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### **Introduction: The South African Health Forum**

The South African Health Forum (SAHF) was established in 2012 to:

1. Determine the current skills level of the investigator within the Healthcare Sector;
2. Develop a training course for the Healthcare industry;
3. Standardise the professional requirement for an investigator within the Healthcare environment;
4. Increase awareness of Healthcare fraud, waste and abuse with members of the ACFE SA and the broader public, with the assistance of the infrastructure of the ACFE SA.

The criteria of the forum were agreed as follows:

1. The SAHF will be an independent forum which will represent the South African healthcare industry and may be attended by any interested parties tasked with combating healthcare fraud, including but not limited to medical schemes, medical scheme administrators, government entities, as well as private forensic firms.
2. The SAHF will be responsible for formalising and standardising a training course for Specialist Healthcare Forensic Investigators, as well as for establishing accreditation criteria within the South African context.
3. To interact with other ACFE SA Forums, where relevant, particularly regarding the sharing of information around criminal activities.

### **The ACFE SA Chapter: Background:**

The need to raise the standard of fraud examination in South Africa and for a professional body which was not limited to a specific profession such as accounting or law resulted in the establishment of a local chapter with the mission to provide a community environment in which local forensic examination practitioners can associate. Local membership provides a number of benefits including: a network of experienced professionals; a training framework for practitioners with "how to" guidance, technical updates and ethical standards; regular

discussion forums on issues relevant to the local environment; annual workshops on fraud examinations; and a video library with case studies. This chapter is a collection of individuals in South Africa from all industries and professionals, who all have a single goal in mind; the reduction of white-collar crime in South Africa.

### **Preamble of the ACFE SA**

The Association of Certified Fraud Examiners is an association of professionals committed to performing at the highest level of ethical conduct. Members of the Association pledge themselves to act with integrity and to perform their work in a professional manner.

Members have a professional responsibility to their clients, to the public interest and each other; a responsibility that requires subordinating self-interest to the interests of those served.

These standards express basic principles of ethical behaviour to guide members in the fulfilling of their duties and obligations. By following these standards, all Certified Fraud Examiners shall be expected, and all Associate members shall strive to demonstrate their commitment to excellence in service and professional conduct.

### **II. Applicability of Code**

The CFE Code of Professional Standards shall apply to all members and all Associate members of the Association of Certified Fraud Examiners. The use of the word “member” or “members” in this Code shall refer to Associate members as well as regular members of the Association of Certified Fraud Examiners.

### **III. Standards of Professional Conduct**

#### **A. Integrity and Objectivity**

1. Members shall conduct themselves with integrity, knowing that public trust is founded on integrity. Members shall not sacrifice integrity to serve the client, their employer or the public interest.
2. Prior to accepting the fraud examination, members shall investigate for potential conflicts of interest. Members shall disclose any potential conflicts of interest to prospective clients who retain them or their employer.
3. Members shall maintain objectivity in discharging their professional responsibilities within the scope of the engagement.
4. Members shall not commit discreditable acts, and shall always conduct themselves in the best interests of the reputation of the profession.
5. Members shall not knowingly make a false statement when testifying in a court of law or other dispute resolution forum. Members shall comply with lawful orders of the courts or other dispute resolution bodies. Members shall not commit criminal acts or knowingly induce others to do so.

#### **B. Professional Competence**

1. Members shall be competent and shall not accept assignments where this competence is lacking. In some circumstances, it may be possible to meet the requirement for professional competence by use of consultation or referral.

2. Members shall maintain the minimum program of continuing professional education required by the Association of Certified Fraud Examiners. A commitment to professionalism combining education and experience shall continue throughout the member's professional career. Members shall continually strive to increase the competence and effectiveness of their professional services.

### **C. Due Professional Care**

1. Members shall exercise due professional care in the performance of their services. Due professional care requires diligence, critical analysis and professional scepticism in discharging professional responsibilities.

