



Chiropractic
Dental
Medical
Nursing and Midwifery
Optometry

Osteopathy
Pharmacy
Physiotherapy
Podiatry
Psychology

Communiqué – Professional Indemnity Insurance Standard

The *Health Practitioner Regulation National Law Act 2009* (QLD), as enacted in each State or Territory (the National Law), is now in force.

This communiqué is to remind registered health practitioners of the requirement to maintain appropriate professional indemnity insurance cover consistent with each National Boards approved registration standard. Section 129 of the National Law states that a ‘registered health practitioner must not practise ... unless appropriate professional indemnity insurance arrangements are in force’.

Each National Board and the Australian Health Practitioner Regulation Agency (AHPRA) seek to ensure the public have access to compensation where required; and practitioners are adequately protected, by having appropriate insurance coverage.

This purpose may be achieved by practitioners taking out their own insurance cover, or through arrangements arising out of the practitioner’s employment whereby the practitioner will be covered by the employer’s professional indemnity insurance or alternative coverage arrangements. Such arrangements are especially relevant to practitioners who are employed in the public sector and engage solely in public sector work.

Each National Board and AHPRA encourage practitioners to consider whether private insurance coverage is necessary in their individual circumstances, and if so what level of insurance coverage is required. Specifically, health practitioners should have regard to matters including:

- the availability of run-off cover (if ceasing to practise the health profession);
- the retroactive effect of the insurance coverage; and,
- the scope of their practice.

Professional indemnity insurance coverage may be on the basis of an ‘occurrence’ or ‘claims made’ policy. An ‘occurrence’ policy provides indemnity for any incident which occurs during the coverage period, regardless of when a claim is made, even if the policy has not been renewed. A ‘claims made’ policy will only respond to claims made against the insured and notified to the insurer during the period of insurance. Public sector employees may be indemnified under an ‘occurrence’ policy, and there is therefore no requirement for retroactive cover and run-off cover. Health practitioners who are employed may wish to request clarification from their employer regarding the scope of the coverage arrangements which may be in place.

National Boards are considering clarifications to their approved registration standards for professional indemnity insurance. Before any changes are proposed to the Ministerial Council, consultation will occur.