

Namibian Association of Medical Aid Funds – Trustee Training

REGULATORY OVERVIEW – MEDICAL AID FUNDS
ACT 23 OF 1995

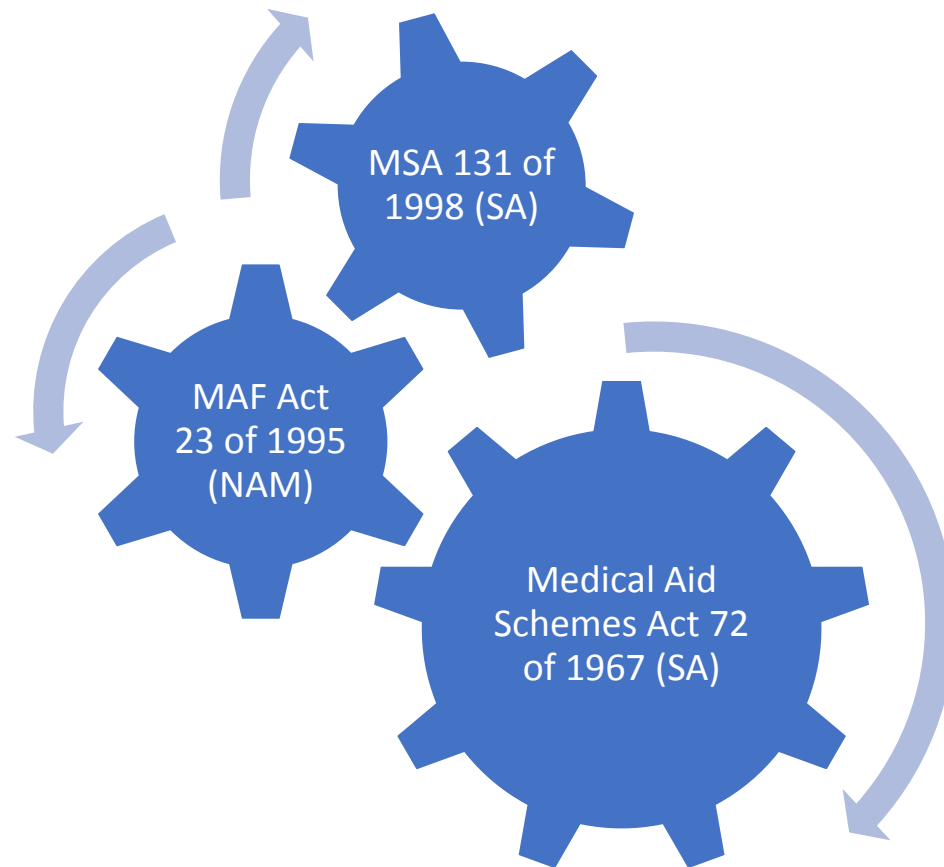
2nd of August 2019



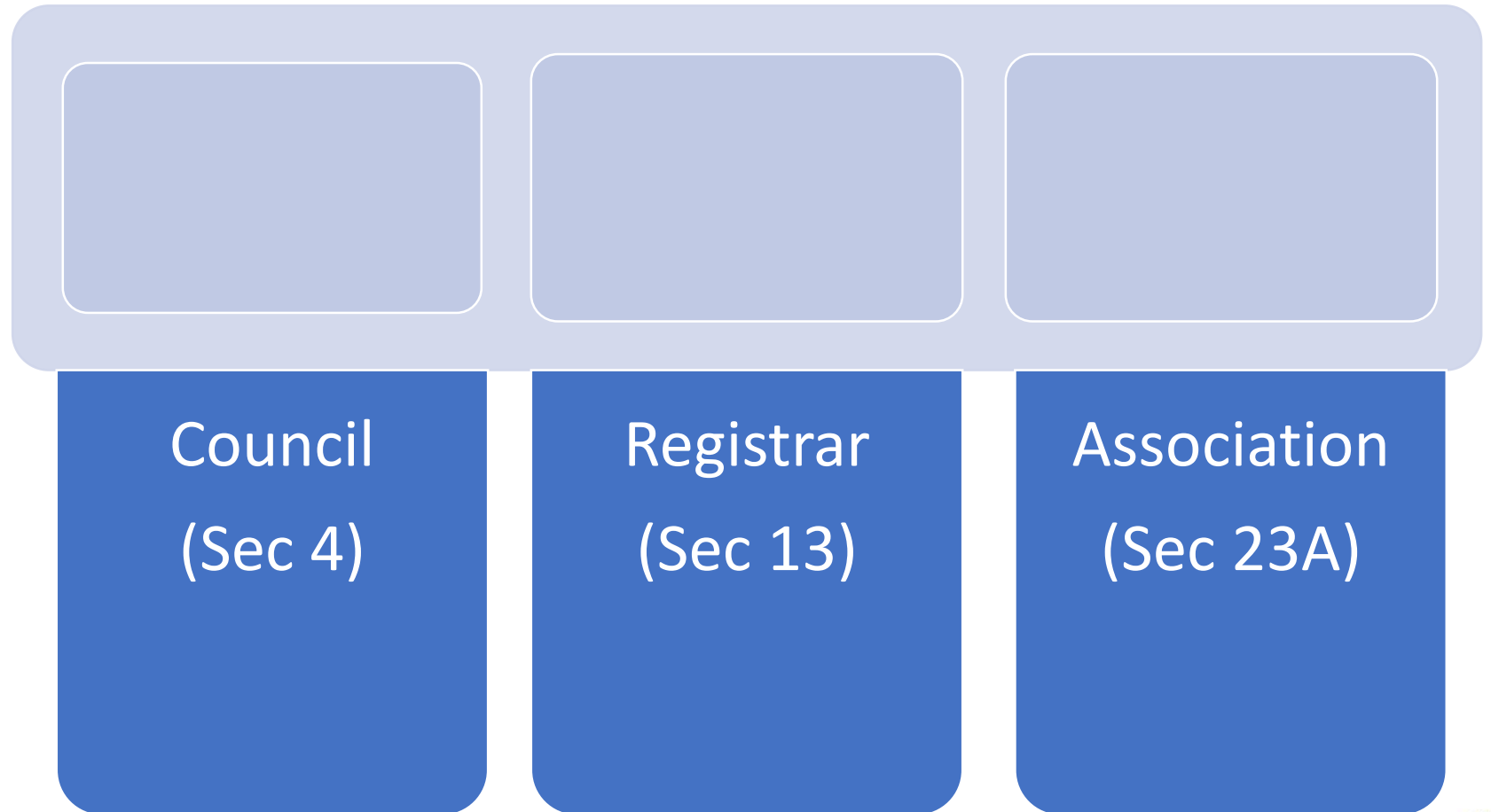
Taking hands in Namibia's
healthcare

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Historical Evolution – Medical Aid schemes / Funds – From 1967 MSA to 1995 MAF



MSA 72 of 1967 distinguished 3 entities



Functions of the Council – Sec 8 of Act 72 of 1967

To control, promote, encourage and co-ordinate the establishment, development and functioning of medical schemes

To investigate complaints and settle disputes in relation to the affairs of medical schemes as provided for in the 1967 Medical Schemes Act; and

To perform such functions as may be prescribed

Functions of the Registrar (Sec 13)

Shall act as the Executive Officer of the Council – had the power to appoint an Assistant Registrar

Shall perform the functions and carry out the duties assigned to or imposed upon the registrar by or under this Act

Shall perform such other functions and carry out such other duties as may from time to time be assigned to or imposed by the Director General: Health and Welfare

