

<b>TITLE</b>	<b>27/4/2001 LAW N° 24/2001 ON THE ESTABLISHMENT, ORGANIZATION AND FUNCTIONING OF A HEALTH INSURANCE SCHEME FOR GOVERNMENT EMPLOYEES</b>
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LAW N° 24/2001 OF 27/4/2001 ON THE ESTABLISHMENT, ORGANIZATION AND FUNCTIONING OF A HEALTH INSURANCE SCHEME FOR GOVERNMENT EMPLOYEES (O.G. no 13 of 1/7/2001; modified and completed by Law n° 29/2002 of 19/09/2002).

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## **TABLE OF CONTENTS**

### [Title 1. GENERAL PROVISIONS](#)

### [Title 2. ORGANS OF RAMA, THEIR NATURE, ESTABLISHMENT AND RESPONSIBILITIES.](#)

#### [Chapter 1. THE BOARD OF DIRECTORS](#)

#### [Chapter 2. THE MANAGEMENT OF RAMA](#)

#### [Chapter 3. THE COMMITTEE ON AGREEMENTS](#)

### [Title 3. GUARDIANSHIP OF RAMA IN GOVERNMENT](#)

### [Title 4. RAMA'S EMPLOYEES](#)

### [Title 5. THE ORGANIZATION OF THE HEALTH INSURANCE SERVICES AND CARE SCHEME OF RAMA](#)

#### [Chapter 1. CONDITIONS RELATING TO THE BENEFICIARIES](#)

#### [Chapter 2. RISKS COVERED BY RAMA IN GENERAL](#)

#### [Chapter 3. REQUIREMENTS FOR RECEIVING PHARMACEUTICAL DRUGS AND ENJOYING HEALTH CARE INSURANCE](#)

#### [Chapter 4. THE PATIENT'S ROLE AND CONTRIBUTION TO MEDICAL CARE COSTS: MODERATING FEE](#)

#### [Chapter 5. SERVICES RENDERED TO A PATIENT AND THEIR MODALITIES](#)

#### [Chapter 6. CONTROL OF MEDICAL CARE](#)

### [Title 6. THE NATURE AND AUDITING OF RAMA'S FINANCES](#)

#### [Chapter 1. RESOURCES, PROVISION AND USE OF RAMA'S FINANCES](#)

#### [Chapter 2. THE MODE OF ACCOUNTING RAMA'S FINANCES](#)

#### [Chapter 3. FINANCIAL AUDITING OF RAMA](#)

### [Title 7. PENALTIES AND LITIGATIONS](#)

### [Title 8. FINAL PROVISIONS](#)

## Title 1. GENERAL PROVISIONS

### **Article: 1**

There is hereby established a Health Insurance Scheme for Government employees. This law determines its functioning and beneficiaries.

### **Article: 2**

The organization and functioning of the health insurance scheme are entrusted to a public establishment, "The Rwanda Health insurance" abbreviated as RAMA. RAMA has a legal status and financial autonomy.

### **Article: 3**

RAMA'S headquarters are located in the Capital of the Republic of Rwanda. However, on request of its Board, RAMA can locate its headquarters anywhere else in the country.

It also has the right to open health centres, pharmacies and laboratories and establish branches.

### **Article: 4**

RAMA insurance beneficiaries are only treated in Rwanda.

### **Article: 5**

RAMA has the following responsibilities:

- a) to follow up the management of the medical insurance scheme;
- b) to collect members' subscriptions;
- c) to ensure treatment of affiliated members and their insured dependants;
- d) to pay for the treatment of its beneficiaries ;
- e) to be a signatory to all important agreements and to do what's necessary for the scheme to fulfill its responsibilities.

## Title 2. ORGANS OF RAMA, THEIR NATURE, ESTABLISHMENT AND RESPONSIBILITIES.

### **Article: 6**

RAMA's organs are:

- a. the Board of Directors;
- b. the Management;
- c. the Committee responsible for matters related to agreements;
- d. Financial Audit.

