

# MinterEllison

2 November 2020

## BY EMAIL ONLY

Mandy Bendelstein  
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Australian Competition & Consumer Commission  
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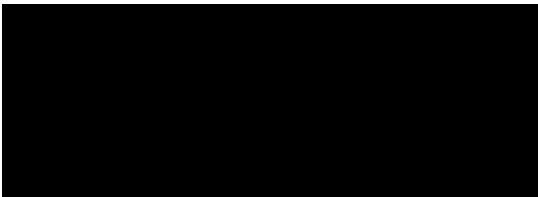
Copy to: danielle.staltari@acc.gov.au; susie.black@acc.gov.au

Dear Ms Bendelstein

### **Private Healthcare Australia (PHA) – application for authorisation AA1000487 – Fortnightly report to ACCC No 11**

1. We refer to our letter dated 19 October 2020 in which we provided fortnightly report no. 10 pursuant to condition 2 of the conditional authorisation granted to PHA by the Commission.
2. The purpose of this letter is to provide fortnightly report no. 11 which relates to the period from 19 October 2020 to 30 October 2020 and is set out in the **Annexure** to this letter and the **Attachment** to the Annexure.
3. The Annexure to this letter and the Attachment to the Annexure contain information that is confidential to PHA. This confidential information has been highlighted in the Annexure to this letter and in the Attachment to the Annexure in yellow highlighting. PHA requests that the ACCC treat the highlighted information as strictly confidential and that it be redacted from this document prior to publication on the ACCC's public register.

Please let us know if the ACCC has any questions.



Yours faithfully  
**MinterEllison**

Contact: Noelia Boscana



## Annexure 1 – Fortnightly Report to the ACCC No. 11

### 1. Report

- 1.1 This Fortnightly Report sets out the details of the following meeting that occurred during the period from 19 October 2020 to 30 October 2020:
- (a) Fortnightly CEO briefing on COVID-19.
- 1.2 The relevant details of this meeting set out below are the date of the meeting, attendees, agenda items that relate to the Proposed Conduct and a summary of the topics discussed that relate to the Proposed Conduct. The minutes of the meeting are set out as an Attachment to this report.

### 2. Fortnightly CEO briefing on COVID-19

2.1 *Date:* 1:00pm, 19 October 2020

2.2 *Attendees:*

- |     |                     |  |
|-----|---------------------|--|
| (a) | Rachel David        | Chief Executive Officer, PHA                   |
| (b) | John Hill           | Chair, PHA                                     |
| (c) | Sharon Waterhouse   | Phoenix Health Fund Limited                    |
| (d) | Mark Fitzgibbon     | nib Health Funds Ltd                           |
| (e) | Barbara Cruz        | Railway & Transport Health Fund                |
| (f) | David Brajkovic     | Australian Unity Health Limited                |
| (g) | Byron Gregory       | Health Partners Limited                        |
| (h) | Andrew Smith        | CBHS Health Fund Limited                       |
| (i) | Paul Lupo           | St. Lukes Health                               |
| (j) | Ian Whitehead       | Latrobe Health Services Limited                |
| (k) | Gerard Op De Coul   | Mildura Health Fund                            |
| (l) | Rohan Mead          | Australian Unity Health Limited                |
| (m) | Camilla Milazzo     | PHA  |
| (n) | Jen Eddy            | PHA  |
| (o) | Ben Harris          | PHA  |
| (p) | Justin James        | HIF Pty Ltd                                    |
| (q) | Rob Seljak          | Queensland Teachers' Union Health Fund Limited |
| (r) | Adam Stock          | HBF Health Limited                             |
| (s) | Simone Tregear      | Railway & Transport Health Fund                |
| (t) | Lisa Minchin        | PHA  |
| (u) | Tim Tez             | AIA Health Insurance (MO Health Pty Ltd)       |
| (v) | Gerard Fogarty      | Defence Health Limited                         |
| (w) | Andrew Wilson       | Medibank Private Limited                       |
| (x) | John Van Der Wielen | HBF Health Limited                             |