2. Conclusions shall be supported with evidence that is relevant, competent and sufficient.

3. Members' professional services shall be adequately planned. Planning controls the performance of a fraud examination from inception through completion and involves developing strategies and objectives for performing the services.

4. Work performed by assistants on a fraud examination shall be adequately supervised. The extent of supervision required varies depending on the complexities of the work and the qualifications of the assistants.

### **D. Understanding with Client or Employer**

1. At the beginning of a fraud examination, members shall reach an understanding with those retaining them (client or employer) about the scope and limitations of the fraud examination and the responsibilities of all parties involved.

2. Whenever the scope or limitations of a fraud examination or the responsibilities of the parties change significantly, a new understanding shall be reached with the client or employer.

### **E. Communication with Client or Employer**

1. Members shall communicate to those who retained them (client or employer) significant findings made during the normal course of the fraud examination.

### **F. Confidentiality**

1. Members shall not disclose confidential or privileged information obtained during the course of the fraud examination without the express permission of proper authority or order of a court. This requirement does not preclude professional practice or investigative body reviews as long as the reviewing organization agrees to abide by the confidentiality restrictions.

#### IV. Standards of Examination

##### **A. Fraud Examinations**

1. Fraud examinations shall be conducted in a legal, professional and thorough manner. The fraud examiner's objective shall be to obtain evidence and information that is complete, reliable and relevant.
2. Members shall establish predication and scope priorities at the outset of a fraud examination and continuously re-evaluate them as the examination proceeds. Members shall strive for efficiency in their examination.
3. Members shall be alert to the possibility of conjecture, unsubstantiated opinion and bias of witnesses and others. Members shall consider both exculpatory and inculpatory evidence.

##### **B. Evidence**

1. Members shall endeavour to establish effective control and management procedures for documents. Members shall be cognizant of the chain of custody including origin, possession and disposition of relevant evidence and material. Members shall strive to preserve the integrity of relevant evidence and material.
2. Members' work product may vary with the circumstances of each fraud examination. The extent of documentation shall be subject to the needs and objectives of the client or employer.

#### V. Standards of Reporting

##### **A. General**

1. Members' reports may be oral or written, including fact witness and/or expert witness testimony, and may take many different forms. There is no single structure or format that is prescribed for a member's report; however, the report should not be misleading.

##### **B. Report Content**

1. Members' reports shall contain only information based on data that are sufficient and relevant to support the facts, conclusions, opinions and/or recommendations related to the fraud examination. The report shall be confined to subject matter, principles and methodologies within the member's area of knowledge, skill, experience, training or education.
2. No opinion shall be expressed regarding the legal guilt or innocence of any person or party.

**Healthcare Forum:**

The list of Specialist Healthcare Forensic Investigator standards guidelines needs to be dictated to by discipline specific specialists. In order to assist members of the healthcare forum to implement standards, qualification and ethics, it would be beneficial to standardise the input required in order to build the framework across all disciplines.

<b>Specialist Forensic Healthcare discipline</b>	
<b>Healthcare Forum Steering Committee</b>	<p>Chair – Lynette Swanepoel Email: Lynettes@safps.org.za Mobile: 082 4900 382</p> <p>Deputy Chair – Andaleen Krieg Email: AKrieg@medihelp.co.za Tel: 012 334 2108</p> <p>Committee members:</p> <p>Sunelda Van Rooyen Email: suneldav@discovery.co.za Tel: 011 529 2602</p> <p>Sam Maphalane Email: samuelm@polmed.co.za Tel: 012 818 7500</p> <p>Raynard Nel Email: RaynardN@afrocentrichealth.com Tel: 011 671 2776</p>
<b>Describe Specialist Healthcare Investigator discipline</b>	<p>To understand, investigate and take action against fraud, waste and abuse in the healthcare insurance environment (medical schemes and administrators), where Healthcare fraud, waste and abuse is either suspected or reported. Methodologies include, but are not limited to data analytics, tracing of</p>