## Chapter 1. THE BOARD OF DIRECTORS

### **Article: 7**

RAMA is managed by a Board of Directors comprising of the following 8 persons:

- a) three representatives of employees: one representing Government employees, one representing the

- public sector employees and one representing the private sector employees;
- b) two representatives of employers: one representing government employers, one representing private employers;
  - c) three representatives of medical staff : one representing the Public medical staff, one representing the private medical staff, and one representing pharmacists .

The Director of RAMA attends the meetings of the Board of Directors only in an advisory capacity and as Secretary to the Board meetings.

**Article: 8**

Members of the Board of Directors are appointed by a decree of the Prime Minister on proposal of the Minister having labour in his/her attributions. They have a mandate of three years renewable only once.

**Article: 9**

The Board of Directors is presided over by a Bureau made up of the Chairperson appointed by a decree of the Prime Minister; members then vote from among themselves a Vice-Chairperson and a Secretary. The Vice-Chairperson stands in for the Chairperson when he/she is absent.

**Article: 10**

Anytime a clear error is made in making decisions and in respect to the fulfillment of the responsibilities of RAMA, members of the Board are replaced in accordance with article 8 of this law.

If a person loses his/her status and rights as an appointed member of the Board, he/she is replaced in accordance with articles 7 and 8 of this law.

**Article: 11**

The Board of Directors determines the orientation of the functioning that RAMA follows and also takes necessary decisions related to the fulfillment of RAMA's responsibilities and good administration,

Some of its responsibilities are:

- a) to set up and approve internal rules and regulations of RAMA;
- b) to prepare the administrative organization and structures of RAMA;
- c) to prepare the budget proposal;
- d) to determine the conditions of hiring, dismissing and remuneration of staff;
- e) to forward proposals on the rate of contribution on basic pay to the Minister having labour in his/her attributions;
- f) to propose modifications to be made on the list of services to be provided for a patient ;
- g) to draw up the list of persons qualified to fulfill the conditions provided for by article 48 of this law;
- h) to forward proposals on modalities of the functioning of RAMA with its affiliated insurance members to the Minister having labour in his/her attributions;
- i) to authorize tenancy agreements, purchase or sale of immovable property, acceptance of grants and legacies and acquisition of loan facilities.

**Article: 12**

The Board of Directors meets at least once in a trimester. It may also hold extraordinary meetings on the request of the Chairperson or of at least 1/3 of members of the Board of Directors.

**Article: 13**

The Board of Directors may invite to its meetings, any person considered competent and necessary to provide advice on a point on its agenda. The invited person neither votes nor attends deliberations on other points on the agenda .

**Article: 14**

Every time a meeting is held, each member receives a sitting allowance as set by a decree of the Minister having labour in his/her attributions.

**Article: 15**

Members of the Board of Directors cannot hold any other remunerable position in RAMA.

**Chapter 2. THE MANAGEMENT OF RAMA****Article: 16**

The implementation of decisions of the Board of Directors and the daily management of RAMA are carried out by the Director of RAMA assisted by the Heads of sections.

**Article: 17**

The Director of RAMA is appointed by a decree of the Prime Minister on proposal of the Minister having labour in his/her attributions.

The Director's duties are:

- a) to represent RAMA before Government authorities, in dealings with other third parties and in court;
- b) to prepare the annual budgetary proposal for forwarding to the Board of Directors for perusal before the 15<sup>th</sup> day of September, in order for the Board to submit it to the Minister responsible for RAMA for approval by the Cabinet ;
- c) to sign agreements prepared by the Committee responsible for matters relating to agreements with Doctors and Pharmacists and approved by the Board of Directors;
- d) to prepare and submit to the Board of Directors proposals of agreements RAMA has concluded with its affiliated insurance members for examination and approval by the Board of Directors;
- e) to prepare a proposal of the internal rules and regulations governing RAMA for submission to the Board of Directors for approval;
- f) to recruit and remove the contract- governed staff members excluding I-leads of Departments;

**Article: 18**

Subject to provisions of article 11 of this law, the Director has extensive powers in the management of RAMA.

