

bms.

Navigating risk and insurance

For Allied Health Assistants

June 2024





Acknowledgement of Country

AHANA acknowledges the Traditional Owners of Country throughout Australia. We pay our respects to Elders past, present and emerging.

Today I am joining you from the lands of the Ngunnawal and Ngambri peoples, who are the Traditional Custodians of this land on which I live, work, and stand.

I invite you to acknowledge the traditional owners of the land from which you are joining this session today.

Welcome

- Navigating Risk and Insurance for Allied Health Assistants
- Introductions
- Housekeeping
- Who is BMS
- Common areas of risk for AHA's
- Benefits of your own insurance
- Insurance terms defined
- The AHANA Member Insurance program
- Claims, complaints and notifications



Kelli Rixon
Company Secretary
AHANA



Kristen Vassallo
Senior Broker
BMS Affinity - Australia

BMS Insurance



AHANA Insurance
Partner

25+

Years combined
industry experience



Professional Indemnity
Insurance

4

Policy Limit Options



Public & Products
Liability Insurance



Ongoing Risk
resources



Prompt claim support



Additional Insurance
Solutions available

Common areas of risk

Allied Health Assistants

- Miscommunication
- Patient Privacy
- Slips and falls
- Boundary violations
- Managing challenging patients



Why is it important to have my own insurance?

- Without your own insurance policy you are relying on your employer's insurance, which may be geared more towards protecting your employer.
- Public Hospitals or Health Centres typically carry policy excesses upwards of \$250,000; which means that in the event of a claim against you, they may decline to cover you.
- Your employer's policy may not cover you for:
 - Your services with previous employers.
 - Your past services.
 - Your services provided as a contractor, sub-contractor or consultant.
- AHANA members who participate in the Insurance Program have peace of mind that they have an individual limit covering their interests, as well as access to legal assistance for each potentially claimable issue that arises.
- Having your own individual policy ensures you are covered if you want to work while transitioning from one employer to the next.

Benefits of personal cover

Why have your own policy?

- Control of your cover
- Cover is specifically for you
- No gaps in coverage when changing employer



Professional Indemnity

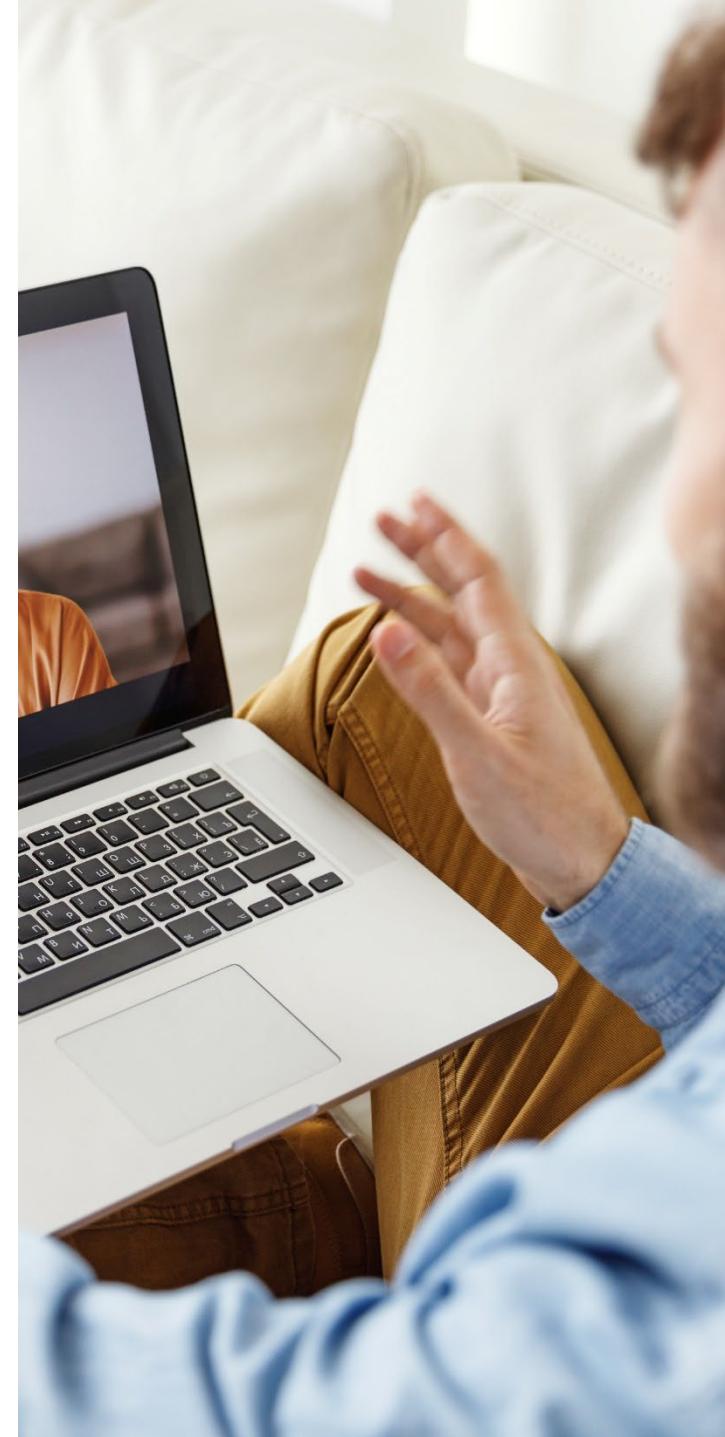
What is it? How does it work?