	suspects/witnesses and conducting interviews to determine whether such allegations and/or suspicions could be substantiated or not.
<b>Specialist Healthcare Investigator training</b>	Nationally and Internationally
<b>Purpose of the Specialist Healthcare Forensic Investigator discipline</b>	<ul style="list-style-type: none"> <li>➤ To address industry-specific problems with regards to fraud, waste and abuse of medical scheme/ administrator funds.</li> <li>➤ To create different career paths for individuals that have a passion and/or desire to specialize in particular fields and at different levels.</li> <li>➤ To differentiate between various disciplines in order to create opportunity and variable levels of remuneration, so as to stimulate participation.</li> <li>➤ Compile comprehensive documentation on all investigative processes followed.</li> <li>➤ Interview and interrogate suspects and research facts, documentation and transactions</li> <li>➤ Recommend actions to be followed in fraud cases</li> <li>➤ Prepare evidence for presentation in court</li> <li>➤ Meet delivery objectives through working with other team members and clients.</li> <li>➤ Ensure delivery targets/objectives are met and operate in a supportive manner to achieve successful delivery.</li> <li>➤ Defined legal, statutory and regulatory compliance is maintained at the required standards</li> <li>➤ Operational risk and governance structures, measures and frameworks are complied with and necessary action is taken to address issues, when necessary.</li> <li>➤ Bring about prosecutions and recover funds that were lost as a result of fraudulent behavior.</li> </ul>

## Criminalistics

A Specialist Healthcare Forensic Investigator must comply with ACFE and ACFE SA policies and directions and all applicable South Africa laws, National and International regulations and guidelines, including, but not limited to:

- National Health Act No. 61 OF 2003
- National Health Amendment Bill, 2010
- Medicines and Related Substances Amendment Act, 59 of 2002
- Medical Schemes Act, 1998
- Nursing Act, 2005
- Mental Health Care Act, 2002
- Pharmacy Amendment Act, 2000
- Health Professions Act 56 of 1974
- The Health Professions Amendment Bill of 2006
- HPCSA ethical rulings
- The Traditional Health Practitioners Act, 35 of 2004
- Council for Medical Schemes Levies Act, 2000 (Act No. 58 of 2000)
- Protected Disclosures Act 26 of 2000
- Law of Evidence Amendment Act 45 of 1988
- Constitution of the Republic of South Africa Act 86/1996
- Human Rights Commission Act 56/1994
- Consumer Protection Act 68 of 2008
- Electronic Communications and Transactions Act 25 of 2002
- Proceeds of Crime Act 2002
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Criminal Procedure Act, Act 51 of 1977
- Financial Intelligence Centre Act 38 of 2001
- Investigation of Serious Economic Offences Amendment Act 46 of 1995
- Prevention of Organised Crime Act 121 of 1998
- Prevention of Organised Crime Amendment Act 24 of 1999
- Prevention of Organised Crime Second Amendment Act 38 of 1999
- Promotion of Access to Information Act 2 of 2000
- Promotion of Access to Information Amendment Act 54 of 2002
- Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002
- The Protection of Personal Information Act (POPI)
- Occupational Health and safety Act 85 of 1993 as amended

A Specialist Healthcare Forensic Investigator should always subject him or herself to the law, regulations and guidelines of the legislation of the country in which the service is rendered.

### **Ethics in Administration**

The code reflects the highest possible standards applicable to all fraud, white-collar, related crime investigators and Healthcare Forensic organisations and embraces the principles of personal integrity and professionalism.