**Article: 19**

At the end of the year, in not later than February, the Director of RAMA presents a report to the Board of Directors showing the management of RAMA. The Board of Directors also submits that report to the Minister under whose guardianship RAMA is and reserves a copy for the Minister having finance in his/her attributions.

The Director submits to the Board of Directors an administrative and financial report, whenever necessary.

### **Chapter 3. THE COMMITTEE ON AGREEMENTS**

#### **Article: 20**

*(Law n° 29/2002 of 19/09/2002)*

The Committee responsible for matters related to agreements comprises of nine (0) persons as follows:

- a) three representatives of RAMA : Its legal advisor, medical advisor and the in-charge of pharmacy related matters;
- b) a representative of the public Health Sector;
- c) a representative of the private Health Sector;
- d) a representative for private Pharmacists,
- e) a representative for employees;
- f) a representative of employers;
- g) a representative of government.

#### **Article: 21**

Members of the Committee responsible for matters related to agreements are appointed and removed from their positions by a decree of the Minister having labour in his/her attributions on proposal of the Board of Directors of RAMA.

They are appointed for a period of three years that is renewable only once.

The Committee responsible for matters related to agreements is headed by the representative of RAMA.

The Committee convenes anytime that there are agreements to be examined. Its members are given a sitting allowance determined by the Board of Directors.

#### **Article: 22**

The Committee responsible for matters related to agreements is charged with drawing up agreements concluded between RAMA, doctors and pharmacists.

The agreements are approved by the Board of Directors and signed by the Director of RAMA.

### **Title 3. GUARDIANSHIP OF RAMA IN GOVERNMENT**

#### **Article: 23**

RAMA is under the guardianship of the Minister having labour in his/her attributions by the powers provided by this law.

#### **Article: 24**

The Minister having labour in his/her attributions receives all issues to be examined by the Board of Directors and should also receive a copy of all decisions and minutes of the meetings of the Board.

#### **Article: 25**

The Minister having labour in his/her attributions can temporarily suspend any decision of the Board of Directors that he/she finds contrary to the law or to the general interest of the country.

A suspended decision is sent back to the Board of Directors together with an explanatory note for further consideration within fifteen (15) days from the date on which the Board was informed of the suspension.

**Article: 26**

The suspension of a decision mentioned in article 25 of this law must take effect in not more than 15 days following the date on which the Minister having labour in his/her attributions was informed of the decision.

**Article: 27**

Any disagreements arising between RAMA and its guardian Minister are settled by the Cabinet.

**Title 4. RAMA'S EMPLOYEES****Article: 28**

RAMA's employees comprise of

- a) public servants put at RAMA's disposal and remunerated by RAMA at least within the General Statutes governing Government employees;
- b) permanent employees hired within conditions set out by labour legislation;
- c) temporary employees hired in accordance with contracts established within conditions set out by labour legislation.

**Article: 29**

Salary and other benefits received by contract employees are set out in the internal rules and regulations of RAMA as determined by the Board of Directors.

**Article: 30**

Government employees put at RAMA's disposal are governed by the internal rules and regulations of RAMA.

**Title 5. THE ORGANIZATION OF THE HEALTH INSURANCE SERVICES AND CARE SCHEME OF RAMA****Chapter 1. CONDITIONS RELATING TO THE BENEFICIARIES****Article: 31**

Persons provided with health insurance under this law are:

- a. affiliated member ;
- b. person insured by an affiliated member.

**Article: 32**

*(Law n° 29/2002 of 19/09/2002)*

An affiliated member of RAMA is any Government, public project and all other public institution employee, whose remuneration comes from the Government funds.

Affiliation as a member also applies to Government high ranking officials and political appointees not covered by social security, that are provided for by arts 47 of the law n° 24/2001 of 27/4/2001 on the establishment, organization and functioning of a health insurance scheme for Government employees.

