



Guide to the GEMS Dispute Resolution Procedure

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1. Who may refer a dispute to the GEMS Dispute Committee?

- a. A GEMS member (complete Sections A, G, H and I of the GEMS Dispute Committee Referral Form (“the Form”));
- b. A prospective GEMS member (complete Sections A, G, H and I of the Form);
- c. A former GEMS member (complete Sections A, G, H and I of the Form);
- d. A person claiming on behalf of a GEMS member (complete Sections B, G, H and I of the Form);
- e. An authorised representative of a GEMS member, prospective member or former member (complete Sections C, G, H and I of the Form);
- f. An authorised representative of a GEMS member, prospective member or former member who cannot act in his/her own name (complete Sections C, G, H and I of the Form);
- g. A member or person acting in the interest of a group or class of affected persons (complete Sections D, G, H and I of the Form);
- h. A person, who claims to be acting in the public interest, after having obtained the permission of the GEMS Dispute Committee (complete Sections E, G, H and I of the Form); and
- i. An association, acting in the interest of its members (complete Sections F, G, H and I of the Form).

Any of the persons above may refer a dispute to the GEMS Dispute Committee for a decision. Any such person is referred to as a “Complainant”.

2. What process must be followed **before** a dispute can be referred to the GEMS Dispute Committee?

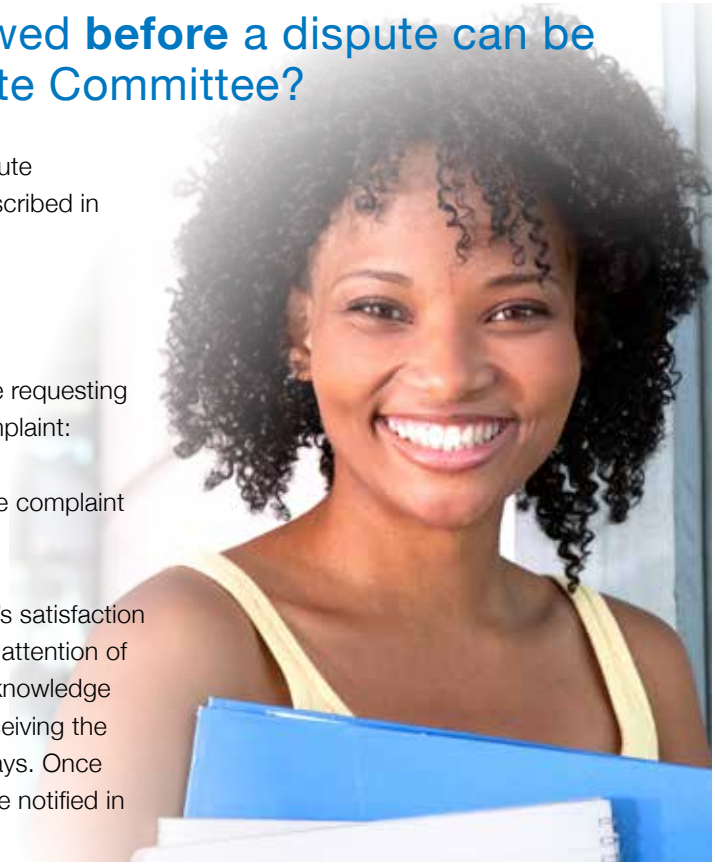
A Complainant may only refer a dispute to the GEMS Dispute Committee for a decision after following the procedure described in GEMS Rules 30.1 - 30.4.

Summary of GEMS Rules 30.1 - 30.4

There are two steps that a Complainant must follow before requesting the GEMS Dispute Committee to take a decision on a complaint:

Step 1: Call the GEMS call centre, inform the agent of the complaint and request that the complaint be solved.

Step 2: If the complaint is not solved to the Complainant's satisfaction after the call to the call centre, a letter of complaint for the attention of the GEMS Principal Officer must be written. GEMS will acknowledge receipt in writing to the Complainant within 24 hours of receiving the letter. GEMS will then try to resolve the matter within 30 days. Once the complaint has been processed, the Complainant will be notified in writing of GEMS's findings.