As a Specialist Healthcare Forensic Investigator you, expressly agree to the following ethics prescribed by the ACFE:

- To behave honestly and with integrity
- To diligently execute your job description
- To execute any function or instruction only by way of lawful interactions and/or conduct
- To promote and uphold the good corporate reputation of all stake holders
- To treat both internal and external clients with professionalism and respect
- To never take improper advantage of inexperience, lack of education, youth, lack of sophistication, language barrier or ill health of any client
- To disclose and take reasonable steps to avoid any conflict of interest
- To not provide false or misleading information in response to a request for information from any of the key stakeholders
- To promote public confidence in the organization and all its stake holders through fair and conscientious dealings refraining from any deceit, misrepresentation, wilful non-disclosure, undue influence or other harmful practice
- To never seek personal gain or make any secret profit, acquire any financial interest or benefit in any matter entrusted to you.
- To submit a detailed report after the services delivery.
- Discuss findings in a professional way with clients
- To always comply below, with the existing prescribed National and International ethics standards for the above forensic science discipline:
- Liaising with role players in law enforcement and intelligence agencies, where necessary
- Assisting with preparing cases for clients, where necessary
- Providing evidence at disciplinary hearings and in criminal / civil courts, where necessary



## **Compliance with the code**

Healthcare Forensic organisations, fraud, white-collar, related crime investigators that deliver the above discipline services, hereby agreed that the reputation and future of the discipline, all stakeholders depend on both technical and ethical excellence. It is not only important that Healthcare Forensic organisations fraud, white-collar, related crime investigators should adhere to the principles expressed in this Code, but also encourage and support adherence to the code by Healthcare Forensic organisations, fraud, white-collar, related crime investigators that deliver some of these discipline services.

Healthcare Forensic organisations fraud, white-collar, related crime investigators, are accordingly also obliged to immediately inform the ACFE SA Forensic Industry Standard Forum of transgressions by Healthcare Forensic organisations fraud, white-collar, related crime investigators that delivered these discipline services, once becoming aware of such misconduct.

## **Non-compliance with the code**

Adherence to this code is compulsory and any transgression will be viewed as gross misconduct resulting in his/her ACFE SA chapter membership being terminated.

As a Specialist Healthcare Forensic Investigator you, expressly agree to the following:

- To maintain a sound knowledge of the code of conduct, policies and objectives of the ACFE SA chapter.
- To conduct investigations in a manner that will not detract from or damage the reputation of the ACFE SA chapter or its authorised representatives in any way.
- There should be clear principles of good practice outlining how Specialist Healthcare Forensic Investigators should conduct forensic examinations.
- Drawing on the widest range of good practice, this code will further regulate Specialist Healthcare Investigator methodologies of addressing, forgery, fraud, white-collar, related crimes committed, to help ensure that the highest standards are applied and maintained.

## **Application**

- This Code applies to all Specialist Healthcare Forensic Investigators engaged or acting on behalf of consulting companies carrying out duties involving the comprehensive forensic examination of disputed/questioned documents.

## **Breach of the Code of Conduct**

- A breach of the Code of Conduct will be investigated and, where appropriate, dealt with under disciplinary procedure.

### **Provisions: General Conduct**

Specialist Healthcare Forensic Investigators to whom the Code applies to must not:

- Exceed their actual authority or hold them out as having any authority not provided by legislation
- Act in any way which exceeds the actual limits of their powers
- Misuse their official position for any benefit or gain for themselves or another

### **Legislation and other Guidance**

- Pursue all reasonable lines of inquiry
- Ensure that all material which may be relevant is recorded
- Ensure all applicable provisions of the Criminal Procedures Act(CPA) are abided by in relation to the requesting or provision of information relating to benefit a forensic examination of disputed/questioned document.
- Ensure that the test of fairness is observed in relation to the gathering of information
- Observe all other applicable legislation and internal and external guidance.

### **Evidence Witnesses and Suspects**

Specialist Healthcare Forensic Investigators to whom the Code applies must not under any circumstances:

- Conceal or fabricate evidence or knowingly allow any evidence to be fabricated or concealed
- Accept from or offer any inducement, bribe or other advantage to any witness, claimant or informant
- Use any information gathered in the course of their duties for personal gain or coercion or otherwise misuse such information

### **Disclosure of Interests**

- Specialist Healthcare Forensic Investigators must declare any circumstances or interests which may affect their ability to conduct a forensic document examination independently or objectively.