**Article: 33**

*(Law n° 29/2002 of 19/09/2002)*

Private institutions may apply for admission of their employees to the health insurance scheme of

RAMA. Applying for admission of employees to RAMA shall be made in writing to the Board of Directors.

RAMA works out the agreements as regards admission of employees from institutions provided for by the paragraph one of this article.

**Article: 34**

Every affiliated member is allowed to treat the following members of his/her family a) his/her legal spouse ;  
b) his/her child or legally recognized child ;  
c) a child of whom the affiliated member is guardian ;  
d) adopted child .

**Article: 35**

A child insured by an affiliated member is any child fulfilling the requirements of article 34 of this law, who is single with no remunerated employment, below 18 years of age or if he/she is a student; is below 25 years of age or if he/she is above 25, he/she is unable to have remunerated employment due to disability. The disability must be medically ascertained by a Doctor registered with the Ministry having health in its attributions.

**Article: 36**

*(Law n° 29/2002 of 19/09/2002)*

Where both spouses belong to those employees who are insured by RAMA, each one pays his/her own contribution.

**Chapter 2. RISKS COVERED BY RAMA IN GENERAL**

**Article: 37**

RAMA takes, in accordance with article 48, all or part of both preventive and curative care following the state of sickness or accident, pregnancy, delivery and their consequences.

However, RAMA does not cover medical measures taken in order to issue a certificate for diseases or wounds covered by a specialized law or exclusions provided for in article 48 of this law.

**Article: 38**

In accordance with provisions of article 37 of this law, paragraph one, RAMA covers the following medical services:

- a) consultations ;
- b) surgery ;
- c) dental care ;
- d) medical imaging;
- e) clinical biology tests ;
- f) physiotherapy;
- g) ; nursing care
- h) hospitalization and treatment fees ;
- i) supplying medicine and pharmaceutical drugs;
- j) antenatal care, care during delivery and postnatal care.

### **Chapter 3. REQUIREMENTS FOR RECEIVING PHARMACEUTICAL DRUGS AND ENJOYING HEALTH CARE INSURANCE**

#### **Article: 39**

Every beneficiary mentioned in articles 32 and 33 of this law has to be an affiliated member of RAMA, which is ascertained by an individual card.

#### **Article: 40**

The individual card of the affiliated member referred to in articles 32 and 33 of this law, is issued when the member brings forth all documents required by RAMA.

It includes the holder's identity, photograph and insurance number as well as his/her member as an affiliated member or his/her sponsor's number.

#### **Article: 41**

Underage sponsored children are registered in their sponsor's individual card mentioning their sex and date of birth.

The Minister having labour in his/her remit determines the age at which a sponsored child can have an individual card on which are indicated his/her sponsor's identity and member as an affiliated member.

#### **Article: 42**

Every holder of an affiliated member's individual card, his/her insured or legal claimant who, for any reason, ceases to be a Government employee as provided for in articles 32 and 33 of this law or is subject to suspension or exclusion from RAMA or loses his/her status as a legal claimant must return the card within a period of not more than 3 months.

When the legal claimant is only registered on the affiliated member's individual card of his/her sponsor, that card is given back to RAMA for modification.

After a period of three (3,) months the holder of an unreturned card is considered as a swindler as mentioned in article 64 of this law.

#### **Article: 43**

Before giving or enjoying the right to health insurance services, the affiliated member referred to in articles 32 and 33 of this law must give proof of his/her having contributed the 3 months contribution prior to the month of ending services.

Such contribution guarantees the insurance services for the affiliated member and claimant in three months after losing his/her right to it.

### **Chapter 4. THE PATIENT'S ROLE AND CONTRIBUTION TO MEDICAL CARE COSTS: MODERATING FEE**

#### **Article: 44**

*(Law n° 29/2002 of 19/09/2002)*

The contribution rate due to RAMA is 15% of the employee's basic salary. That contribution is shared out between the employee and the employer as follows: The employer pays 7,5% and the employee pays the remaining 7,5%.

The "moderating fee" which is the participation by the medical care beneficiary is rated at 15% of the total cost of medical services provided.



