

# MIGA

The Medical Insurance Group

## Professional Indemnity Insurance for Eligible Midwives



Information Booklet

*Practise with confidence*

From 1 July 2010



## IMPORTANT

This document has been prepared to provide eligible midwives with key information about the new insurance arrangements for midwives announced on 5 May 2010.

**It does not replace the Combined Financial Services Guide and Product Disclosure Statement for Eligible Midwives which is available at MIGA's website.**

**You should read that document carefully** as it contains important information about the cover provided to eligible midwives. The information set out in this document must be read subject to the Combined Financial Services Guide and Product Disclosure Statement and you should call MIGA if you would like more information about the cover available for eligible midwives.

## Supporting privately practising Eligible Midwives across Australia

At MIGA we understand that midwifery practice is evolving and there are new challenges created by the regulatory requirements that now apply to you.

We understand the need to have good insurance protection and easy access to support and assistance to help you in your day to day practice.

Insuring with MIGA will mean that you can practise with confidence, in the knowledge that we are here to support and help you when issues arise.

Insuring with MIGA will mean you can be:

- Confident** that you have insurance that provides comprehensive cover
- Confident** that you have immediate access to support and advice when you need it most, day or night
- Confident** that you have access to tools that help manage risk in your practice
- Confident** that assistance is only ever a phone call away.

MIGA has been appointed by the Federal Government as the sole provider of cover under the new Midwives Professional Indemnity Scheme for privately practising midwives and we are here to help with any queries you may have.



## How MIGA can help you

MIGA offers you a lot more than just insurance.

As your insurer we are here to help you and provide support for a wide range of matters to do with your day to day work as a midwife working in private practice.

There are three layers of support that we provide to you when you insure with us. These are:

### **Insurance cover for:**

- Claims against you for compensation and associated expenses arising from your practice of midwifery
- Support and legal expenses incurred in defending you in a prosecution or responding to coronial inquests, inquiries, investigations or complaints against you arising from your practice of midwifery

### **Access to 24 hour emergency telephone support across Australia**

- You can call us any time of the day or night for help with urgent situations where medico-legal advice is required in relation to issues which arise in your midwifery practice and which relate to women (and their babies) in your care
- This includes circumstances where you may not be certain if your insurance cover will continue to apply in particular situations (for example, if a woman to whom you are providing midwifery services asks you not to follow accepted clinical practice)

### **Access to a package of valuable risk management education resources**

- We provide you with a free risk management education program – It offers you a discount on the cost of your insurance next year (if you fully complete it) and it enables you to comply with your Continuing Professional Development requirements
- Access to Risk Resources – we offer you an on-line package of risk management tools, fact sheets and resources to help you in your day to day practice as a midwife.

### **Other services and benefits provided by MIGA**

MIGA also offers a range of additional services and benefits to midwives which include:

- On-line access to all information about your insurance arrangements – which makes arranging your insurance with MIGA easy and convenient
- Free bi-monthly Bulletins – providing you with information about current issues and trends in insurance
- Access to Premium Funding – an option to spread the cost of your insurance across the year via a third party funding arrangement. Some midwives will find that this helps with cash-flow issues across the premium year.



## About your insurance

### What are you covered for?

Our professional indemnity insurance policy provides protection for you in relation to your provision of private midwifery services to women and their babies and includes cover for:

- Claims against you for compensation and associated expenses
- Expenses incurred in defending you in a prosecution or responding to inquests, inquiries, investigations or complaints arising from your practice of midwifery. These may include:
  - Nursing and Midwifery Board of Australia or other disciplinary investigations or proceedings
  - Proceedings by a health authority or Medicare Australia
  - Proceedings by a professional college or association, health care complaints body or a health care ombudsman (and other government/statutory authorities or other bodies performing similar functions or exercising similar powers to the above bodies)
  - Coronial inquiries, Royal Commissions and
  - Criminal investigations and proceedings.

MIGA's in-house medico-legal team is here to assist and support you with any claim or inquiry in which you are involved.

We have significant experience in personal injury and medical indemnity claims, so we are well placed to provide you with assistance, reassurance and help you proactively manage the situation if an incident occurs.

Understanding the process, knowing what will happen next and how to deal with it can be a great comfort.

We encourage you to call us if an incident occurs or if you feel uncomfortable about an outcome or if you need help or advice.

### Our 24 hour advisory service

We will also assist you with enquiries you may have which arise in your practice and which relate to the care of mothers and their babies. This is over and above the support provided in relation to claims and circumstances.

