



Practice Indemnity

Protect your Practice

Effective 1 July 2019

Keep on practising with confidence

You can have peace of mind knowing we're by your side, helping to protect your practice entity and your employees against medico-legal and reputational risks.

We're here to support you in many different ways, so you can keep on focusing on patient care.



Individualised advice & support

- ▶ Medico-legal helpline with 24-hour support for emergencies
- ▶ Expert medico-legal advisers and claims managers who handle every concern
- ▶ Direct local contact and personalised service from your State Business Development Manager
- ▶ Advice from our Support in Practice team to help you identify potential risks that could lead to complaints or claims



Benefits tailored to your needs

- ▶ Complimentary education and on-demand knowledge resources
- ▶ *Practice Manager Bulletin* and medico-legal blogs to keep you and your staff informed
- ▶ Up to 50% off your Practice Indemnity Insurance premium depending on the number of practitioners who are MDA National members



Protecting you from cyber risk

- ▶ Complimentary cyber risk cover^{*} for practice policyholders until 30/06/20 for cyber-related privacy breaches, network security liability, media liability, cyber extortion, business interruption and incident responses, including a 24/7 cyber crisis hotline
- ▶ Cyber risk education for MDA National members, practice managers and practice staff including access to education sessions, cyber risk updates, and practical online resources from global cyber risk experts

^{*}Cyber Enterprise Risk Management Insurance Policy is arranged by Jardine Lloyd Thompson Pty Limited (ABN 69 009 098 864, AFSL 226 827), underwritten by Chubb Insurance Australia Limited (ABN 23 001 642 020) and can be accessed by new and current MDA National Practice Policyholders until the earlier of 30/06/20 or their ceasing to hold a current MDA National Practice Indemnity Policy. The Cyber Enterprise Risk Management Insurance Policy terms, conditions, exclusions, limits and deductibles apply.

Summary of covers*

Our extensive practice indemnity insurance cover is designed to complement your individual professional indemnity cover.

► What's covered?

Civil liability	The Policy insures the entity and insured persons for civil liability claims against the entity or the insured person arising directly in connection with the provision of healthcare services.
Choice of Policy limits	Choice of two policy limits: either \$10m or \$20m, in the aggregate of all claims.
Acts of contractors & health professionals	Cover for the practice entity where the practice is named in proceedings due to error or omission of a contractor or medical practitioner. The contractor or health professional's individual liability is not included.
Good Samaritan acts	Cover for rendering emergency medical assistance where your employee is in attendance as a bystander acting on behalf of the practice and where there is no expectation of payment or other reward.
Telehealth	Providing healthcare services over the internet, via video conference or phone where both the insured and patient are located in Australia.
Run-off cover	Offered when the practice has ceased trading to ensure there is cover if a claim were to arise from the period of trading.
Continuous cover	If an active policy is in place, it will be able to respond to valid claims arising from a prior policy period for which the practice held indemnity.
Defence costs for claims	Included as part of the total indemnity limit for any claim covered under clauses 1, 2, 3 & 4.
Clinical trials	Cover for civil liability claims against the practice or an insured person for health care provided as part of a clinical trial or research project carried out with the approval of an ethics committee.

Privacy complaints

Cover for unintentional breaches of privacy arising in connection with the provision of healthcare services. Includes cover for unintentional breaches arising from the use of Personally Controlled Electronic Health Records.

Notifiable conduct protection

Cover for a civil liability claim (including a claim for defamation) for reporting an incident or health professional in good faith or participating in the investigation of the incident or health professional.

Intellectual property disputes

Defence costs for infringement of copyright, trademark, patent or registered design in the course of provision of healthcare services.

Defamation

For defence costs incurred in relation to actual or alleged unintentional defamation arising out of healthcare services.

Competition, consumer and fair trading

Cover for costs for claims or allegations of breach of the Competition & Consumer Act, Trade Practices Act or equivalent.

Manufacture, supply & advice on goods and products

Covered if it is an intrinsic part of the healthcare services provided by, or on behalf of, the practice.

Employment disputes

Legal fees incurred defending a claim made by a former, current or proposed employee or contracted staff (including health professionals) relating to a contract under which they are engaged to assist you to provide healthcare services.

Loss of documents

Reasonable costs of replacement or restoration of lost or damaged physical or electronic documents which were in your possession or entrusted to another in the ordinary course of your business.

Non-imputation and severability

If there are multiple insureds or entities who are covered, the acts of one insured that would normally exclude or reduce cover would not impact other insureds who were innocent.

Subsidiaries

Additional entities or locations may be included if the healthcare services are also being provided by the practitioners and insured across these entities/locations.

Joint venture liability

Subject to Underwriting approval.

Real-life case scenario

Records of a deceased patient

➔ Who is covered?

Definition of an “Insured Person”

Insured person means the following as long as they are not engaged in the provision of healthcare services as a medical practitioner or dental practitioner:

- (a) past, present and future:
 - (i) principals and partners of the Practice entity;
 - (ii) employees of the Practice entity; and
 - (iii) students under a work experience program at the Practice entity premises to provide or assist in providing healthcare services; and
- (b) the executory or administrator of the estate of someone referred to in (a) above.

A practice manager received an urgent request for medical records for a recently deceased patient. The patient’s usual doctor was on annual leave and the written request included a copy of a power of attorney. The practice manager provided a copy of the records, believing that the requesting party had appropriate authority. Two weeks later, the practice received an aggressive letter from lawyers acting for the executor of the patient’s estate demanding to know why a copy of the medical records had been provided to the deceased patient’s estranged son who had held power of attorney only for a brief period many years ago. When the lawyers requested a written response and threatened to report the matter to the Office of the Australian Information Commissioner, the practice manager sought our advice. We discussed the legal requirements when providing access to medical records (even if the patient is deceased). We helped the practice manager respond to the lawyers, and to set up systems and staff education to prevent a similar incident.

Supporting 54,000+ members
and insureds across Australia
— we're invested in you.

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This information is intended as a guide only. We recommend that you always contact your indemnity provider when you require specific advice in relation to your insurance policy.

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