



IN REFERENCE TO: Recall: ICD-10 Webinar with All the Associations

Dear Ms Mbai,

I thank you for your response and address this particular email from the **legal perspective** obtained:

"It appears that you retracted your email where you mention the issue of confidentiality, but we are not sure which email you wished to retract, and therefore respond thereto nonetheless.

In the email where you mention confidentiality, we note you provide no solution to the issue, apart from stating that you will devise some sort of plan later on. We remind you that patient-healthcare provider confidentiality is a right enjoyed by the patient. It is not a right that may be waived by the healthcare provider on behalf of a patient. An agreement between funds and/or NAMAFA and/or providers cannot possibly serve as an instrument whereby the patient waives confidentiality. The patient is simply not a party to such agreement. Should NAMAFA (and/or the funds) venture into such agreements (which will no doubt also be forced on providers, given NAMAFA's continued abuse of public power and ultra vires actions) the issue of confidentiality will not be resolved, and the NPPF will embark on a media campaign to inform fund members - as we are also fairly certain that the funds will not act responsibly in this instance to inform their members.

We note that you rely on fund rules as the only legal basis for implementing the ICD-10 requirement. This is rather disingenuous, as NAMAFA has in fact ordered the funds to change their rules to require ICD-10. Your "legal basis" is thus solely based on an abuse of public power by NAMAFA itself. This requirement continues to fall short of the statutory powers and limitations applicable to NAMAFA and the funds. Our detailed concerns were raised with NAMAFA and NAMFISA before, to no avail."

It is trusted that clarifies the HCPs position from various perspectives.

Kind regards

Dr Jürgen Hoffmann

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