There are a wide range of matters for which we provide support, including issues relating to consent, dealing with unhappy patients in your care, questions in relation to statutory obligations and issues that may arise in relation to the Nursing and Midwifery Board, Medicare Australia and coronial inquiries. We also help policy holders with Health Care Complaints Commission matters in all jurisdictions, dealing with solicitors generally, responding to subpoenas and matters that may arise in relation to the privacy legislation.

We encourage you to call us if any issues arise in relation to your practice and we will promptly and enthusiastically assist with your enquiry.

Our 24 hour emergency legal advisory service is an important feature of the services we provide to midwives.

You can seek emergency medico-legal advice by calling us on freecall 1800 777 156.

**Professional Indemnity Insurance**

*for Eligible Privately Practising Midwives*



## The limit of cover

The cover provided jointly by MIGA and the Commonwealth effectively means eligible midwives have protection for covered claims up to an unlimited amount. This is a key benefit of insuring with MIGA.

The limit of liability of MIGA's policy will be \$2m with midwives covered for eligible claims above \$2m to an unlimited amount by the Commonwealth of Australia.

MIGA will manage all claims covered by the policy, irrespective of the amount of the claim, providing eligible midwives with continuity of claims management and support.

## How the premium is calculated

We offer 2 levels of cover, as follows, for:

- Midwives who provide intrapartum care in their private practice (irrespective of whether insured or not) in addition to antenatal and postnatal care
- Midwives who provide no intrapartum care (i.e. they only provide antenatal and postnatal care and do not provide any intrapartum care at all as part of their private practice).

The maximum annual cost of insurance for a full time privately practising midwife is fixed by agreement with the Commonwealth of Australia at \$7,500<sup>1</sup>.

The cost of your particular cover will depend on which of the following options you select, as follows.

| <b>Number of women to whom (and to whose babies) you provide midwifery services during the Policy Period</b> | <b>Option A<br/>Annual premium including all statutory charges</b><br>(if providing Intrapartum Care in your private practice) | <b>Option B<br/>Annual premium including all statutory charges</b><br>(if providing <b>no</b> Intrapartum Care at all in your private practice) |
|--|--|---|
| <b>Full time i.e. 40 women or more per year</b>  | \$7,500  | \$3,400   |
| <b>Between 30 and 39 women per year</b>  | \$6,500  | \$3,000   |
| <b>Fewer than 30 women per year</b>  | \$5,000  | \$2,250   |

We may adjust the premium at the end of the year based on the actual number of women to whom you provided Midwifery Services.

<sup>1</sup> Excluding the additional cost of any premium funding arrangement you enter into



## About your insurance – continued

### Is there an excess?

No – there is no excess that you need to pay in the event of a claim.

### Key conditions of the insurance cover

All of the policy terms and conditions are important. You should read the Product Disclosure Statement and the Policy Wording and ask us if you have any questions. Some key conditions that you need to note are:

- Insurance cover will only be available to eligible registered privately practising midwives who meet the requirements set out in the Product Disclosure Statement and Policy Wording
- Cover will not be provided for intrapartum care for planned home births – Under Option A, cover for intrapartum care will only apply where it is at a hospital which has the facilities to provide appropriate intrapartum care for women in pregnancy, unless an emergency makes timely access to a hospital impossible
- If you select Option B (cover for antenatal care and postnatal care only) it is important you understand that:
  - you will not be covered for antenatal or postnatal care, if at any time you provide intrapartum care as part of your private practice, except in an unforeseen emergency situation where timely access to a hospital was not possible and where you make no

request for payment or reward and where you provide no ongoing intrapartum care after the emergency situation has passed

- if you intend to provide intrapartum care then you must immediately advise us and pay any additional premium prior to you providing any such care
- Cover is only for care that is provided as part of, and in accordance with the terms of, a collaborative arrangement with a doctor or a care plan communicated to a public hospital providing obstetric services
- Cover is only for the treatment of private patients
- No cover is provided for any work undertaken by you, or for care which women receive from you, outside of Australia
- No cover is provided for midwifery services that are provided by you in the course of your employment other than where you are employed (full-time or part-time) by a company that is owned solely by you or that is owned solely by practising midwives including you, where the only directors of that company are you and other practising midwives (Subject to any rules that may be made under the Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010)
- No cover is provided for midwifery services provided before 1 July 2010 or the date you first take out insurance, whichever is the later

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- No cover is provided for midwifery services provided by you that do not comply with the Australian College of Midwives' (ACM) National Midwifery Guidelines for Consultation and Referral (Sept 2008 or as amended) (The Guidelines) or, if working in collaboration with an obstetrician, either the ACM Guidelines or the guidelines of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, in particular in relation to discussion, consultation and referral
- No cover is provided in relation to prescribing where you were not suitably qualified (as determined by the Nursing and Midwifery Board of Australia) to prescribe at the time of the incident.

