

# SMA ADVISORY NO. 01/2002

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## **PROFESSIONAL INDEMNITY PROTECTION FOR MEDICAL PRACTITIONERS**

The medical profession is increasingly vulnerable to litigious situations. Over the past few years, complaints against doctors made to both the SMC and the SMA have become more frequent. Claims being awarded against doctors have also increased substantially.

Regardless of whether the action taken against a doctor is successful, legal proceedings are costly, lengthy and painful experiences. In order to manage and reduce this risk, it is important to have professional indemnity protection. A good organisation can provide protection in the event of legal action taken up against you by your patients.

Most of us do not realise how potentially serious this matter can be. In a recent case, even though the (uncovered) doctor being sued did not have to pay damages to the patient, the cost he had to bear for his own defence was over \$100,000. Therefore, not being covered is extremely serious, and also serious is not giving adequate thought to whom you want covering you and your practice.

To help you choose or renew your membership with one of the 3 professional indemnity organisations available in Singapore, we have prepared a summarised comparison chart for your perusal and retention. We have done our best to ensure the information is accurate and up-to-date, and have even asked the organisations to verify the facts. However, if you have any doubts at all, you should check directly with your respective organisation. Individual Council Members may also be prepared to speak with you in their personal capacities, if you wish to discuss their individual experiences.

We hope that you will find this useful when making your decision of renewal, of change, or when reviewing your current status for any other reason. ■

# A Comparison of Local Professional Indemnity Organisations

Prepared 21 December 2001

	Medical Protection Society (MPS)	United Medical Protection (UMP)	AON
1. Medical Retrieval & Repatriation Services	<b>YES</b> , as long as a member is in the appropriate subscription category for the specialty involved.	<b>YES</b> Provided that such services are consistent with the class of membership taken out with UNITED. Does not include any retrieval or repatriation services provided to or from the USA.	Not Available
2. Coverage for Non-Qualified Employees	<b>YES</b> Under the principle of vicarious liability of members as employers, the negligent acts of non-professional staff will be covered by the policy provided the staff were acting under the direction and supervision of the member doctor in his/her medical practice.	<b>YES</b> Under the principle of vicarious liability of members as employers, the negligent acts of non-professional staff will be covered by the policy provided the staff were acting under the direction and supervision of the member doctor in his/her medical practice.	Applicable to sole practitioners and doctors partnership (both doctors to take up cover with AON-AXA), untrained, non-registered nurses. Additional annual premium <u>Class 1:</u> \$30 + GST for 1-5, \$50 + GST for 6-10 staff <u>Class 2:</u> \$60 + GST for 1-5, \$100 + GST for 6-10 staff <u>Class 3:</u> \$200 + GST for 1-5, \$280 + GST for 6-10 staff
3. Coverage for Medical Practice Companies	<b>YES</b> MPS is able to take companies into membership if required. Indemnity is provided for claims against the company resulting from harm to patients which has arisen as a result of the negligent acts or omissions of the company's employees.	<b>YES</b> Includes coverage for a member's medical practice company, to the extent that the allegations against the company and the member relate to the same negligent action.	<b>NO</b> Not under the Medical Protection Insurance Policy for doctors but as a separate risk. A separate proposal form to be completed.
4. Coverage on Occurrence Basis	<b>YES</b>	<b>YES</b>	<b>YES</b>
5. Medico-Legal Advice	1 medical adviser & panel of 4 legal firms.	1 medical adviser & panel of 2 legal firms.	In-house legal counsel + panel of solicitors.
6. Legal Representation	A panel of 4 legal firms of advocates and solicitors.	A panel of 2 legal firms of advocates and solicitors.	A panel of 3 legal firms of advocates and solicitors.
7. Insurance Policy	Discretionary*	Discretionary*	Based on insurance contract. Not discretionary.
8. Limit of Indemnity	<b>UNLIMITED</b>	<b>UNLIMITED</b>	\$10,000,000 any one claim and in the aggregate. Nil Excess.
9. Claims Procedure	Through medical adviser and legal panel.	Through medical adviser and legal panel.	Through Senior Manager at AON.
10. Public Liability	Not covered.	Not covered.	Limit S\$500,000 (sole practitioner/partners who manage own clinic)
11. Underwriter	MPS United Kingdom, established 1892.	UNITED Australia, established in 1893.	AXA, in conjunction with AON Risk Services, Insurance Brokers.
12. Hotline	Hotline (S'pore): 223 1264 Hotline (London): +44 171 399 1300	Hotline (S'pore): 235 1519 Hotline (Sydney): + 612 9260 9000	Hotline (S'pore): 239 7541
13. Low Risk	\$730 to \$970	\$680 to \$780	\$680 to \$750 (+ GST)
14. Medium to High Risk	\$1,290 to \$ 1,850	\$1,100 to \$ 1,770	\$1,120 to \$1,400 (+ GST)
15. Very High Risk	\$8,500 to \$9,750	\$4,650 to \$6,600	\$3,570 to \$4,200 (+ GST)
16. Additional benefits			+ loss of documents cover + defamation

\* SMA is unaware of any incident where request for assistance has been refused. In the unlikely event that a request is refused, members should approach the SMA Council to make a representation to the Board of Directors of MPS/UNITED.

+ Note from AON:

There is no vicarious liability cover. Cover is for the doctor who had acted negligently. If a practice is sued and it is not the negligent act of the doctor, the policy will not respond (e.g. if due to the fault of the staff e.g. trained nurse/unqualified nurse when no additional cover is purchased). A separate entity cover is needed to cover the corporation if sued as an entity. A sole doctor incorporated company may opt for the non-qualified staff option by paying the additional premium.