Cover for claims made against you for:

- your professional services;
- an error or omission or any negligence that may occur as a consequence of your professional services.

Why is it important?

Helps manage and pay for legal costs to assist with complaints or allegations made against you.



Public & Products Liability

What is it? How does it work?

Public Liability Insurance covers you for actual or alleged negligence caused by you or your employees which results in bodily injury or property damage to a third party.

Products Liability Insurance covers you for actual or alleged bodily injury or property damage to a third party arising through use of a product sold, supplied, or manufactured by you.

Why is it important?

Your policy will still respond to cover your legal defence costs, which can be costly, even if you're found to be not guilty in a court proceeding.



Notifications

Claim Scenario 1 – Professional Indemnity and Public Liability Insurance



Rosie attends a consultation with her physio and allied health assistant, Tanya, for treatment on her fractured hip.

Whilst assisting Rosie onto the treatment bed, Tanya presses the bed lever causing Rosie to fall off.

Rosie feels pain in her wrist and later visits a GP, who confirms she has sprained her wrist. Rosie makes a complaint against Tanya.

In this scenario Tanya's insurance would step in to assist with:



- Managing the claim
- Payment of legal fees

Entity Insurance

What is it? How does it work?

Entity insurance is professional indemnity and public liability insurance for your business. In the event your business is named in a complaint, this type of cover could step in.

This applies to your business name even if you have no staff or are a sole trader.

Why is it important?

Your policy will still respond to cover your legal defence costs, which can be costly, even if you're found to be not guilty in a court proceeding.



Notifications

Claim Scenario 2 – Entity Insurance



Mary attends a consultation with her osteo and allied health assistant, Tom, for treatment on her back. Tom works for an allied health assistant agency called *Allied Help*.

Tom asks Mary to remove her shirt so that the treatment can begin. Tom does not explain why this is required nor does he leave the room to provide Mary the privacy to change.

Mary later files a claim against Tom for boundary violations, and names the agency Tom works for in the claim.

In this scenario *Allied Help's* Entity Insurance would step in:



- Managing the claim
- Payment of legal fees against the business name

Insurance Terminology

What documents make up my insurance?

Policy wording

Includes information about all terms, conditions and definitions of the insurance policy.

Member schedule

Lists the actual coverage provided by the insurance policy. This confirms the insured person and/or business name, the actual amount of coverage, any sub-limits and excesses.

Evidence of cover / certificate of currency

Proof of your insurance coverage.

Takeaway: review these documents before and after purchasing cover to ensure the policy meets your needs and details are correct.

