



## **Professional Indemnity Insurance Register Standard**

### **Summary**

Registrants must not practise unless they have Professional Indemnity Insurance (PII) arrangements in place for their full scope of practice which comply with this standard.

When applying for registration or renewing registration registrants must declare that they will not practise the profession unless they have PII arrangements in place, or will be in place, that meet this standard while they practice naturopathy or herbal medicine.

### **Scope of application**

This standard applies to all registrants applying for initial registration or renewal of their registration. It does not apply to student registrants or practitioners with non-practising registration.

### **Requirements**

#### ***1. Scope of Professional Indemnity Insurance Arrangements***

Registrants must not practise in Australia unless they have PII arrangements in place for their full scope of practice regardless of whether they are practising full time, part time or in a volunteer position. Registrants must also be insured or indemnified for each context in which they practise. Where the scope of clinical practice of an individual naturopath/herbalist does not include the provision of health care or professional opinion in respect of the physical or mental health of any person, PII will not be required for the purposes of registration.

#### ***2. Level of PII Cover***

2.1. PII cover must include:

- a) a minimum of \$5 million in cover for any single claim
- b) a minimum of one automatic reinstatement during each year of insurance cover
- c) run-off cover
- d) product liability where the registrant uses, sells or dispenses therapeutic goods

2.2. A practitioner must undertake a self assessment of the appropriate level of insurance to consider whether cover in addition to the minimum is required. This assessment must consider:

- the practice setting and type of services and care being provided
- the patient or client group
- current employment status (Part time/Full time/teaching/research etc )

- any areas of practice where there is greater risk
- whether there is a need for retroactive cover
- the volume of patients or clients to whom treatment, advice, guidance or care is provided
- previous history of insurance claims and the type of claim made against the practitioner in the past, if any
- any advice from professional indemnity insurers or professional associations, including advice
- regarding the history and volume of professional liability claims experienced by other members of the profession
- any advice from an insurance broker

### ***3. Policy Owner***

Individual registrants may be covered by either individual or group schemes for PII arrangements. Examples of group schemes include cover via the employer's insurance arrangement or cover through membership with a professional association. Registrants covered by a group scheme PII arrangement must satisfy themselves that the policy meets this standard, and if the group scheme cover does not meet this standard the individual must take out their own insurance to ensure this standard is met.

### ***4. Declarations***

When applying for registration applicants must declare that they will not practise the profession unless they have PII arrangements in place that meet this standard.

### ***5. Evidence***

Registrants who hold private insurance in their own name are required to retain documentary evidence of their insurance. Periodic audits of registrants may be conducted by ARONAH to ensure that registrants are compliant with this standard.

### ***6. Non compliance***

Non compliance with this standard or a condition on registration or knowingly making a false declaration may be dealt with by the Board as a professional conduct matter. If a registrant is unable to make the required declaration of compliance at annual renewal ARONAH may refuse to renew their registration or any endorsement of registration, or may grant renewal of registration or endorsement of registration subject to conditions.

## **Definitions**

**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.

**Claims made policies** means the policy that is in place at the time the claim is made, or when the circumstances that gave rise to the claim were notified to the insurer with prior events covered by continuity of cover, retroactive clauses, and/or run-off cover, whichever is applicable in the circumstances.

**Occurrence-based policy** means a policy that is in place when the event which is the subject of the claim occurred, even if the policy has not been renewed.

**Professional indemnity insurance arrangements** means arrangements that secure for the practitioner's professional practice 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 cost 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.

## **Review**

This standard will commence on 21 March, 2013 and be reviewed on 21 March, 2016.