Function of the Association

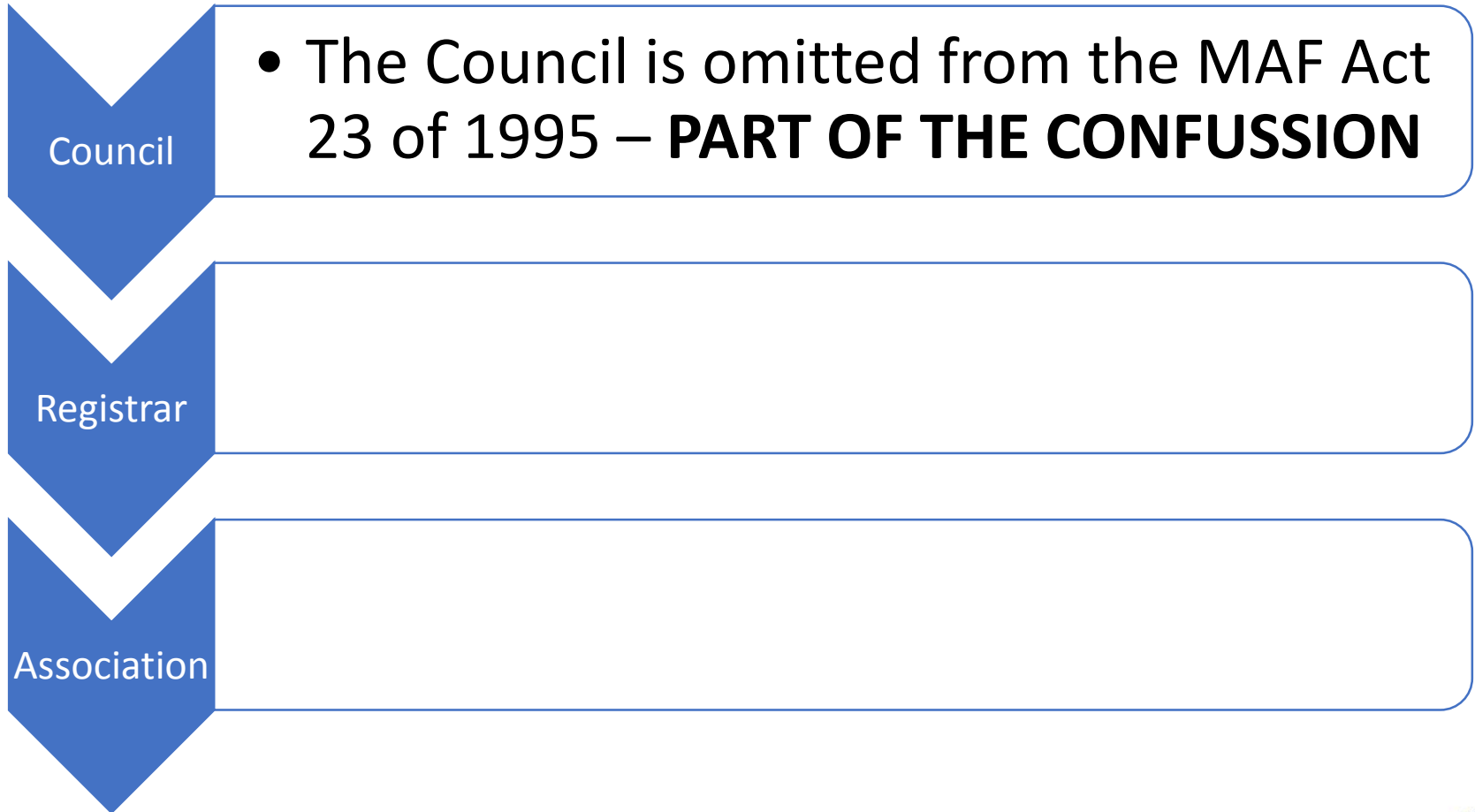
Shall represent all registered medical schemes in the Republic

Shall perform the functions assigned to it by this Act

Was subjected to the authority of the Registrar Sec 23A (3)

Every medical Scheme shall be a member of such an Association

Changes brought about by the MAF Act to the MSA of 1967



Changes brought about by the MAF Act to the MSA of 1967

Council

Registrar

Association

- Was stripped off his/her CEO role of the Council and reduced to a civil servant in the Ministry of Health to be appointed by the Minister unilaterally – position before NAMFISA Act was promulgated
- Retained the functions s/he had under the 1967 Act to register and dissolve MAF's and financial oversight amongst others
- NAMFISA Act – assigned the role of the Registrar of Medical Aid Funds to the CEO of NAMFISA