Insurance Terminology

Policy terms explained

Claims made policy

- Professional indemnity insurance is a claims made policy.
- The policy provides cover when a claim is made against it, regardless of when the claim event occurred.
- The policy only responds to a claim that is made during the period of insurance.
- The policy provides cover for any prior acts **only if** there is an active policy at the time of the claim. This does not apply if there is a gap in cover.

Takeaway: ensure you always have a policy in place to ensure you're covered. Claims against you can occur months or years after the incident occurred.

Insurance Terminology

Policy terms explained

Run Off cover

- Run Off cover is insurance that runs into the **future**, to provide cover for claims that may arise from your **past** services.
- Permanently retire or cease practice of your professional services, the AHANA policy will provide 'Run Off Cover' for a set period of time. This benefit can be activated via BMS.
- Temporarily ceasing practice: BMS recommends current Professional Indemnity policy is maintained to ensure continuous coverage.
- Continuity of cover is important during a holiday, career break, extended travel and/or maternity leave.
- Run Off can only be applied at renewal of your insurance, not mid term.

Insurance Terminology

Policy terms explained

Retroactive Cover

- Retroactive cover is the period of time you are covered into the past, by your current policy.
- The retroactive date of the AHANA insurance policy is inception of your policy, unless you have held continuous Professional Indemnity insurance in the past.
- The AHANA policy only covers incidents that are first known and notified during the current period of insurance
- If you know about a complaint, error or injury, notify your Insurer immediately.

AHANA Member Insurance Program

Policy options and limits

Members have the option of four policy limits to choose from.

All policies include Professional Indemnity and Public & Products Liability insurance.

Option 1: \$1,000,000 per claim and \$3,000,000 and in aggregate

Option 2: \$2,000,000 per claim and \$6,000,000 and in aggregate

Option 3: \$5,000,000 per claim and \$15,000,000 and in aggregate

Option 4: \$20,000,000 per claim and \$60,000,000 and in aggregate

Pricing is accessible via the AHANA portal.

AHANA Member Insurance Program

Policy Benefits

- Local team of dedicated insurance brokers
- Nil excess
- Cover for your full scope of practice
- Cover to work in any location or practice setting within Australia

Additional Insurance cover:

- Cyber Liability Insurance
- Personal Accident Insurance
- Business Insurance
- Entity Insurance

In the event of a Claim

What to

Prompt claims' reporting is critical to the process of bringing claims to a successful resolution.

- Prior to commencing or renewing insurance, declare any incidents you are aware of, or become aware of, including:
 - Audits or Other Investigations
 - Complaints or Letters of Demand
 - Communications from AHANA
 - Any other issue related to their practice where they may be in a dispute
- BMS will ask you to complete a Notification Form, so the matter can be quickly referred to both the Insurer and legal counsel.
- Claims discussions are confidential. You are encouraged to reach out to BMS if you are not sure at any time.

In the Event of a Claim

Do's and Don'ts

Do

- Immediately report any potential claim to BMS
- Formally document the incident, including details of those involved
- Submit any formal statement to BMS
- Report any regulatory investigations or notice of complaint immediately
- Gather any noted and supporting documentation

Don't

- Speak with any third parties about the claim
- Assume any legal fees before reporting a claim
- Offer compensation to independently settle a claim
- Amend or change any previous medical records once a statement of claim has been received

