

From: David Stewart
Executive Director

16 March 2022

Open letter to private healthcare providers and consultants on The Private Healthcare Market Investigation Order 2014

One of my top priorities as Executive Director at the CMA is to ensure the full and timely implementation of [The Private Healthcare Market Investigation Order 2014](#) (the Order).

The Order entered into force on 1 October 2014 and requires the performance measures of private healthcare facilities, and the performance measures and fees of consultants providing privately-funded healthcare services to be published by the [Private Healthcare Information Network](#) (PHIN).

Full compliance was expected by 30 April 2019. I appreciate that delivering full compliance has been more complicated than anyone – including the CMA – thought it would be at the outset, and I appreciate the challenges that the Covid-19 pandemic has placed on the healthcare sector. Having said that, I am determined that we now press forward to complete this implementation phase and to deliver the benefits to patients that will flow from better quality healthcare information.

With the help of the Independent Healthcare Provider Network (IHPN), PHIN has convened a Partnership Forum to advise on a number of challenges and issues, and to help produce an agreed plan by the end of June 2022 to deliver full compliance with the CMA's Order by June 2026.

I attended the Partnership Forum on 22 February 2022 and explained that the CMA's priority is to ensure that private healthcare patients receive the benefits arising from the full implementation of the Order. I was encouraged to find that the CMA Board's determination to see full implementation of the Order is matched by that of members of the Partnership Forum. I now expect the rest of the industry – private healthcare providers and private consultants – to also match that commitment.

As the content of the strategic plan will directly affect all private healthcare providers and private consultants, I urge you to engage with PHIN about your current

compliance status and any actions required. PHIN members' portal can be found here: <https://portal.phin.org.uk/>

To support this process, the CMA will now be stepping up its involvement, in terms of our engagement with PHIN and stakeholders and oversight of implementation. With that in mind, the CMA will actively review progress in agreeing a plan, with a written monthly update to be provided to the CMA by PHIN, as well as potential attendance at relevant meetings. This will allow the CMA to intervene where progress on agreeing a suitable plan does not meet the CMA's expectations.

We also appreciate that there is a need to ensure that smaller providers are also meeting their obligations under the Order. In this context, over the next year, the CMA will, in addition to supporting the agreement and implementation of the plan, be taking stock of what enforcement action, if any, needs to be taken against market participants who have not engaged properly with the Order.

Thank you for your engagement with PHIN and, in advance, for your work to deliver full compliance with the Order.

Yours sincerely,

David Stewart
Executive Director