Changes brought about by the MAF Act to the MSA of 1967

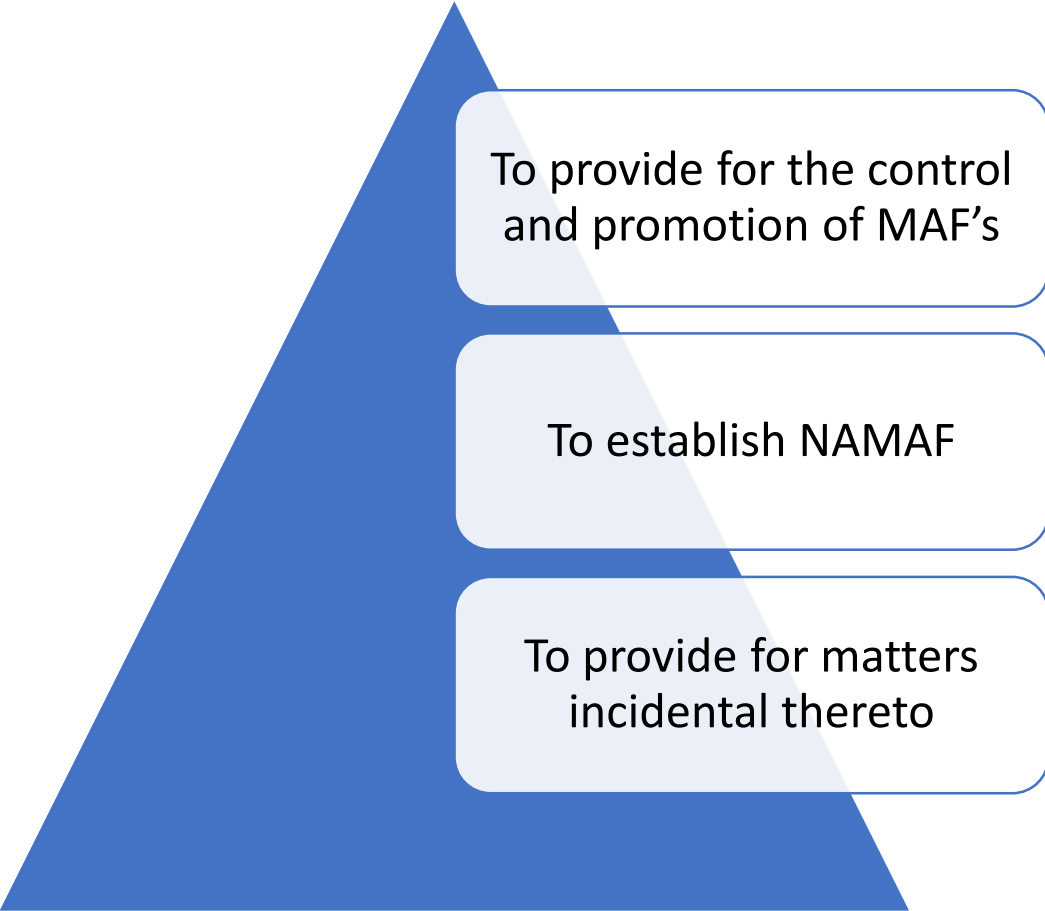
Council

Registrar

Association

- Retained its original functions and structure with added responsibilities
- Took over the responsibilities to control, promote, encourage and co-ordinate the establishment, development and functioning of MAF's – without any influence over the conduct and/or behaviour of the Registrar
- The handling of complaints and settling of disputes is not explicitly provided for but indirectly (Sec 12 (a) and (k))
- More confusion, lies in the question whether NAMAf is an Association like the one provided for under the 1967 Act or a hybrid entity which is half an Association and half a Council
- This is compounded by the deregulation of the Association in South Africa through act 131 of 1998 (BHF)

