

Information about Clalit's Investigation Committee

What is an investigation committee? How do you contact it? How do you contact the State Ombudsman or Clalit's Ombudsman's offices in the community and in hospitals? Here's a guide

07/08/2019

The National Health Insurance Law, 5754–1994 stipulates that an Health Maintenance Organization (HMO) may set forth arbitration or mediation procedures in its Articles of Association to handle its members' claims, provided these procedures are held at the request of the HMO members.

Clalit has established a neutral arbitration institution called **Clalit's Investigation Committee**, whose role it is to investigate petitions made by its members and hold consensual arbitration on issues under dispute arising between them and Clalit.

The Jurisdiction of Clalit's Investigation Committee

These are the issues under the jurisdiction of the Investigation Committee:

1. A refusal or denial by Clalit to provide any of its members the health services stipulated in the 2nd Addendum to the National Health Insurance Law (to clarify: the 2nd Addendum to the Law specifies all the medical services to which HMO members are entitled).
2. A decision made by an appeals committee in Clalit's Supplemental Healthcare Services (SHABAN).

The issues which the Investigation Committee is not authorized to hear or deliberate on:

1. Disciplinary issues regarding Clalit employees or service providers on its behalf.
2. Negligence by Clalit (including medical negligence).

3. Issues brought before the courts—whether a ruling has been handed down or the matter is still pending (unless the presiding court has given its approval to the member to petition the Investigation Committee during the legal proceedings).
4. Issues that are not under Clalit's jurisdiction by law.

Why you should hold a proceeding before the Investigation Committee

By law, a Clalit member may file a claim with the labor court regarding a decision by Clalit in his or her matter. However, due to the complexity that can sometimes be involved in submitting such a claim, as well as the resources such a proceeding requires, many members prefer to petition the Investigation Committee, which operates in a quick, efficient, and neutral manner, without burdening the member with the financial costs of submitting a claim to the labor court (e.g. court and attorney fees).

Contacting the State Ombudsman

Clalit customers may contact the State Ombudsman if they choose to do so.

A patient seeking to submit a complaint against the HMO or an HMO service provider (and this includes hospitals who provide services to the HMOs), whether on matters relating to the patient's rights in regards to the national healthcare basket of services, or the plan for additional healthcare services, or any other issues related to his or her rights as a patient and insured person, may contact the Ombudsman under the National Health Insurance Law at the Ministry of Health. (Submissions can also be made to the Ombudsman regarding matters under the Ministry of Health's insurance responsibility pursuant to the 3rd Addendum to the National Health Insurance Law.)

Contact can be made in the following ways and with the relevant documents attached:

- Telephone: *5400 or fax: 02-5655981
- Email: kvilot@moh.health.gov.il
- Mail to: 39 Yirmiyahu St., Jerusalem.

Management of the Investigation Committee

The members of the Investigation Committee are representatives of the public, Clalit members, appointed from time to time by Clalit's Board of Directors.

A designated panel of three public representatives (a chairperson and two panel members) is assembled to deliberate each petition made by a Clalit member.

This panel will rule on the member's petition after its deliberations and after it holds arbitration it according to Clalit's Articles of Association.

All the Committee members work voluntarily.

Deliberation when a panel member is missing

If one (and no more than one) panel member is prevented from appearing for the deliberation, the panel members that are present, with the consent of all parties, may discuss the petition and issue a ruling on the matter.

However, if one of the parties does not consent to this, the deliberation is to be postponed to a future date.

If one of the arbitration panel members has begun to deliberate and is then prevented from continuing, another member is to be appointed in his or her place. In such an event, the panel chairperson may decide to continue the deliberation or begin it anew.

Every decision by the panel of arbitrators is made by majority vote.

The panel of arbitrators rules to the best of its judgment, based on the arguments and evidence presented before it. The arbitrators are not subject to the rules of evidence, but they are subject to substantive law and must justify their decisions.

The panel of arbitrators is authorized to propose a settlement agreement to the parties.

Likewise, with the parties' consent, the panel of arbitrators may rule on the matter before it by means of a compromise.

The panel of arbitrators may make an interim decision instructing one of the parties to complete additional documents or provide clarification—within a timeframe determined by the panel - prior to making a final decision on the matter.

After hearing the parties' claims (and receiving clarifications and/or documents as mentioned above), the panel of arbitrators will arrive at a final and well-reasoned decision in the absence of the parties, which will be sent to the parties within 14 work days from the day it was made.

The arbitrating panel's decision is final and neither party will have the right to cancel or appeal it unless under the stipulations of Sections 24 and 29 of the Arbitration Law, if applicable.

The statute of limitations that applies to petitions brought before the Investigation Committee is as stipulated by the Law.

