

## 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

A registered podiatrist is required to have adequate insurance for his or her area of practice, unless exempted by the Board from the requirement to be insured or indemnified in a manner and to an extent approved by the Board against civil liabilities that might be incurred by the podiatrist in connection with the provision of podiatric services. A podiatrist seeking annual renewal will be required to declare that he or she will not practise unless covered by insurance for all aspects of his or her practice. The declaration may be subject to an audit.

## Scope of application

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

## Requirements

1. Practising podiatrists are required to have professional indemnity insurance (PII) that is adequate for their level of podiatric practice (a minimum of \$5 million). Podiatrists practise in different settings and employment or contractual arrangements. Each podiatrist must be insured or indemnified for each context in which they practise. A policy should include one automatic reinstatement.
2. If a podiatrist is specifically precluded from cover for any aspect of practice under their indemnity or insurance arrangements, they must not practise in that area. Practising without appropriate and adequate cover is a breach of the legal requirements for registration and will be viewed as professional misconduct.
3. At annual renewal, a podiatrist must complete a declaration that confirms their compliance with this standard.
4. The requirement for all practising podiatrists to hold appropriate PII applies both to podiatrists in private practice and to employed podiatrists, whether in the private or public sector.
5. For private practice, the podiatrist 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 professional indemnity insurance. Generally this will be in the form of a certificate of currency.

6. For practice in employment, podiatrists 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. Podiatrists who do not have such documentation may be required by the Board to seek documentation from their employer in a limited number of circumstances (such as in the handling of a notification).
7. Podiatrists subject to this standard are also required to have run-off cover.
8. When practitioners assess whether they have the appropriate PII arrangements in place, the Board encourages them to consider:
  - a) the practice setting and the type of services or care delivered
  - b) the patient or client group
  - c) advice from professional indemnity insurers, professional associations and unions
  - d) current employment status.
9. Practice contexts and the usual nature of insurance cover include:
  - a) private practice — PII
  - b) employment in the public sector or in contractual arrangements — coverage under a master policy, self-insurance scheme or legislation
  - c) other indemnified employer — employee or in contractual arrangement with a nongovernment employer (e.g. a university) who holds the appropriate insurance to cover the practitioner.

## Definitions

**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.

**Notification** means a notification to the Australian Health Practitioner Regulation Agency under the National Law; for example, a notification complaining about the conduct of a health practitioner.

### Review

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