The object of the Medical Aid Fund's Act 23 of 1995



To provide for the control and promotion of MAF's

To establish NAMAF

To provide for matters incidental thereto

The Law – (NAMAF)

Namaf's mandate

- **Section 10 (3) of the Medical Aid Fund Act 23 of 1995** set the object of the Association as **to control, promote, encourage and co-ordinate** the establishment, development and functioning of funds in Namibia

What is NAMAF

- **Section 10(1 & 2) of Act 23 of 1995** provides thus:
 - 1) There is hereby established an association to be known as the Namibian Association of Medical Aid Funds.
 - 2) The Association shall be a juristic person

What is the meaning of NAMAF being a juristic person

- That it is only subjected to what the law provides it should do (section 13 (1)) read with Section 12 of MAF Act 23 of 1995

Powers of the Association Sec 12

- 1. Consider any matter affecting MAF's or members of such funds and take corrective actions
- 2. Determine subscription payable by registered funds
- 3. Appoint the Chief Executive Officer
- 4. Determine allowances payable to the members of MC when engaged in the affairs of the Association, and
- 5. Do anything that is conducive to the achievement of its objects and the exercise of its powers whether it is explicitly provided for in this act or not

Management of the Association Sec 13

Authorised Representatives
nominated by BoT's



Authorized Representatives
elect amongst themselves
7 members to constitute
MC



MC authorized to constitute
subcommittees and co-opt
whomever they wish to engage



Meetings MC and Association

MC MEETINGS (Sec 16)

Minimum 4 meetings a year

President is the Chairperson of MC meetings

Simple majority constitutes a decision of MC meeting

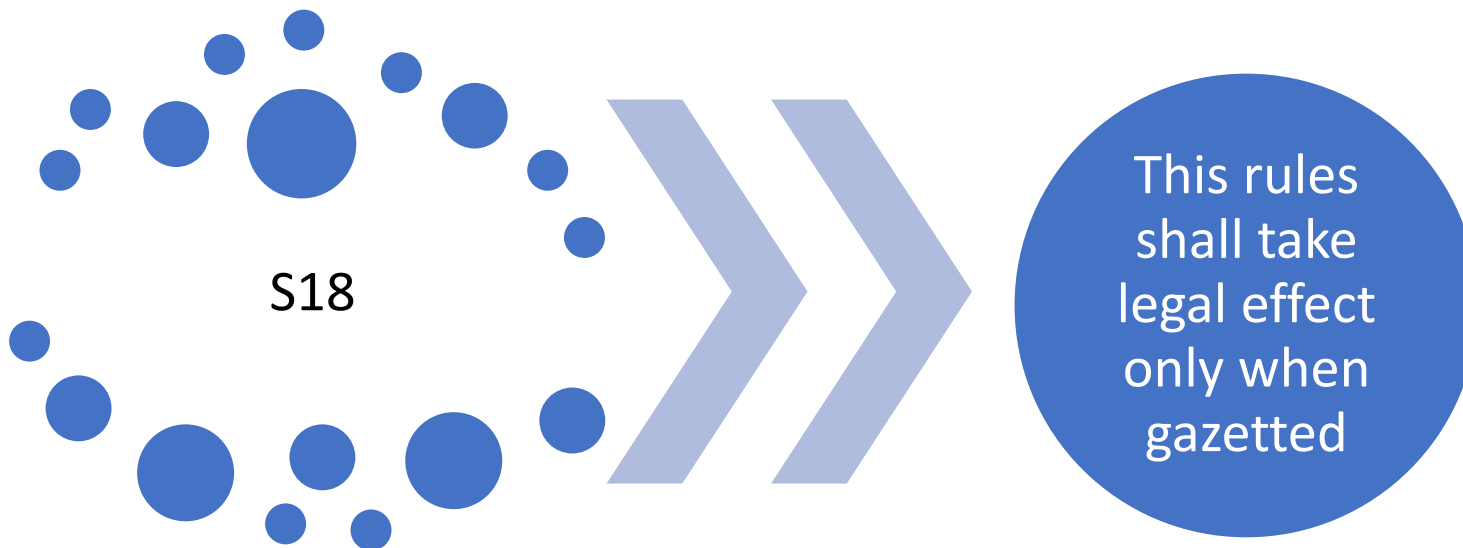
The Registrar has unfettered access to all the meetings of the Association