(y) Amanda Lean BUPA GI Pty Ltd

2.3 *Agenda items:*

- (a) PHI rebate
- (b) Prosthesis
- (c) Negotiation on out of hospital care
- (d) Update by Ben Harris
- (e) Update by Jennifer Eddy
- (f) Questions

2.4 *Summary:*

- (a) Dr David provided an update relating to the PHI rebate in the Federal Budget, [REDACTED]  
[REDACTED] Dr David advised that group discussion would need to be had regarding the rebate and that there has been no policy change yet.
- (b) Dr David noted that review of the Prostheses List had restarted [REDACTED]  
[REDACTED]
- (c) Dr David provided an update about the proposal in the budget relating to out of hospital care [REDACTED]  
[REDACTED] Dr David also advised that PHA had submitted a proposal for mental health services to the Department of Health.
- (d) [REDACTED]  
[REDACTED]
- (e) [REDACTED]  
[REDACTED]  
[REDACTED]

2.5 *Minutes:* the minutes of this meeting are in Attachment 1.

**3. Next Fortnightly Report**

PHA will submit the next fortnightly report pursuant to the conditional authorisation on Monday, 16 November 2020.

## Attachment 1 – Fortnightly CEO briefing on COVID-19

### Fortnightly CEO briefing on COVID19 with Dr Rachel David, Private Healthcare Australia Ltd (PHA)

1pm, 19/10/2020

Via teleconference

#### Invitees

Rachel David	Chief Executive Officer, PHA
John Hill	Chair, PHA
Sharon Waterhouse	Phoenix Health Fund Limited
Mark Fitzgibbon	nib Health Funds Ltd
Barbara Cruz	Railway & Transport Health Fund
David Brajkovic	Australian Unity Health Limited
Dario Molina	CBHS Corporate Health Pty Ltd
Byron Gregory	Health Partners Limited
Brad Joyce	Teachers Health Fund
Andrew Smith	CBHS Health Fund Limited
Paul Lupo	St.Lukes Health
Ian Whitehead	Latrobe Health Services Limited
Gerard Op De Coul	Mildura Health Fund
Rohan Mead	Australian Unity Health Limited
Camilla Milazzo	PHA
Jen Eddy	PHA
Ben Harris	PHA
Justin James	HIF Pty Ltd
Rob Seljak	Queensland Teachers' Union Health Fund Limited
Adam Stock	HBF Health Limited
Simone Tregagle	Railway & Transport Health Fund
Lisa Minchin	PHA
Tim Tez	AIA Health Insurance (MO Health Pty Ltd)
Gerard Fogarty	Defence Health Limited
Andrew Wilson	Medibank Private Limited
John Van Der Wielen	HBF Health Limited
Amanda Lean	BUPA GI Pty Ltd

#### Open

The Chair, Mr Hill opened the meeting at 1pm.

Mr Hill noted the following apologies:

- Emily Amos from BUPA GI Pty Ltd;
- Mark Fitzgibbon from nib Health Funds Ltd.

#### PHI rebate

Dr David advised that the pandemic has caused increases in public hospital funding and commented on the cost shifting that is occurring.

Dr David informed the group that discussion will need to be had regarding the rebate.

Dr David said there has been no policy change.

**Prosthesis**

Dr David noted that the general and miscellaneous review has been restarted.

[REDACTED]

Dr David commented that using more expensive options for surgery doesn't necessarily lead to better patient outcomes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Dr David said that PHA is building a road map with the help from the funds.

**Negotiation on out of hospital care**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PHA have submitted a proposal for mental health and rehab services to the Department of Health.

Dr David commented on the post government announcement that promises the sector of new reform.

[REDACTED]

[REDACTED]

**Update by Ben Harris**

[REDACTED]

[REDACTED]

Mr Harris told the group he would share the spreadsheet on rebates by the end of the week.

**Update by Jennifer Eddy**

Ms Eddy informed the group that the article on Medtronics written by Sue Dunlevy on the removal of INFUSE has been picked up by US.

**Questions**

[REDACTED]

[REDACTED]

[REDACTED]

The meeting closed at 1:24pm.