

Making sense of professional indemnity insurance

As a general practice nurse, you may have a 'personal exposure' for the healthcare you provide.

A personal exposure might mean a civil liability claim for damages or compensation being brought against the individual. This is regardless of whether you are an employee or not.

Professional indemnity insurance generally covers for civil liability claims made against you as a result of your professional services. Examples of civil liability claims include (but are not limited to): an adverse or unexpected outcome for a patient, or an error or omission on your part while providing your professional services; and a breach of patient confidentiality, or libel and slander. Professional indemnity insurance also covers: an unintentional breach of Trade Practices legislation, or unintentional infringement of rights to intellectual property; and claims arising from rendering, or failing to render, emergency first aid and assistance (Good Samaritan Acts).

The role of a general practice nurse has expanded to the point that, in certain situations, the nurse is the only healthcare provider seen by the patient. While GPs are responsible for making sure current insurance is in place for themselves, it is up to the practice or the individual person to ensure they are covered sufficiently.

Q. Does the doctor's malpractice insurance cover me?

This is a difficult one to advise on in a general context, as each doctor and each practice has its own set of circumstances. In general, most medical defence organisations only cover a nurse when the doctor has given specific instructions and/or is supervising the procedure, i.e. is in the room with you and the patient. As this is not always the case, it is possible for the doctor's insurance cover to not extend cover in the event of an incident, leaving you responsible for your own defence and possible costs. While a general query may lead to a positive response, each claim is taken on its own merits, leaving this possible gap in cover.

Q. I perform 'certain' procedures/activities. Am I covered for this?

In general, you are most likely covered for the duties and activities of a general practice nurse, meaning that all of the common nursing activities that you are trained in are included. Further training, for example in Pap smears or immunisations, can allow you to perform other activities. These will be covered as long as you hold current and accepted training and/or certification (if required).

Q. But I already have Public Liability.

Public liability and professional indemnity are the two most common insurances, and the two most confused. There can be perceived overlap, but the two policies cover very different circumstances.

Public liability cover will cover a physical mishap, for example turning a corner and knocking over a patient, causing them injury. Professional indemnity covers you for an omission or breach of professional duties, such as giving the wrong vaccine. These are very simple examples of the two covers, and employees of a practice are generally covered by the public liability of the practice. If you are a contractor, it is imperative you seek advice on your own public liability cover as contractors are seen as separate legal entities.

It is recommended that Nurses seek appropriate advice concerning professional indemnity insurance for their individual needs and requirements.

If you would like more information on how to apply for a General Practice Nurse Professional Indemnity product, please call APNA on (03) 9669 7400 or email admin@apna.asn.au. This information is provided by Insurance Marketing Group of Australia as a service to APNA members. APNA does not offer any advice on professional indemnity insurance.

<http://www.apna.asn.au/displaycommon.cfm?an=1&subarticlenbr=91>