

# FAQs

## Webinar: Navigating risk and insurance for Allied Health Assistants

### About the products

#### **What is Professional Indemnity (PI) Insurance?**

Professional Indemnity Insurance protects you against allegations or claims of financial loss due to injury or damages that have resulted from a negligent act, error, omission, malpractice or breach of duty that has arisen out of your professional capacity as a pilates instructor.

#### **What is Public Liability Insurance?**

Public Liability Insurance provides cover for bodily injury or property damage to a third party that occurs while conducting your professional activities. This is primarily a legal defence costs cover but also covers settlement costs in the event

that you are found to be liable and/or negligent in causing the injury or property damage.

#### **What is Products Liability?**

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.

### Claim scenario example

#### **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 could step in to assist with:

- Managing the claim
- Payment of legal fees



# Entity Insurance

## What is Entity Insurance?

Entity Insurance is professional indemnity and public liability insurance for your business. This is different to your personal insurance cover, or that of professional staff working in your practice. If your business is named in a legal action, these costs are not covered by your standard AHANA Professional Indemnity Insurance and Public & Products Liability Insurance policy. This is where Entity Insurance comes in.

## Who needs Entity Insurance?

Entity Insurance can help with an allegation or claim made against the business name. The cover is therefore useful if you have a business name but no employees or if you have a business that employees staff, contractors or casual workers.

## How do I add my business name onto the policy and what coverage will be provided?

You need to purchase a separate Entity Insurance with BMS. Entity coverage is not included under the Professional Indemnity and Public & Products Liability Insurance policy under the AHANA Member Insurance Program.

## Claim scenario example

### 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 (*Allied Health*) in the claim.

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

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



## Additional Insurance



For more information or to purchase additional insurance coverage, contact BMS directly on **1800 931 070** or email [ahana@bmsgroup.com](mailto:ahana@bmsgroup.com)

# Insurance terms explained

## 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.

## Claims made policy

Professional indemnity insurance is a claims made policy. This means the policy only provides cover for any prior acts as long as you have an active policy at the time of a claim. It's therefore important to ensure you have a policy in place at all times.

## 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. This is important if you permanently retire or cease practice of your professional services. Under the the AHANA policy 'Run Off Cover'

is available for a set period of time. Run Off can only be applied at renewal of your insurance, not mid term and must be activated via BMS.

## 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.

# Risk mitigation and management

## What are common areas of risk for Allied Health Assistants?

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

## Why is it important to have your 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.

## Does AHPRA regulate allied health assistants?

Allied health assistants are not regulated by AHPRA like some of the allied health professionals (AHPs), such as physiotherapists or podiatrists. However, Practising AHAs are expected to work within the scope of practice defined by the supervising AHP, and may be required to adhere to any relevant standards and guidelines outlined in their role.

AHANA has established standards for Practicing AHAs which verify the qualifications and experience of those practitioners, as well as a range of other quality measures.



## In the event of a claim

### Do's

- 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'ts

- 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



## About the program

### What is the AHANA Member Insurance Program?

The AHANA Member Insurance program offers members access to comprehensive insurance products and exclusive rates with our insurance partner BMS.

### Why has the AHANA chosen BMS as their insurance partner?

Ensuring AHANA members have access to comprehensive cover, additional, evidence-based risk management material and exceptional service for insurance queries and claims is paramount. BMS is a specialist broker dedicated to servicing associations and its members and will continue to enhance the AHANA Member Insurance Program.

### Can I buy insurance via BMS without an AHANA membership?

No, the negotiated rates are for AHANA members only. It is a requirement of the insurance program that you hold an active membership with AHANA.

### Can I apply outside of my AHANA membership renewal?

Yes, you can opt into the insurance program via the dedicated BMS website.

### Can I cancel my insurance?

You can cancel your insurance at any time. Contact BMS on **1800 931 070** or at [ahana@bmsgroup.com](mailto:ahana@bmsgroup.com)

### What is offered under the AHANA Member Insurance Program?

You can choose from four policy limit options under the program Pricing is available via the AHANA portal.

**Disclaimer:** Eligible members can apply for insurance using a secure link via a members-only webpage, after being granted a practising membership. Please note it is a requirement of the insurance policy that you hold an active practising membership with AHANA, are an Australian resident and over 18 years of age. You must be part of the AHANA member insurance program in order to access additional cover. 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. This insurance policy is issued by BMS under a binder with Certain Underwriters at Lloyd's. When acting under a binder BMS is acting 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 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.