NAMAF AGM (Sec 17)

At least one meeting every year

Decision of the majority of Authorized Representatives contemplated in section 13(3) constitute the decision of this meeting

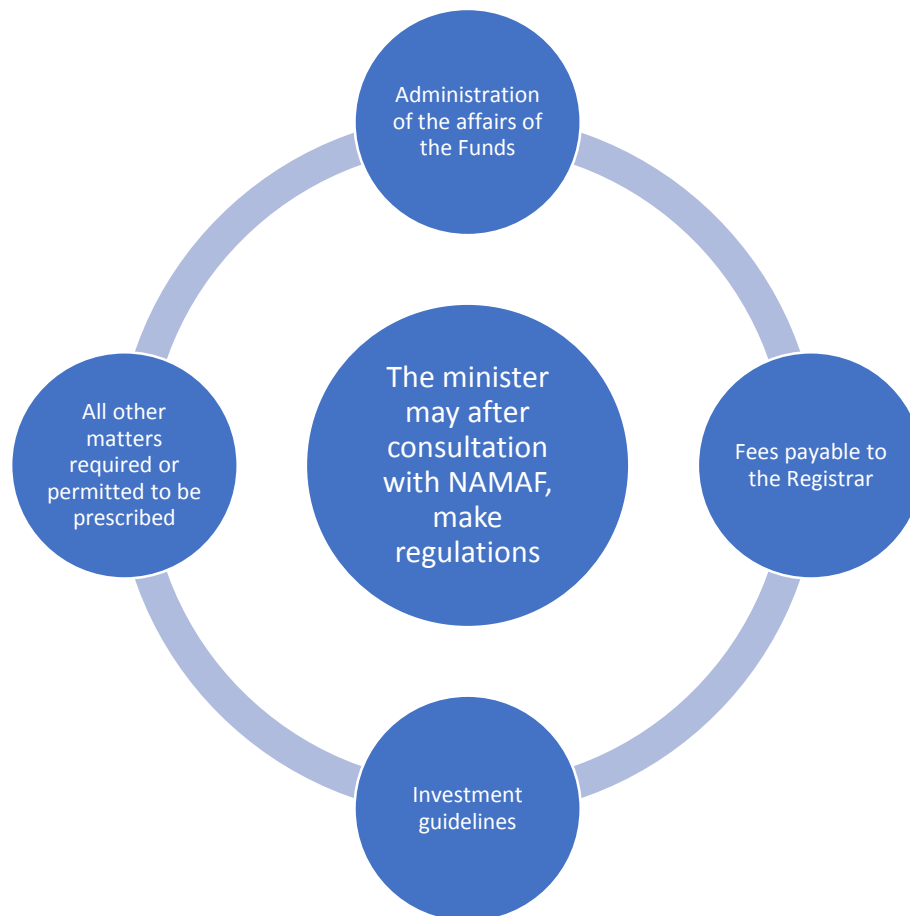
Regulation of Fund's Conduct - internal



Namaf Shall from time to time make rules to direct the conduct of Funds

Management shall have powers to discipline Funds if they contravene these rules

Regulation of the industry – Sec 44



Health Provision – extension of HCS

MAF's

- Registration S22 & S24
- Effect of Registration – Juristic Body (S26)
- Perform functions / exercise duties into its rules
- Own assets and liability to the exclusion of anyone

NAMAF

- Juristic Body (Section 10)
- Control, promote, encourage and coordinate functioning of MAF in Namibia
- Powers and functions contained in S12

Refer to NAMFISA presentations

For the rest of the provisions of the MAF Act



Thank You