**Article: 45**

The employer is responsible for deducting, declaring and paying the contribution to RAMA. 'the contribution is made monthly and in advance on the 10<sup>th</sup> of every month at the latest.

An increment for delay is applied to those contributions not paid before the legal deadline. Such an increase is equivalent to the rate (10 %) of the contribution due each month or day of delay. The Minister having labour in his/her remit determines the rate and the modalities of paying such an increment, but the rate does not go beyond 10% of those contributions not paid before the legal deadline.

**Article: 46**

Increments for delay are calculated every month in accordance with article 45 by applying the rate to the total due contribution which are supposed to be paid.

After a period of six (6) months, the unpaid increments l'or delay are considered as contributions and subject to increment in the same conditions as contributions, which are not paid before the legal deadline.

**Chapter 5. SERVICES RENDERED TO A PATIENT AND THEIR MODALITIES****Article: 47**

The Minister holding labour in his/her remit determines, in consultation with the Commission of conventions list of pharmaceutical products and medical services, which are given to the beneficiaries of RAMA.

A Presidential decree determines a complementary insurance to cover specialized services which RAMA does not provide for Government's Senior, political and administrative staff. The list of those Governments's Senior, political and administrative staff is determined by the decree of the Minister holding labour in his/her remit.

Any other employee affiliated to RAMA may also pay for this supplementary insurance if he/she so wishes.

**Article: 48**

A list enumerating care services, determining their costs and specifying their application rules, and the required qualification for the person to qualify for each of them is established by a decree from the Minister holding labour in his/her remit, upon a request of the Board of Directors of RAMA.

The Minister having labour in his/her remit may modify the list care service referred to in the above paragraph of this article, on request of the Board of Directors of RAMA on its own initiative or on proposal by RAMA's Director or the Committee responsible for matters related to agreements.

**Article: 49**

Services are provided to RAMA's insurance beneficiary by the medical and paramedical staff in health care institutions run by RAMA and by the staff in public health care institutions or in private health care institutions that signed a contract with RAMA in accordance with article 48 of this law.

**Article: 50**

Treatment by the medical and paramedical staff is limited by the obligation of taking into account the list of medicines, of medical services refundable by RAMA and the qualification required for the

person to carry out each service.

**Article: 51**

All providers of services taken charge of by RAMA are required to observe, within the framework of the legislation and regulation in force, the strictest economy compatible with the efficiency of the treatment. It is forbidden for him/her to prescribe unjustifiably expensive tests and treatment.

The unjustifiably expensive nature of tests and treatment is assessed in relation to tests, treatments and medicines which other care providers have prescribed in similar circumstances and reported by the medical adviser and approved by the Committee on agreements.

**Chapter 6. CONTROL OF MEDICAL CARE**

**Title 6. THE NATURE AND AUDITING OF RAMA'S FINANCES**

**Chapter 1. RESOURCES, PROVISION AND USE OF RAMA'S FINANCES**

**Article: 53**

RAMA's financial resources are as follows:

- a) compulsory monthly contributions from affiliated members and by their employers ;
- b) delay increments ;
- c) proceeds from the services rendered by RAMA as well as those from its bank and post accounts;
- d) government grants;
- e) proceeds from reinsurance;
- f) donations and bequests;
- g) any other resource given to RAMA which are considered valid by the Board of Directors.

**Article: 54**

RAMA must have a security reserve to guarantee the good management of its services. The amount of such a reserve is determined by the Minister having labour in his/her remit, on the proposal by the Board of Directors.

**Article: 55**

If at the end of the year, the amount of money referred to in article 54 of this law becomes less than the amount pre-determined, the Minister having labour in his /her remit proposes the modalities for restoring the financial balance of RAMA.

**Article: 56**

A thorough study and analysis of the functioning and financial situation of RAMA is carried out every three years. This may be done every time RAMA has no financial balance to enable it to fulfil its mission.

Where this analysis reveals a danger of imbalance in RAMA's financial situation, the provisions of article 55 of this law are applied.

