

BRITISH ASSOCIATION OF SPINAL SURGEONS INITIAL SUBMISSION OF EVIDENCE TO COMPETITION COMMISSION INQUIRY INTO PRIVATE HEALTHCARE

Thank you for considering a submission from the British Association of Spinal Surgeons with respect to the Competition Commission Inquiry into Private Healthcare

As an organisation, BASS has a defined interest in promoting and maintaining the highest quality of medical care for spinal conditions to UK patients, both in the public and private sectors. This care is based on the doctor-patient relationship, which is the fundamental cornerstone of medical care, regulated by the tenets of Good Medical Practice as set out by the General Medical Council, and the standards set by such organisations as the Care Quality Commission and the surgical Royal Colleges.

In Private Practice, this doctor-patient relationship takes on a commercial aspect, as the patient is buying the professional services provided by a doctor, either by using their own resources, or the resources provided through an insurance scheme bought from a PMI organisation.

Over the years, BASS has become increasingly concerned that the practices used by many PMI organisations have adversely influenced both the commercial aspect of fair competition in a market place, and also interfered with good clinical practice by directly and adversely influencing care pathways.

We would therefore like the Commission to take detailed evidence on the following issues or areas:

1. PMI Organisations restricting patients from their freedom to choose a surgeon on the basis of quality or recommendation by their approved General Practitioner, by implying that a surgeon is not 'approved' or even does not exist.
2. PMI Organisations directly interfering with a clinical referral or pathway by directing a patient to an inappropriate clinical interaction based on the costs involved in practice. For example, a patient with a spinal problem being directed to a surgeon without appropriate specialist skills in spinal surgery.
3. PMI Organisations coercing newly qualified surgeons to sign restrictive contracts or agreements by refusing access to patients insured by them to those surgeons, thereby creating barriers to entry into the Private Healthcare market.
4. The increasing complexity and risks associated with spinal surgery in particular, reflected in significant increases in indemnity cover (especially for new surgeons), which have not been recognised by PMI Organisations, again creating a barrier to entry into the market.
5. The fundamental importance of maintaining appropriate care pathways even in a commercial marketplace such as Private Healthcare, with patients with defined clinical problems having the right to be referred to doctors with the appropriate skills to deliver proper medical care.

BASS intends to submit detailed evidence on these areas to highlight areas in which we have identified endemic practice on the part of UK PMIs which restrict fair

competition in the UK Private Practice marketplace, and has created significant barriers for UK spinal surgeons entering the market and maintaining a competitive structure.

Yours sincerely

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