



Australian Nursing Federation *ACT Branch*

ABN: 41 698 088 660

President: A Rosborough Secretary: J. Miragaya

AN IMPORTANT MESSAGE FROM THE SECRETARY IN RESPECT OF NATIONAL REGISTRATION AND ACCREDITATION FOR ACT ANF MEMBERS IN RESPECT OF PROFESSIONAL INDEMNITY INSURANCE

ACT ANF – WORKING FOR AND ON BEHALF OF MEMBERS

Dear Members

As you are aware, National Registration and Accreditation for Nurses and Midwives was introduced on July 1 2010. It is a requirement that nurses and midwives have professional indemnity insurance as per s.129 of the Health Practitioners Regulation National Law and the associated National Nursing and Midwifery Board of Australia (NMBA) Professional Indemnity Insurance Arrangements Standard.

Questions 8 and 9 of the NMBA application for renewal of registration as a Registered Nurse, Enrolled Nurse or Midwife will ask you if you have Professional Indemnity Insurance that meets the Board's standard.

Professional Indemnity Insurance (PII) secures the practitioner insurance from civil liability. Operating without PII, could lead to civil liability claims for damages, negligence, and also claims in respect of allegations of unprofessional conduct against nurses and midwives.

Professional indemnity insurance is insurance taken out to financially cover the practitioner, should they, as an individual, be sued by another party. Should a civil case be raised against a nurse or midwife as an individual, the employer based liability cover may not apply.

PII covers the health practitioner *as an individual* particularly in terms of, but not limited to, an adverse or unexpected outcome for a patient, or an error or omission on the part of the nurse or midwife while providing professional services, a breach of patient confidentiality, or libel and slander. PII also covers an unintentional breach of Trade Practices

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legislation, or unintentional infringement of rights to intellectual property, as well as claims arising from rendering, or failing to render, emergency first aid and assistance (Good Samaritan Acts).

The NMBA Standard affects a range of healthcare practitioners throughout the ACT including registered and enrolled nurses; registered nurses endorsed as nurse practitioners, registered midwives, and registered midwives endorsed as midwife practitioners. *They do not apply* to students of nursing and midwifery or to nurses and midwives who have non-practicing registration.

Although most nurses and midwives in the ACT are employees rather than independent practitioners and should be covered by the *vicarious liability* of their employer, vicarious liability is not professional indemnity insurance and it is yet to be determined if this liability cover meets the requirements of the legislation and NMBA Standard.

The Federal Executive of the ANF considered that the legislation and NMBA Standard is confusing and to that end has sought clarification in respect of the PII and its applicability nationally to Australian nurses and midwives.

Financial members of the ACT ANF have been covered by PII as part of their membership since 1 July 2010.

The cover is the most comprehensive and cost effective option available and is consistent with the PII offered by ANF branches in Tasmania, Victoria, NT, the ANMF of SA, and by the QNU.

Financial members of the ACT ANF who meet the employment eligibility criteria of the PII contract can confidently answer yes to both questions 8 and 9 of the registration renewal application.

Members seeking clarification in respect of their eligibility status or who are requested to provide a certificate of currency by the NMBA can contact the ACT ANF at: actanf@actanf.org.au or by phone on: (02)62829455.

Yours sincerely

Jenny Miragaya
Secretary
14 January 2011

THE COLLECTIVE – MUCH STRONGER THAN THE INDIVIDUAL