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To : Panel on Health Service, Legislative Council of Hong Kong

From : Dr. Vincent Leung
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2005 - 2007

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Subject: Regulation of Health Maintenance Organizations

Matters with HMO have been discussed in the Legco, at the Hong Kong Dental Association, at the Health, Welfare and Food Bureau and many other forums for many, many times. So far, we, at the Hong Kong Dental Association, feel dejected about the prospect of HMO will ever be regulated. Our feeling at the Hong Kong Dental Association is that the Government does not want to regulate HMOs. This is the perception that I have gathered when I met with government officials in numerous meetings. In fact, I feel today is another futile waste of time and effort. I am here is because I am duty bound. The issue has been under discussion for several years and in numerous occasions. Last year, during a Legco meeting on the same issue, even members of the Legislative Council became impatient with the lack of commitment by the government, and demanded answers and actions by the authority, but then nothing came about, as usual.

The pros and cons of HMOs have been discussed and one can easily find our assertions in our previous dissertations. Today I want to present our view on how to regulate HMOs.

The proposal by the government to employ a medical director by an HMO in safeguarding patients' interest is a totally absurd idea. That means: HMO pays someone to incriminate itself. The proposal is totally asinine because how can one govern oneself, especially when it involves a money-orientated business. If the medical director of the HMO tries to thwart a lucrative but less than legal or ethical process by the HMO, he will be fired in no time.

The HKDA totally oppose the employment of a medical director by the HMO itself. If anything, the medical director should be hired by the government or by organizations set up by patient groups. The HKDA would only accept a medical director hired and paid for by an outside agency and station at the HMO premises. The HMOs may have to contribute funds to support such a set-up, which would not cost any more than hiring a medical director itself.

The Hong Kong Dental Association proposed that the best way to regulate HMOs is to register HMOs as dental and/or medical companies under the governing of the Medical or the Dental Council. For a dental company, the majority of shareholders must be dentists. If there is any inflection or violation to the law, all the dental directors will be placed responsible. Each HMO shall be treated just like an individual dental practitioner under the law. If the HMO receives a complaint, it will be subjected to a hearing by the Dental Council the same way as an individual dentist. If it is found guilty it will be punished the same way as an individual practitioner will.

To further regulate HMOs the Hong Kong Dental Association proposes that:

- 1 HMOs should be governed under the jurisdiction of the Dental Council or the Medical Council same as private practitioners, in addition to registering as business entities.
- 2 HMO companies should not be allowed to advertise and they should act according to the same standards of ethical behavior as stated in the 'Warning Notice for Dentists' issued by the HK Dental Council.



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- 3 HMOs should not be allowed to canvass or solicit patients. Cold calls on mobile phones, mail inserts should not be allowed. They should not be allowed to liaise with commercial firms, such as credit card companies, real estate developers, etc. as a benefit for using their services.
- 4 Majority of directors of a dental HMO should be dentists.
- 5 'Middle man' type HMOs that get a fee-split for recruiting patients and then referring them to dentists should not be allowed.
- 6 HMOs should not be allowed to dictate employee dentists on the type of treatment or drugs used, or coerce the dentists to sell expensive dental work.
- 7 Government should not outsource their dental services to business HMOs.

In conclusion, the Hong Kong Dental Association recommends that HMOs should be strictly regulated. HMOs provide poor quality services, they advertise unprofessionally, and they put the patients' health in jeopardy.

Complaints against HMO's have increased by 400% in the past three years. Therefore we strongly oppose the government's view on not to regulate HMOs. We feel that the government must set up laws to regulate HMOs for better health care of Hong Kong people.