### **Safeguarding Information**

Specialist Healthcare Forensic Investigators must treat all information gathered or received during the course of an examination as confidential and must not deliberately or negligently:

- Disclose such information to an unauthorized 3rd party
- Reveal the source of information to an unauthorized 3rd party
- Unless the disclosure is prescribed by law.

## **Personal Injury and Damage to Property**

Specialist Healthcare Forensic Investigators must exercise all reasonable care to prevent injury or loss or damage to public or private property and must not enter public or private property except on the invitation of the occupier or responsible person or police officer.

- Deliberately or negligently destroy or damage any property or evidence
- Seize or retain any property or evidence without lawful authority
- Use or threaten physical violence towards a colleague or member of the public.
- Specialist Healthcare Forensic Investigators must conduct themselves with integrity.
- Specialist Healthcare Forensic Investigators must be fair, honest and impartial in dealings, and treat others with dignity and respect.
- Where Specialist Healthcare Forensic Investigators are aware of possible conflicts of interest, they must avoid conflicts of interest when they are avoidable, and declare conflicts of interest when they are unavoidable.
- Specialist Healthcare Forensic Investigators must be aware of obligations to maintain confidentiality of information. Specialist Healthcare Forensic Investigators must not use this information for personal gain, nor to the detriment of its stakeholders.
- Specialist Healthcare Forensic Investigators must exercise due skill, care and diligence in performing duties and acknowledge their responsibility to maintain currency of our knowledge, skills and technical competencies

## **Application of the Code of Conduct**

- It is important to recognize that in applying this Code of Good Practice, the personal characteristics of honesty, sincerity, impartiality and trustworthiness are key guiding attributes.
- The effectiveness of the policies relies on responsibility for their own behaviour and being committed to the standards.

## **Integrity**

- Specialist Healthcare Forensic Investigators should act with honesty, sincerity and integrity in their approach to their work.

## **Conflicts of interest**

- Specialist Healthcare Forensic Investigators should be free of any interest (financial or otherwise) which might be regarded as being in conflict or incompatible with their integrity and objectivity.

### **Confidentiality**

- Specialist Healthcare Forensic Investigators must protect the confidentiality of information acquired in the course of their work.

### **Fair and honest dealing**

- Specialist Healthcare Forensic Investigators must be fair and not allow bias or prejudice to influence or override their objectivity in academic, research, administrative, business or management matters.

### **Ethical behaviour**

- Specialist Healthcare Forensic Investigators should conduct themselves in a manner which is consistent with the ACFE intentions, reputation, and functions for which it was created. Specialist Healthcare Forensic Investigators should refrain from any conduct which might bring discredit to the ACFE.
- They should not allow dishonesty, personal prejudice or bias to influence their conduct of their employment.
- They should not accept gifts, benefits or hospitality if their nature and value may be seen as compromising their objectivity and influencing them in their official capacity.
- Their actions should be fair, honest, and truthful.
- They should avoid actual or perceived conflicts of interest.
- They should not condone the use of any statement which is misleading, false or deceptive.
- They should conduct themselves with care and skill, and ensure their actions do not conflict with the requirements of integrity and objectivity of any Act.
- They should not use confidential or other information for personal advantage or for the advantage of another.