3. Once a complaint has been handled in terms of GEMS Rules 30.1 – 30.4 above, what process must be followed if a Complainant decides to refer a complaint/dispute to the GEMS Dispute Committee?

If the Complainant is still dissatisfied after following the two-step complaints procedure, he/she may request the GEMS Principal Officer to refer the complaint to the GEMS Dispute Committee. Remember, this must be done within 60 days of receiving the notification of GEMS' findings. The Complainant must complete the official GEMS Dispute Committee Referral Form ("the Form") in full. The Form must include following information:

- A copy of the notification of GEMS's findings;
- The Complainant's signature at the end of the Form;
- If the Complainant is an authorised representative of a GEMS member, prospective member or former member:
 - both the representative and such member's signatures at the end of the Form; and
 - the original or a copy of such member's written permission to the representative to refer the complaint to the GEMS Dispute Committee on such member's behalf;

- If the Complainant is a representative of an association:
 - both the representative and the Head of the association's signatures at the end of the Form; and
 - the original or a copy of the Head of the association's written permission to the representative to refer the complaint to the GEMS Dispute Committee on the association's behalf.

Please note: If you are representing any of the persons specified in paragraph 1 above, and it is not possible for you to obtain the signature of any such person or any of the required documents specified in the Form, you must sign the Form and include the required signatures and documents that you were able to obtain as well as an affidavit (a sworn statement) in which you give the reasons for your inability to obtain the outstanding signatures or documents.

4. Where must the completed Form and supporting documents be sent to?

The Form may be sent in any of the following ways:

- **By post** to The Principal Officer, Government Employees Medical Scheme, Private Bag X782, Cape Town, 8000;
- **By fax** to 0861 00 4367;
- **By email** to enquiries@gems.gov.za; or
- **By hand-delivery** to your nearest GEMS walk-in centre. For the address of your nearest GEMS walk-in centre, you can call 0860 00 4367 or visit www.gems.gov.za.

5. What happens to the Form once it has been sent?

GEMS's Administrator will acknowledge receipt of the Form to you and provide the GEMS Principal Officer with a copy of the Form within 48 hours of receiving the Form.

6. What will the Principal Officer do after receiving the Form from GEMS's Administrator?

The Principal Officer will, as soon as reasonably possible, convene a meeting of the GEMS Dispute Committee. The Committee and Complainant must be given at least 21 days' notice of the meeting date, time and venue. The notice must also include information on the particulars of the dispute, including all the documentation relating to the dispute.

7. What happens after the Principal Officer has sent notice of the meeting to a Complainant and the GEMS Dispute Committee?

The Chairperson of the GEMS Dispute Committee will, within seven days of receiving notice of the meeting and all the documents, inform the Principal Officer of the requirements for the meeting. For example, the Chairperson of the GEMS Dispute Committee will inform the Principal Officer of who should attend the GEMS Dispute Committee meeting. Note that the Chairperson may request that the Complainant also attend the meeting.

If the Complainant is any person as described in paragraphs 1.e to 1.i on page 1 of this guide, the Complainant will also be informed if the GEMS Dispute Committee believes that the Complainant is not authorised to refer the dispute to the Committee and/or if the Committee is not satisfied with the information submitted.

Meetings of the GEMS Dispute Committee are held at GEMS's registered offices, i.e. Hillcrest Office Park, cnr. Lynnwood and Dyer Road, Pretoria. If necessary, GEMS may choose another suitable venue.

The Chairperson of the GEMS Dispute Committee may decide to postpone a scheduled meeting if this is requested at least seven days before a scheduled meeting. A written motivation must be submitted with such a request. Meetings will not be postponed if the case is an emergency.

If a meeting is postponed, the GEMS Principal Officer will set a new meeting date. The GEMS Dispute Committee and the Complainant must be given at least 21 days' notice of the new meeting date, time and venue.

