

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

All registered physiotherapists practising in Australia are required to have in place professional indemnity insurance (PII) arrangements that are continuous throughout the period of practice. The registrant must ensure that the cover is appropriate to the level of risk and is inclusive of run-off cover.

Scope of application

This standard applies to all registered physiotherapists practising in Australia. It does not apply to students and practitioners who have nonpractising registration.

Requirements

1. All registered physiotherapists practising in Australia must have in place PII arrangements that meet this standard.
2. The requirement for all practising physiotherapists to hold appropriate PII applies both to physiotherapists in private practice and to employed physiotherapists, whether in the private, nongovernment or public sector.
3. For privately held PII, the physiotherapist must retain documentary evidence 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 PII. Generally, this will be in the form of a certificate of currency.
4. Physiotherapists whose PII cover is provided by their employer or by their union are required to retain documentary evidence of their insurance where such documentation is provided by their employer or union, but are not required to seek such documentation where it is not automatically provided to them. Physiotherapists who do not have such documentation will be required by the Board to seek documentation from their employer or union in a limited number of circumstances (such as during an audit of PII or in the handling of a notification). Group

policies must meet all other requirements of this standard.

5. At annual renewal, physiotherapists must complete a declaration of compliance with this standard.
6. Registered physiotherapists must, in consultation with their insurer or insurance broker, identify the risk exposure associated with their practice and ensure that the type and level of cover provided by the PII arrangements are sufficient in the circumstances.
7. Registered physiotherapists whose PII arrangements are provided by their employer must have individual PII arrangements in place if they intend to practise physiotherapy outside their stated employment, including when undertaking practical components of professional development activities.
8. Registered physiotherapists must ensure their PII arrangements provide unlimited run-off cover for when they cease to practise or change insurance provider.

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 National Agency under the proposed National Law, for example, complaining about the conduct of a health practitioner.

Practice means any role, whether remunerated or not, in which the individual uses their skills and knowledge as a health practitioner in their profession. For the purposes of this registration standard, practice is not restricted to the provision of direct clinical care. It also includes working in a direct nonclinical relationship with clients, working

in management, administration, education, research, advisory, regulatory or policy development roles, and any other roles that impact on safe, effective delivery of services in the profession and/or use their professional skills.

Review

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