### **Access to the Federal Government Run-Off Cover Scheme**

Because professional indemnity insurance is provided on a claims made basis, if you no longer need the insurance, you may require run-off cover.

Run-off cover insures you for claims made in the future which relate to incidents that occurred in your prior practice.

A very important benefit of the insurance cover from MIGA is that it entitles you to access the Federal Government's Midwife Professional Indemnity Run-Off Cover Scheme (ROCS).

This entitles you to access cover which is free and for an unlimited period of time once triggered and whilst you remain eligible.

### **Why do you need insurance?**

From 1 July 2010, the legislation governing requirements for registration under the new National Registration and Accreditation Scheme (NRAS) will mean that health practitioners (including midwives) must not practise unless appropriate professional indemnity insurance arrangements are in place in relation to their practice.

MIGA's insurance policy for privately practising midwives will mean that you can comply with this requirement.

There is a two year exemption from the requirement for midwives to have insurance for intrapartum services for planned homebirths. This exemption will run from 1 July 2010 to 30 June 2012.

Midwives will still need appropriate insurance to provide antenatal and postnatal services, regardless of the planned location of the birth.



## Our Risk Management Program

We understand the importance of providing a framework to assist midwives plan and undertake appropriate risk management training to enhance the safety and quality of the care they provide.

As a condition of the insurance you will be required to enrol in and complete MIGA's risk management education program for midwives (which we call our Interactive Risk Management (IRM) Program) the key features of which are:

- You will be automatically enrolled in the IRM Program when you insure with us
- You will have access to a range of risk management activities which in the first year you will be able to complete from July 2010 to March 2011
- Completion of the activities will enable you to earn MIGA IRM points which will entitle you to a premium discount in the following year, upon renewal of your insurance with us.

Acknowledging that your time is important and that education can help reduce claims, completion of these activities can earn you a 10% discount off your next year's insurance premium!

### Risk management activities

Midwives will have access to a range of risk management activities from their first year of insurance with MIGA which will be progressively expanded in years 2 and 3, as the number of insured midwives increases.

The IRM activities can be completed in person and/or on-line across Australia and those available from the first year will include the following:

| Key activities                        | Detail  |
|---------------------------------------|---|
| <b>Workshops</b>                      | Introduction to Risk Management <ul style="list-style-type: none"><li>– This workshop provides an overview of the underlying causes of claims and of risk management principles.</li></ul>  |
| <b>Questionnaires and Quizzes</b>     | The following are available to be completed online in MIGA's Client Area of our website: <ul style="list-style-type: none"><li>– Consent</li><li>– Open Disclosure</li><li>– Midwife Specialty Quiz.</li></ul>                                    |
| <b>Practice Management Activity</b>   | This activity focuses on the core risk management aspects of midwifery practice. It will provide assistance in areas identified for potential improvement and offer a basis for a midwife to develop, implement and track improvements over time. |
| <b>Accredited External Activities</b> | You don't need to do only MIGA activities to earn your IRM Points as you can also claim Points for risk management activities completed through the Australian College of Midwives (for example) provided they have been approved by MIGA.        |

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More details about the available risk management activities and those that have been accredited are available via our website. These will be updated across the year as more activities become available and/or are accredited.

### Some basic rules about the IRM Program

There aren't too many rules but you need to note the following:

- If you earn 10 IRM Points in a year by completing any of the above activities in accordance with the maximum Points for each component of the Program, you will be entitled to a maximum premium discount of 10% in 2011/2012
- In order to receive the premium discount in the 2011/2012 year, you must renew your insurance with Medical Insurance Australia, which will mean you are automatically enrolled again in the IRM Program.

### Levels of premium discount

The level of premium discount you may be entitled to is determined by the number of points you earn in a year, as follows:

| Points earned in the year | Level of discount off next year's base premium |
|---------------------------|--|
| 10 Points or more         | 10% discount                                   |
| 8 Points                  | 5% discount                                    |
| 7 Points or less          | No discount and standard premiums will apply.  |

### CPD points – a double benefit

MIGA is seeking an endorsement from the Australian College of Midwives as part of the MidPLUS program. If agreed, a midwife will be able to count participation in MIGA IRM Program activities as part of their MidPLUS points, which in turn enable them to meet the new continuing professional development requirements for annual renewal of a licence to practise from the Nursing and Midwifery Board of Australia.

This would have a double benefit for midwives insured with MIGA as they can earn their CPD points and IRM points without doubling up on time, and they can earn a premium discount from us as well.

76% of current MIGA policy holders who were surveyed in the last year advised us they claim CPD points for completion of our IRM activities. This is a benefit that is highly valued by them.



