
	“ Contracting Unit for Primary Health Care ” means a Contracting Unit for Primary Health Care referred to in section 37;	50
	“ Department ” means the National Department of Health established in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994);	
	“ District Health Management Office ” means a District Health Management Office referred to in section 36;	55