

**To urge the government to regulate the HMOs and Medical Groups through legislation – Submission by the Hong Kong Medical Association**

The Hong Kong Medical Association urges the government to regulate the HMOs and Medical groups which provide any form of medical treatment to patients through legislation.

1. All medical practitioners, institutes, clinics, hospitals and even the Hospital Authority which provides medical service to patients are now under some form of statutory regulation for the obvious reason of public health concern.
2. At the present moment, any person can apply for a business registration and can start business to employ medical practitioners to work for them to provide medical services to the public. The only legislation they need to comply with is the Companies Ordinance (Cap 32) which was purposely designed to protect the share holders, not consumers; and the term “ethics” doesn’t even exist.
3. Over the last decade, because of this legislative loophole, more and more medical groups appeared. Some are owned by medical practitioner, some are not and some became listed companies. Complaints against these medical groups had increased over the last few years as shown in the figures provided by the Consumer Council as appeared in the answer from the government. This shows that the public could only file their complaints to the Consumer Council, and no where else. Even estate agents and travel agents are under separate legislation control (Cap 511 and 218), yet companies which provide healthcare services to the public are not. Isn’t public health a major concern?
4. To say that health service is merely a professional relationship between medical practitioners and patients and has nothing to do with the business model of the medical groups reflects either the ignorance or irresponsibility of the government. Numerous examples could be provided that doctors who worked under these groups are being influenced, if not controlled by their employers whose prime target is profit. Doctors may be restricted to use the most appropriate medications because of limited charge; institute unnecessary treatment to patients to generate income; purchase dangerous drugs on behalf of the group which subsequently closed and the drug lost; use unauthorized medicines or vaccine whom the doctor doesn’t even aware. Can anyone belief that the HA administration could not influence the way the HA doctors practice?

Yeas ago, we had written to the Director of Health, Dr Margaret Chan, to ask her to regulate these medical groups according to the Medical Clinics Ordinance (Cap. 161). The reply was that the Medical Clinics Ordinance was not enacted for this purpose. We therefore urge the HKSAR government to regulate these HMOs and medical groups through legislation so that they can follow the same ethical standard as medical practitioners, who are under statutory regulation of the Medical Council and the Medical Registration Ordinance.

Therefore, we submitted that:

1. HMO must be controlled by the same principles controlling individual doctors
2. HMO must bear the legal responsibility of breaching our professional code and conduct
3. HMO must have a legal representative who is a doctor. He will be personally liable for the activities of the HMO, whether or not he is actively practising in their premises.
4. This legal representative has to be final decision maker for the running of the HMO including professional activities, marketing and finances.