Ways of petitioning the Investigation Committee

A member's petition to the Investigation Committee shall be made through [a form that can be downloaded here](#) or by sending a written request to the Committee's secretariat in one of the following ways:

Mail to: 101 Arlozorov St. Tel Aviv, POB 16250, Zip. 62098

Email to: birurim@clalit.org.il

Fax: 03-7425100

The Investigation Committee Coordinator is Ms. Eti Levi

Within 30 days of receiving the member's petition the secretariat will announce the date set for deliberating the petition before a panel of arbitrators, provided all the documents necessary for the discussion are presented to the panel.

The deliberation will take place within 60 work days from the moment the documents have been completed by the member.

Key points for Clalit members petitioning the Investigation Committee

1. The member's petition must be explained, and be accompanied by the written decision of Clalit's authorized body that has denied or refused to approve the

member's request for service, regarding which the member is seeking arbitration vis-à-vis Clalit.

2. All the documents supporting the member's argument, and any other document the member would like to present before the Investigation Committee, must be attached to the member's petition.
3. The Committee's secretariat may ask the petitioning member to attach additional documents to support his or her petition, and may stipulate that this is a required condition for setting a deliberation date. If the documents are not submitted as required, the secretariat will issue an announcement that the case has been closed.

Appearing before the Investigation Committee

A Clalit member seeking to have their petition deliberated in his or her absence will provide advance written notice of this to the Committee's secretariat in one of the contact methods specified above.

If a Clalit member has been summoned and fails to appear at the deliberation, or has postponed the date twice of their own accord without providing a reason acceptable to the panel chairperson, the panel may hold the deliberation and rule in the member's absence.

A Clalit member who petitions the Committee may bring documents and/or witnesses before the arbitrators to support his or her claims, provided the member has notified the secretariat at least 10 work days prior to the deliberation date. The summoning of witnesses also requires the permission of the panel of arbitrators.

A Clalit member who petitions the Investigation Committee and is represented by an attorney or other representative on their behalf, will notify the Committee of this in writing, through the secretariat, at least 10 work days prior to the deliberation date.

In the event that a Clalit member has not issued notification regarding their representation as stated above and has arrived with their attorney or representative, the arbitration panel may decide to hold the discussion without allowing the attorney or representative to participate in it, or may decide to postpone the deliberation to a later date, if the panel deems it just under the circumstances.

If a legal guardian has been appointed for a Clalit member, the guardian is to present the documents confirming and supporting their guardianship. This is a condition for processing the petition. If a member has died, the person lawfully replacing them, under an inheritance order or an order to uphold a will, may petition for arbitration proceedings on the member's behalf and in their place.

The significance of petitioning the Investigation Committee

From the moment a Clalit member has petitioned for a hearing before Clalit's Investigation Committee, that member and Clalit are considered to have agreed to accept the ruling of the arbitrating panel appointed by the Committee to arbitrate the matter.

The Clalit member needs to be aware that once the arbitrating panel has ruled on the matter, neither the member nor Clalit will have any right to resolve the dispute in any other judicial institution or court. In fact, the Clalit member and Clalit itself thereby agree that the arbitrating panel's ruling in the framework of the Investigation Committee is final and binding in the matter.

The chapter on the Investigation Committee in Clalit's Articles of Association is an arbitration agreement as this term is defined in

Section 1 of the Arbitration Law, 5728–1968 in reference to Clalit's members, bodies, institutions, and representatives.

These information sheets are given to Clalit members to provide further explanations regarding the chapter on the Investigation Committee.

A member who petitions the Committee is required to confirm having received this information by signing at the bottom of this document. With this signature, the Clalit member confirms that he or she has both read and understood the binding details regarding the matter in Chapter 6 of Clalit's Articles of Association, which [appear here](#).

Please note:

- If the [attached document is not signed](#) and submitted to the secretariat of the Investigation Committee in advance, the secretariat will not be able to set a date for the Committee to deliberate on your matter (the document must be physically signed).
- If the petitioner seeking to appeal before the Investigation Committee is a minor or dependent, his or her legal guardian must sign this document.

If you have contacted another function within Clalit or outside of it regarding the same matter, it is your responsibility to report this to the Investigation Committee's secretariat in advance.

I, the undersigned, (full name) _____ . ID no.

_____ confirm that I have read and understood the information specified in these information sheets and the chapter on the Investigation Committee in Clalit's Articles of Association. This information was provided to me as part of my petition to have an issue brought before the Investigation Committee for arbitration.

The following are my instructions to the Investigation Committee regarding the management of the arbitration proceeding (mark the option you choose):

I ask that the arbitration deliberation be based on the documents I have attached to my petition, without me having to appear before the panel of arbitrators.

I ask that the arbitration deliberation take place in my presence / in my presence as the legal guardian of the petitioner.

I ask that the arbitration deliberation be held with the participation of my attorney, Mr./Ms./Adv. _____.

Date _____,

Signature _____.

I made a mistake, I want to petition Clalit's Exceptions Committee

[Just click here and see how it's done](#)