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## **CIRCULAR TO ALL PROVINCIAL HEALTH DEPARTMENTS**

### **1. INTRODUCTION AND BACKGROUND**

- 1.1 In an attempt to put in place processes and procedures to ensure efficient and effective measures for identification, collection, recording, reconciliation and safeguarding revenue, the Gauteng Health Department issued Circular 27 of 2020 accompanied with a policy titled "*Policy implementation guidelines on patient administration and revenue management*".
- 1.2 The Court found this circular to be in contravention with national legislation being the National Health Act, 2003 (Act No. 61 of 2003). Therefore, the implementation of this policy was found to be in contravention of the National Health Act with regard to the none provision of free health care services to asylum seekers and undocumented foreigners, specifically **pregnant and lactating women, and children below the age of six** who are not members of medical aid schemes, and who have not come to South Africa for specific purpose of obtaining health care.

### **2. RELEVANT LEGISLATIVE FRAMEWORK**

- 2.1 Section 4 of the National Health Act, 61 of 2003 provides as follows:

**"4. Eligibility for free health services in public health establishments**

- (1) *The Minister, after consultation with the Minister of Finance, may prescribe conditions subject to which categories of persons are eligible for such free health services at public health establishments as may be prescribed.*
- (2) *In prescribing any condition contemplated in subsection (1), the Minister must have regard to-*

- (a) *the range of free health services currently available;*
  - (b) *the categories of persons already receiving free health services;*
  - (c) *the impact of any such condition on access to health services; and*
  - (d) *the needs of vulnerable groups such as women, children, older persons and persons with disabilities.*
- (3) *Subject to any condition prescribed by the Minister, the State and clinics and community health centres funded by the State must provide-*
- (a) *pregnant and lactating women and children below the age of six years, who are not members or beneficiaries of medical aid schemes, with free health services;.....”*

### 3. CONCLUSION

3.1 Taking into account dynamics of the Gauteng Province Health Department Circular 27 of 2020 arising from the “*Policy implementation guidelines on patient administration and revenue management*”, against the provisions of section 4 of the National Health Act, particularly, Section 4(3), this current circular is aimed at notifying all the accounting officers of the provincial health departments of the following:

***“All pregnant, lactating women and children below the age of six, who are not beneficiaries of medical aid schemes, and who have not come to South Africa for specific purpose of obtaining health care, are entitled to free health care services”.***



**DR SSS BUTHELEZI**  
**DIRECTOR – GENERAL OF HEALTH**  
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