## Terms and conditions of the IRM Program

Participation in the IRM Program for the 2010/2011 year is subject to the following terms and conditions:

- The Program requires you to complete a series of risk management activities in the 2010/2011 year to qualify for a discount on your medical indemnity insurance premium with Medical Insurance Australia in the 2011/2012 policy period
- Enrolment in the IRM Program does not automatically guarantee a premium discount, unless all requirements of the Program are met
- The range of activities available throughout the 2010/2011 IRM Program year will be available via MIGA's website
- To be eligible for a discount, you must complete all components of the IRM Program to the satisfaction of MIGA
- The qualifying period for completion of activities in the 2010/2011 IRM Program runs from 1 July 2010 to 31 March 2011. All risk management activities must be completed during this period to earn IRM Points
- All documentation for Accredited Activities run by organisations other than MIGA must be submitted to MIGA by 31 March 2011 to ensure that they are included in the total of Points for the 2010/2011 IRM Program year
- You are only entitled to a premium discount in the 2011/2012 policy period if you:
  - Achieve the required Points in the 2010/2011 IRM Program year, and
  - Maintain medical indemnity insurance with Medical Insurance Australia for the 2011/2012 policy period (which will mean you are automatically enrolled again in the IRM Program for the 2011/2012 year)
- These terms and conditions apply whether you are working part-time or full-time
- Any discount will only apply to the insurance premium component of your total cost of insurance for the 2011/2012 policy period and not to other charges such as GST, ROCS levy and stamp duty
- If you:
  - Do not reach the target to achieve a discount in any one year, Points cannot be carried over to the next year
  - Exceed the target Points for the year, Points cannot be carried over to the next year
  - Cancel or fail to renew your insurance in the following year, no discount will apply
  - Change to a part-time status or amend your cover the level of discount in the 2011/2012 policy period will be applied to the new (lower) premium.



## About MIGA

Medical Insurance Group Australia (MIGA) is a national provider of medical indemnity insurance products and associated services to the health care profession across Australia.

The Group's Head Office is in Adelaide and our branch offices are located in Brisbane, Melbourne and Sydney.

We have been supporting and protecting the medical profession for over 100 years.

Medical indemnity is our core business – it is a highly specialised area of insurance and we have significant long-term experience in it.

MIGA is committed to providing high quality, professional service and personal care to our members and policy holders. As a tangible measure of this commitment MIGA is the first and only Medical Defence Organisation owned insurer in Australia to have voluntarily adopted the General Insurance Code of Practice in relation to medical indemnity insurance and to have developed our own Service Commitment.

MIGA has been appointed by the Commonwealth of Australia (as represented by the Department of Health and Ageing) to be the sole provider of Government-supported professional indemnity for privately practising eligible midwives in Australia. The contract period of MIGA's appointment is for a period of three years with an option for up to two additional years.

Our vision is to be the leading provider of professional indemnity insurance and related services to the healthcare sector across Australia, providing confidence through professional service, personal care, and with the best insurance and risk management products.

MIGA is an innovative provider of medical indemnity insurance and services that genuinely cares for and supports its policy holders. We encourage you to insure with MIGA and 'Practise with confidence'.

### **Our staff are here to help you**

We understand that professional indemnity insurance is a complex area and not something that you deal with every day. That is why our Client Services staff are Tier 2 qualified on Financial Services Regulation requirements. This enables them to provide you with meaningful advice and assistance when you need it in relation to our insurance products.

### **Insuring with MIGA is easy**

#### **Call 1800 777 156**

Our friendly Client Services Officers can provide you with personal advice relevant to your situation and give you a quote over the telephone

*or*

#### **Visit [www.miga.com.au](http://www.miga.com.au)**

Visit the 'Midwives' section of our website and you can apply for insurance using our interactive online Application Form and find out more about our Interactive Risk Management Program for Privately Practising Midwives

More details in relation to our services and policy benefits are provided in Sections 1 and 2 of our Combined Financial Services Guide/Product Disclosure Statement.

**Practise *with confidence***



This is a summary only  
and your cover will be governed by the  
terms and conditions of the Policy  
and any endorsements

Insurance policies available through MIGA are underwritten by Medical Insurance Australia Pty Ltd (AFSL 255906). Membership services are provided by Medical Defence Association of South Australia. Before you make any decisions about our policy, please read our Product Disclosure Statement and Policy Wording and consider if our policy is appropriate for you.

Call MIGA for a copy or visit our website.

\*Subject to the terms and conditions  
of the IRM Program.

**MIGA**  
The Medical Insurance Group

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#### Contacting MIGA

National Free Call:  
1800 777 156

24 hour emergency  
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