

## Possible breaches: Private Health Insurance Act 2007 and Competition and Consumer Act 2010

( my report is not on this website, however almost all of the information contained in the report is on the website)

### Private Health Insurance Act 2007

63-5 (2) a product is all the insurance policies issued by a private health insurer. (a) that cover the same treatments (b) that provide benefits that are worked out in the same way (c) whose terms and conditions are the same as each other.

- Unequal administration occurred by **HCF**. See **MediGYM** report sections 6,7,8,9,10,11, 13\*\*, 18.

211-5 9 (b) to provide for the external management of health benefits funds in a way consistent with the interests of those policy holders

- Unequal administration occurred by **HCF**. See **MediGYM** report sections 6,7,8,9,10,11, 13\*\*, 18.

235-1 Part (a) assisting people who have made complaints relating to private health insurance to resolve these complaints; and , (b)investigating the practices and procedures of private health insurers, (c) mediating between private health insurers and health care providers.

- Mediation has not been entertained, even though **HCF** withheld rules, isolated **MediGYM** prior to releasing rules to the industry, PHIO were made aware that **HCF** encouraged an isolated practice to switch item numbers for services that were not listed.

241-1 Who may make a complaint (c) a health care provider

241-10 Grounds for complaint (a) any matter arising out of or concerned with a private health insurance arrangement.

- Unequal administration occurred by **HCF**. See **MediGYM** report section 13\*\*.

### Competition and Consumer Act 2010

Pg 256 Part IV Restrictive trade practices, Division 1A Anti-competitive disclosure and other information. Section 44ZZS (2) (C) the circumstances in which goods and services are supplied.

- Unequal administration occurred by **HCF**. See **MediGYM** report sections 6,7,8,9,10,11, 13\*\*, 18 13\*\*.

**HCF** actively encouraged incorrect item numbers for services (560-groups, 561-class)  
Withheld multiple communication attempts about rules to **MediGYM**. **MediGYM** report section 3.  
On-site audit with aggressive actions, 40 days prior to releasing rules to the industry. No advanced warning of regulations or policies.

- Private meetings with another Physiotherapy practice. **MediGYM** report section 13\*\*.

I believe **HCF** allowed company X, to claim even though they did not fulfil their terms and conditions- e.g. full notes. Allowed company x to claim ongoing eg back pain 8 years twice a week and only 3 assessments in 8 years. (Group Physiotherapy is required to have an assessment every session).

pg 289. Restrictive Trade Practices Part IV, Division 2. Section 46. Misuse of Market Power (1) A corporation that has a substantial degree of power in a market shall not take advantage of that power

in that or any other market for the purpose of:

(a) eliminating or substantially damaging a competitor .... MediGYM report section 3,4. HCF staff had a standard answer for MediGYM patients at their Brookvale and North Sydney offices, when patients went to claim. "MediGYM is non-compliant".

(c) detering or preventing a person from engaging in competitive conduct in that or any other market. MediGYM report section 3,4, extra information 4. MediGYM clearly advised HCF it believed it was fulfilling its obligations in a letter dated 9/12/2014. HCF declined meetings to work to a resolution, yet worked with company X to breach rules.

Pg 318. Part IVB Industry Codes, Division 2 Contravention of Industry Codes. 51ACB.

A corporation must not, in trade or commerce, contravene, an applicable industry code.

\*\*\* Private Health Insurance Code of Conduct. (July 2014 Version 5)

Page 2. Private Health Insurance Environment. (c) the need for effective competition and cost efficiency being promoted in the private health insurance industry and the need for ensuring flexibility on the development and enhancement of products and services for consumers.

- MediGYM report section 3,4 and 13\*\*. Unequal treatment of practices.

Page 4. Part D: Intermediaries. 'we will ensure that all arrangements with any intermediary clearly and unambiguously set out the obligations of each party and are able to be verified, if required, by an audit. MediGYM report section 13\*\*. What was the arrangement?

[ ... any arrangement... (A) with integrity and honesty and in compliance with the law. ]

(i) make clear **disclosure to all consumers** who deal with the intermediary in relation to our health insurance business the nature of their relationship with our health business.

(L) comply with any relevant industry code \*\*\* HCF terms and conditions, requirement for physiotherapy notes.

- My patient stated "they [company X] would not know what her conditions were.

Pg 326. Part IVB industry Codes, Division 4 Orders to redress loss or damage suffered by non-parties. 51ADB. (1) (b) the contravening conduct caused, or is likely to cause, a class of persons to suffer loss or damage;

- HCF has had an unfair impact on MediGYM.

Pg 332. Part IVB Industry codes, Division 6. 51AE Regulations relating to industry codes.(1) The regulations may: (a) prescribe an industry code, or specified provisions of an industry code ..... (b) declare the industry code to be a mandatory industry code....

- HCF has taken actions that the rest of the industry do not understand nor agree with. MediGYM report section 13.