

NZMA/IPAC Back-to-Back Agreement for General Practices contracting with PHOs

IPAC, FirstHealth and CareNET have negotiated a transitional DHB-PHO national contract (current recommended version 16.1). These negotiations continue in order to address a number of unsatisfactory clauses, of which the following are the most critical.

- Financial risk to practices
- PHO management fees
- Under sixes fees policy
- Immunisation requirements and subsidies
- Provision of 24/7 care
- Access to NHI/NHI targets

This version 16.1 transitional contract provides a basis for PHOs to enter into contracts with General Practices.

The NZMA and IPAC recognise that some General Practices contracting with PHOs may need to have support in the process of contracting with their PHO. In many cases, it will be appropriate to seek this support through your continuing relationship with your IPA. For those who have a new direct contract relationship with a PHO there is a need to ensure that you have a sound basis for that relationship.

To that end, the NZMA and IPAC have developed a back-to-back PHO-General Practice agreement (BtB). It is based on the version 16.1 contract and has been subject to extensive legal review and scrutiny by internal reference groups. It is a document that can be utilised by general practices in a number of ways:

- (a) As it stands, as a contract between an individual General Practice and a PHO.
- (b) As the basis (with appropriate amendments) for the development of a contract between an individual General Practice and a PHO.
- (c) As a resource for a General Practice or practices engaged in contract negotiations with a PHO, including a comparison with a contract proposed by a PHO.

The exact use that it will be put to will depend on the General Practice's support from an existing IPA, the relationship with the PHO, the PHO structure and governance arrangements, and the specific nature of the contract proposals.

Further explanatory notes are contained in Appendix 1.

As significant changes occur to the DHB/PHO national contract, the BtB will be updated.

We recommended that, if you have any queries regarding a back-to-back (PHO/General Practice) contract, you seek advice from your IPA and/or specific advice from your legal advisor.

For general enquiries you can contact Anna Storey (Manager – Services and Development) at the NZMA (phone 04-4724741).

We hope that you find this agreement useful.

Peter Foley
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Explanatory Notes

1. What are the main parts of the BtB?

There are four main parts to this BtB. These are:

- The two front pages which links the BtB to the Transitional PHO Agreement, lists the principles which underlie the services to be provided, lists the four schedules to the BtB Agreement and includes the signatory clauses.
- Schedules 1 and 2 that specify the obligations on the General Practice.
- Schedule 3 that lists PHO obligations.
- Schedule 4 that includes other general terms and conditions on the General Practice.

2. Schedule 1:

Schedule 1 lists obligations on the General Practice. Of these, there are some that are new, or remain the subject of negotiations, e.g.:

- Daily Record (1.5)
- Casuals Fiscal Risk (1.19)
- Information Requirements (1.21 and 1.22)

3. Schedule 2:

Schedule 2 lists obligations on the General Practice which have been modified to enable individual General Practices to deliver services and meet their obligations at a realistic level. You will note that most clauses include caveats such as "*within available resources*" or "*reasonable endeavours*". Note, for instance, that the General Practice's obligations regarding 24-hour provision of care in the BtB are to assist the PHO to meet its obligations of 24-hour access to care.

4. Schedule 3:

Schedule 3 lists obligations that the PHO must meet but the General Practice does **not** have to meet. These are included in the contract for information.

5. Schedule 4:

The 16 clauses in Schedule 4 cover general contractual terms.

A specific point to note is that termination of a PHO/General Practice contract means that GPs can return to providing services under the Section 88 Notice.