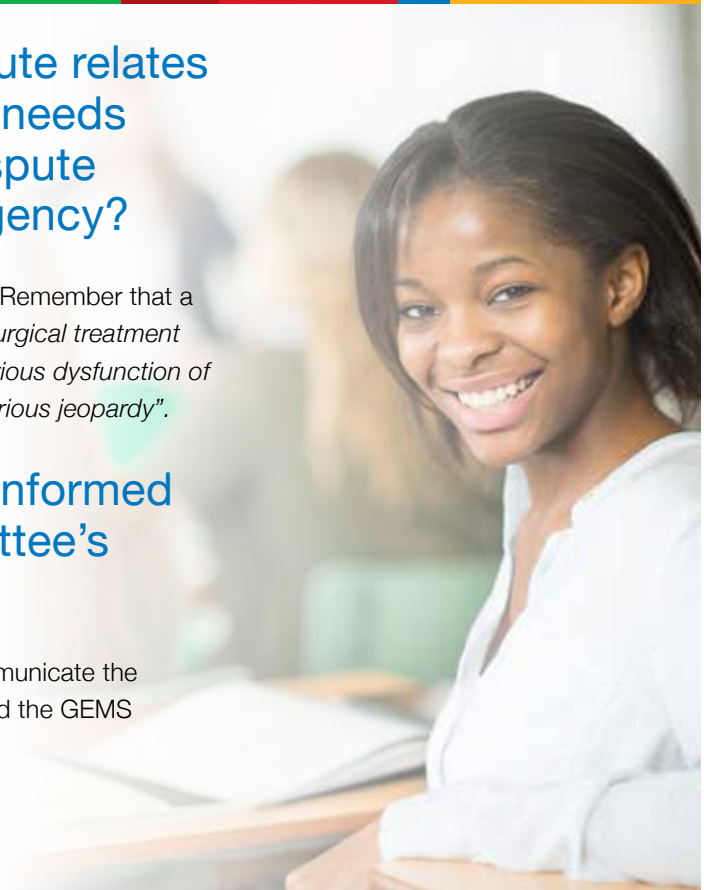
If a Complainant, or another person who was requested to be present at a meeting of the GEMS Dispute Committee, does not attend, the Committee will decide if the meeting should continue or be re-scheduled.

8. What if a Complainant's dispute relates to a medical emergency that needs to be heard by the GEMS Dispute Committee as a matter of urgency?

In emergencies, the notice period of 21 days will not apply. Remember that a case is an emergency when *“failure to provide medical or surgical treatment would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's life in serious jeopardy”*.

9. When will a Complainant be informed of the GEMS Dispute Committee's decision?

The Chairperson of the GEMS Dispute Committee will communicate the decision of the Committee in a letter to the Complainant and the GEMS Principal Officer within seven days after the meeting.



10. Is the decision of the GEMS Dispute Committee binding and, if so, who does it bind?

In terms of Rule 30 of the GEMS Rules, any decision of the GEMS Dispute Committee is final and binds GEMS and all other parties to the dispute.

11. What should a Complainant do if he/she is unhappy with the decision of the GEMS Dispute Committee?

If the decision of the GEMS Dispute Committee is not acceptable to a Complainant, the Complainant may appeal against the decision to the Council for Medical Schemes in terms of Section 48 of the Medical Schemes Act. If a Complainant takes this step, the decision of the GEMS Dispute Committee may not be executed and the Council for Medical Schemes will take a decision.



12. What happens to complaints referred simultaneously to the GEMS Dispute Committee and the Registrar of Medical Schemes in terms of Section 47 of the Medical Schemes Act?

If a Complainant chooses not to follow the GEMS Dispute Resolution Procedure, but to rather lodge a complaint directly with the Registrar of Medical Schemes, then GEMS will submit all the required information to the Registrar.

If a Complainant refers a complaint to the GEMS Dispute Committee and the Registrar of Medical Schemes, and once GEMS is made aware that both processes are underway at the same time, then GEMS will stop the GEMS Dispute Resolution Procedure and will wait for the Registrar to make a ruling on the matter.





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Dispute Resolution Procedure

Call 0860 00 4367 **or send an email to** enquiries@gems.gov.za
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