

## **JCRA Media Release**

24 August 2006

### **GP Cooperative Given Competition Law Exemption**

The Jersey Competition Regulatory Authority ('JCRA') has granted an exemption under the Competition Law to the association formed by a majority of General Practitioners ('GPs') in Jersey, called Jersey Doctors on Call ('JDOC'), for the provision of after-hours medical care. This is the first exemption request the JCRA has received under the Competition Law, and the first exemption granted.

Through JDOC, a majority of Jersey's GPs have agreed to jointly provide medical care to their patients during the evening and night and on weekends and public holidays. JDOC does this by operating a GP Surgery within Jersey's General Hospital and also by providing house calls. JDOC provides these services in cooperation with Jersey's Health and Social Services Department ('HSS'). The programme was introduced on a trial basis in April, subject to a review by HSS and to independent enquiries by both the JCRA and the Social Affairs Scrutiny Panel.

The members of JDOC had requested an exemption under Article 9 of the Law. This exemption was considered necessary because JDOC's members agree on the prices for the services provided through the cooperative (at least some of which were provided independently by GPs prior to joining JDOC). Without an exemption, this agreement may have been found to infringe the Law's prohibition on price fixing.

The JCRA may grant an exemption if it concludes that the agreement provides benefits that are sufficiently passed onto consumers, and is not overly restrictive or does not otherwise eliminate competition. Our examination concluded that JDOC satisfies these criteria by providing higher quality, lower cost after-hours health care. To ensure that consumers continue to realize these benefits, the JCRA's decision granting the exemption places a number of conditions on JDOC:

- Any future increases in JDOC's consultation fees, or introduction of additional fees, must be based on corresponding increases in costs.
- A provision in JDOC's governing rules, by which participating GP practices would have agreed not to accept a new patient for a period of three months after that patient had been seen by a GP through the cooperative, was eliminated on our recommendation, thereby preserving the patient's complete freedom to select the GP of his or her choice.
- The addition of any new GPs into JDOC requires the JCRA's approval, to ensure that any such additions would not eliminate competition for the provision of after-hours medical care.
- Finally, JDOC is to provide the JCRA with information on patient satisfaction, in order to assess whether the promised benefits continue to be realized on an on-going basis.

The exemption applies to the end of March 2007, which is intended to cover JDOC's current trial period. If extended, the members of JDOC may apply to the JCRA for a longer-term exemption.

Bill Brown, Executive Director of the JCRA, said:

*'The Competition Law is ultimately there to promote the interests of Jersey consumers. Our decision fully recognizes the benefits which JDOC's new service is bringing to consumers, while containing appropriate safeguards to ensure that these benefits continue.'*

A copy of the JCRA's decision may be obtained from its website, [www.jcra.je](http://www.jcra.je). All enquiries concerning this matter should be addressed to Bill Brown on +44 (0)1534 514990.

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