***Examiner Education and Training – Please indicate minimum qualification, experience, compliance requirements and operational requirements for the specific Specialist Healthcare Investigator discipline. Training material/modules/qualifications to be specified, if they exist.***

<b>A) KNOWLEDGE AND SKILLS – SPECIALIST HEALTHCARE FORENSIC INVESTIGATOR</b>	
FORMAL EDUCATION	<ul style="list-style-type: none"> <li>➤ Grade 12 + CFE QUALIFICATION</li> </ul>
EDUCATION AND TECHNICAL TRAINING FOR A SPECIALIST HEALTHCARE INVESTIGATOR	<ul style="list-style-type: none"> <li>➤ Served a 12 month mentorship under a recognized senior Specialist Healthcare Forensic Investigator OR has attended the ACFE SA recommended course in Specialist Healthcare Forensics.</li> <li>➤ Required - Membership of the ACFE</li> <li>➤ Required – Certified Fraud Examiner</li> <li>➤ Recommend – experience in the law enforcement environment</li> <li>➤ Required – experience in the investigation environment</li> <li>➤ Required – Academic background based on one or more of the following, degrees in any of the healthcare disciplines, BCom, Accounting, financial, law.</li> </ul>
CFE REQUIREMENTS	<p>Meet the following requirements:</p> <ul style="list-style-type: none"> <li>➤ Should be an Associate Member of the ACFE: Membership is a requirement to take the CFE Exam. If you are not already an Associate member of the ACFE, you must first become a member to pursue the CFE credential.</li> <li>➤ Minimum Academic requirements:</li> <li>➤ Generally, a minimum of a Bachelor’s degree (or equivalent) from an institution of higher learning. No specific field of study is required. If you do not have a Bachelor’s degree, you may substitute two years of fraud-related professional experience for each year of academic study.</li> <li>➤ Minimum Professional requirements: At the time you are certified, you must have at least two years of professional experience in a field either directly or indirectly related to the detection or deterrence of fraud. For more information please visit: <b>www.acfe.com</b></li> <li>➤ Be of high moral character</li> <li>➤ Agree to abide by the Bylaws and Code of Professional Ethics of the Association of Certified Fraud Examiners.</li> </ul>
EXPERIENCE	<ul style="list-style-type: none"> <li>➤ Strong forensic experience in medical insurance / healthcare environment (3 years)</li> <li>➤ Recommended: The ability to present expert evidence during judicial process up to High Court level</li> <li>➤ Required: Report writing skills, compilation of case dockets/files, affidavits and investigative reports</li> <li>➤ Recommended: The ability to articulate, with accuracy details of time-frames/lines</li> <li>➤ Recommended: Data analytics and Risk Management</li> <li>➤ Required: Medical claims knowledge, inclusive of Coding and Billing processes</li> <li>➤ Required: Knowledge of Healthcare legislation and the various regulatory bodies</li> </ul>

KNOWLEDGE	<ul style="list-style-type: none"> <li>➤ Professional Standards / Guidelines &amp; Methodology</li> <li>➤ Workable knowledge of the judicial environment</li> <li>➤ Workable knowledge of business efficiency</li> <li>➤ Workable knowledge of the investigation environment</li> </ul>
OTHER REQUIREMENTS	<ul style="list-style-type: none"> <li>➤ Adherence to the ACFE Code of Ethics and Professional Standards</li> <li>➤ Exemplify the highest moral and ethical standards</li> <li>➤ Demonstrate business efficiency skills</li> <li>➤ Agree to be vetted (Criminal &amp; Credit)</li> <li>➤ Abide by the professional CPD / CPE requirements set by the ACFE</li> </ul>

**Forensic Processes**

- Apply internationally accepted Healthcare forensic methodologies in the investigation of alleged Healthcare fraud, waste and abuse in line with best practice methodologies.
- Application of Healthcare forensic methodologies in an objective and independent manner.
- Presentation of material evidences in a clear and concise form which is relevant to the judicial process and expert testimony
- Have access to international journals and publications in Healthcare forensics to continuously update and compliment self-education

***Document compiled by: Lynette Swanepoel***

***22 February 2017***

***Document Reviewed by: ACFE SA Healthcare Forum Steering Committee***

***27 February 2017***

***Document Approved by: ACFE SA Forensic Standard Committee***