

State Insurance Regulatory Authority
healthpolicyandsupervision@sira.nsw.gov.au

21 October 2022

Dear Sir/Madam,

Thank you for the opportunity to provide input to SIRA's consultation regarding recent changes to legislation which may impact service providers.

The Hearing Business Alliance is a business body, where the business, not individual clinicians, is the member. HBA currently has approximately 120 businesses as members. These businesses employ around 250 audiologists, 125 audiometrists, and 420 administrative staff in 560 sites around Australia. HBA member businesses may be owned by audiologists, audiometrists, or others. We concentrate on issues that impact small business providers in the hearing health sector.

I sought feedback from our members regarding the recent changes to legislation. Concerns about the changes raised include the feedback below:

1. removing the voice from the patient clinical relationship but leaving the success of the outcome linked to the payment of the clinic.
2. insurers directing clinical requirements
3. insurers penalising clinicians for maintaining a voice for their patients.
4. looking and sounding like bullying from the insurers.
5. looking and sounding like the body responsible for and paid for covering the medical costs is determining the management direction and costs.

Members presented some case studies as examples of the problems experienced, with one member stating: *"I can tell you about several patients now whom have been bullied out of management decisions that they chose, that would have benefited them, by their insurer's lawyers."*

One example from a provider in regional NSW: *"I recommended a cochlear implant for one of my patients for their sudden sensorineural hearing loss, which occurred as a result of a car accident on the way to work. She was identified clinically as a suitable candidate, and the surgeon had placed a Workcover invoice (as per guidelines) to the insurer. A legal team was hired and pursued her to attend a review of her case with an Ear, Nose and Throat surgeon hired by them in Sydney. She is a single mother and relies on her job to support her family and was unable to take time off work for the 6-hour round trip. So, she cancelled the appointments and received a written response which she interpreted as threatening in nature. The client eventually became so distressed she couldn't communicate with them. They sent her bills for cancellation of the appointment. She ended up stalling her treatment and I subsequently received calls from the lawyers working for the insurer who began pursuing me. I communicated that I was her clinician, responsible for solving her hearing problem, not her representative and they needed to speak to the patient, or her lawyer. She is unable to afford a lawyer. We ended up fitting her with a CROS hearing aid as she was just too stressed to pursue the cochlear implant. They agreed to pay for the CROS hearing aid and to leave her alone."*

Our member believes this behaviour, which the client found intimidating, occurred because any claims that occurred as a result of travel to or from work are now being subjected to re-evaluation.

Thank you for SIRA's consultation with hearing service providers.

Kind regards,



Jane MacDonald
Chief Executive Officer