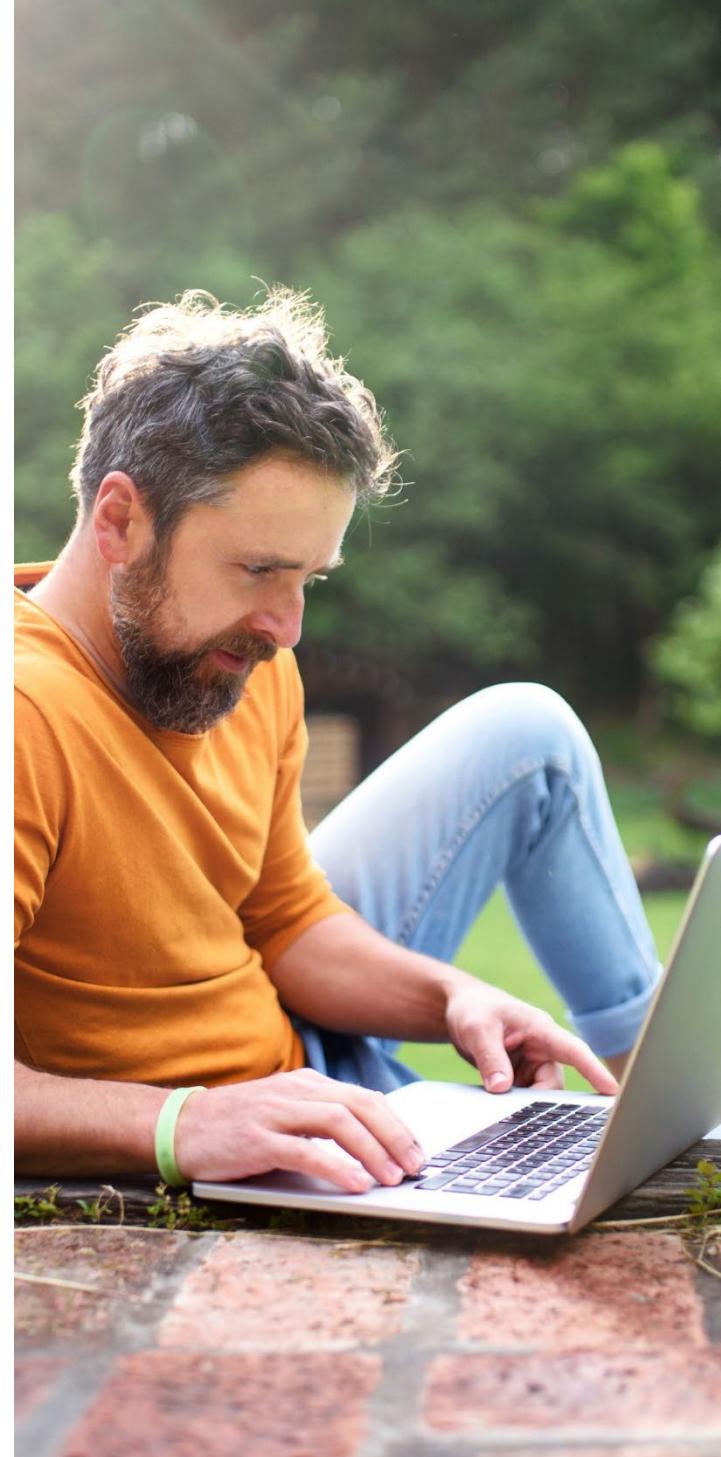
How do I get cover?

Simple purchase process

1. Be a current AHANA Practising Member.
2. Purchase cover when joining AHANA or add cover any time throughout the year.

Renewal

1. Ensure you renew your cover to maintain continuous cover.
2. Renewal is issued directly from BMS.



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Questions?

T: 1800 931 070
E: AHANA@bmsgroup.com

You must be a current AHANA practicing member to be eligible for the AHANA member insurance program. If your membership ceases you will not be offered renewal when your policy expires. In arranging this insurance for our members AHANA is acting as a distributor of BMS Risk Solutions Pty Ltd (BMS) AFSL 461594, ABN 45161187980. Some insurance is issued by BMS under binder with Certain Underwriters at Lloyds. When acting under a binder BMS acts as agent for the insurer and not as your agent. This is general advice only and BMS has not considered whether it was suitable for your particular objectives, needs or financial situation. Please read the Policy Wording/Product Disclosure Statement and the BMS Terms of Engagement which contains the Financial Services Guide before making a decision about purchasing this policy. AHANA may receive a percentage of the commission paid to BMS by the insurer and/or a fee per policy.





For more information

Joining AHANA



The AHANA Member Insurance Program





Attendance certificate



Webinar Feedback