**Article: 57**

Expenses of RAMA are as follows:

- a) health care services for its insured members;
- b) operating funds ;
- c) employees' salaries

- d) RAMA investment expenses
- e) taxes, contributions and welfare costs and all compulsory contributions spent on behalf of its employees in accordance with the law ;
- f) depreciation costs incurred on repair of its assets.

## **Chapter 2. THE MODE OF ACCOUNTING RAMA'S FINANCES**

### **Article: 58**

RAMA's accounts are kept in accordance with Law Decree n° 39/75 of 7th November 1975 governing Public Institutions and also in accordance with the instructions by its Board of Directors.

All additional activities carried out by RAMA as provided for in paragraph 2 of article 3 of this law must be subject to separate accounts so as to observe instructions regulating each category of activities.

Accounts for these activities have to be incorporated in the balance sheet of RAMA at the end of the financial year.

## **Chapter 3. FINANCIAL AUDITING OF RAMA**

### **Article: 59**

The auditing of RAMA is carried out by three external auditors who are appointed or removed by a decree of the Minister having finance in his/her remit.

They are appointed for a period of 2 years which can be renewed only once.

### **Article: 60**

The external auditors have extensive powers to check all books of 'accounts of RAMA without, however, interfering with its management.

They have free access, if' so requested, to all document relating to the auditing exercise, in this regard, they verify the accuracy of accounts therein.

### **Article: 61**

The external auditors submit their report to the Minister having labour in his/her remit as well as to the Minister having finance in his/her remit.

## **Title 7. PENALTIES AND LITIGATIONS**

### **Article: 62**

Before any complaints regarding any decision taken by RAMA can be taken before the courts that complaint must first be handled by the reconciliation Commission. The Board of Directors elects from its members those that make up the reconciliation Commission as follows

- a) one member representing the Government ;
- b) one member representing affiliated members ;
- c) one member representing medical care providers ;
- d) one member representing pharmacists

The Board of Directors set up the instructions that govern that reconciliation Commission.

### **Article: 63**

Litigation over medical control related to a medical paramedical pharmacist responsible for any corrupt practice while an affiliated member of RAMA, or abuses which may result from the implementation or interpretation of the instructions and implementing orders based on this law, are settled by relevant courts of law.

**Article: 64**

*(Law n° 29/2002 of 19/09/2002)*

Any affiliated member, medical doctor or pharmacist who will have, in one way or another, illegally received, tried to receive or helped to receive a service from RAMA, will refund the amount of money defrauded or which was supposed to be defrauded and pay an extra fine of twice the amount due without excluding prosecution of the offender by the relevant courts.

In addition to sanctions provided for in this Article, any contract between RAMA and the offender shall be terminated in case the offender is a medical doctor, pharmacist or employee of RAMA.

Where the affiliated member of RAMA, when penalised, feels unfairly victimised he/she will appeal to the Board of Directors.

**Article: 65**

When the affiliated member or his/her claimants must be given medical care due to causes insured by someone else, RAMA must pay for their medical care and treatment.

In accordance with general legal provisions, an affiliated member or his/her claimants retains the right to follow up the offender himself /herself and RAMA may also do so in his/her behalf so as to be able to claim the amount of money spent on the member's treatment or that of his/her claimant.

**Article: 66**

At the risk of double payment of services which will have been allocated to him/her, an affiliated member or his/he claimant is required to report to RAMA in not later than three (3) months all information and documents relating to the event of which he/she was victim.

**Article: 67**

Payment for health care is carried out within a period of one year starting from the end of the month in which care was given.

Recovery of unduly paid amounts is done within a period of two (2) years starting from the month during which the unwarranted payment was made or starting from the day on which the unwarranted payment was legally proved. However, where an unwarranted service resulted from fraudulent practices of the beneficiary, the recovery of amounts paid unjustifiably is valid for a period of not more than 5 years.

**Title 8. FINAL PROVISIONS**

**Article: 68**

All previous legal provisions contrary to this law are hereby repealed.

**Article: 69**

This law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.