

Authority

This standard has been approved by the Australian Health Workforce Ministerial Council on 31 March 2010 pursuant to the *Health Practitioner Regulation National Law (2009)* (the National Law) with approval taking effect from 1 July 2010.

Summary

All medical practitioners who undertake any form of practice must have professional indemnity insurance (PII), or some alternative form of indemnity cover that complies with this standard, for all aspects of their medical practice.

Initial registration and annual renewal of registration will require a declaration that the medical practitioner will be covered for all aspects of practice for the whole period of the registration.

Scope of application

This standard applies to all applicants for initial medical registration and for renewal of medical registration. It does not apply to medical students and medical practitioners who have nonpractising registration.

Requirements

1. Medical practitioners practise in a wide range of settings and employment or contractual arrangements. They must be insured or indemnified for each context in which they practise.
2. If a medical practitioner is specifically precluded from cover for any aspect of practice under their insurance or indemnity arrangements, they must not practise in that area. Practising without appropriate and adequate cover is a breach of the legal requirements for registration and may constitute behaviour for which health, conduct or performance action may be taken [National Law s 129(4)].
3. All practitioners will be asked at the time of their initial application for registration and at any subsequent renewal of registration to declare that they have met or will meet the PII requirements set by the Board under this standard, during the period of the registration. This declaration will be subject to audit.
4. The following requirements must be met:
 - a) All medical practitioners covered by this standard must complete a declaration that there is in force or will be in force appropriate insurance arrangements to cover their scope of practice for the period of the proposed registration or renewal. This requirement applies to private and public practice, to self-employed practitioners and those employed by others.

- b) Practitioners in private practice must retain relevant records and, if required by the Board, provide written advice from an approved insurer or insurance broker that PII has been issued or that a premium has been paid and accepted for the issue of PII. Generally this will be in the form of a certificate of insurance, a certificate of currency or policy schedule.
- c) Practitioners who practise in employment whose insurance cover is provided by their employer are required to retain documentary evidence of their insurance where such documentation is provided by their employer but are not required to seek such documentation where it is not automatically provided to them. Medical practitioners who do not have such documentation may be required by the Board to seek documentation from their employer.

5. Practice contexts and the usual nature of insurance cover include:
 - a) private practice — PII with an approved insurer; the cover must include run-off cover
 - b) employment in the public sector or contractual arrangements — cover under a master policy or legislation
 - c) other indemnified employer — employee or contractual arrangement with a nongovernment employer who holds the appropriate insurance to cover the medical practitioner
 - d) statutory exemption from liability — employed as a medical practitioner and exempted from liability under a State or Commonwealth Act
 - e) practitioner working overseas — a medical practitioner registered in Australia but practising exclusively overseas must make a declaration to the Board but is not required to provide evidence of professional indemnity insurance.

Where the scope of medical practice of an individual medical practitioner does not include the provision of health care or medical opinion in respect of the physical or mental health of any person, PII will not be required for the purposes of registration.

Definitions

Approved insurer is an insurer approved by the Board. The Medical Board of Australia has published a list of approved insurers.

Health care is defined as ‘any care, treatment, advice, service or goods provided in respect of the physical or mental health of a person’.



Practice means any role, whether remunerated or not, in which the individual uses their skills and knowledge as a health practitioner in their profession. For the purposes of this registration standard, practice is not restricted to the provision of direct clinical care. It also includes using professional knowledge in a direct non-clinical relationship with clients, working in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession.

Professional indemnity insurance arrangements means arrangements that secure, for the practitioner, insurance against civil liability incurred by, or loss arising from, a claim that is made as a result of a negligent act, error or omission in the conduct of the practitioner. This type of insurance is available to practitioners and organisations across a range of industries and covers the costs and expenses of defending a legal claim, as well as any damages payable. Some government organisations under policies of the owning government are self-insured for the same range of matters.

Run-off cover means insurance that protects a practitioner who has ceased a particular practice or business against claims that arise out of activities which occurred when he or she was conducting that practice or business. This type of cover may be included in a PII policy or may need to be purchased separately.

Review

This standard will commence on 1 July 2010. The Board will review this standard at least every three years.

