

PROFESSIONAL INDEMNITY INSURANCE FOR MIDWIVES

The National Registration and Accreditation Scheme (NRAS) for health professionals in Australia commenced on 1 July 2010. Midwives are one of the professional groups that will be regulated through that scheme under the authority of the Nursing and Midwifery Board of Australia (NMBA or the Board). On commencement of the NRAS on 1 July 2010, midwives registered in a state or territory will be immediately registered under the *Health Practitioner Regulation National Law Act 2009* (the Act).

The Board has developed a number of Registration Standards under section 38 of the Act including the mandatory requirements relating to professional indemnity insurance arrangements - the Professional indemnity insurance arrangements registration standard. This standard applies to all nurses and midwives registered by the NMBA in Australia. However, there are a number of considerations in relation to the professional indemnity insurance requirements that are particular to the practise of midwifery.

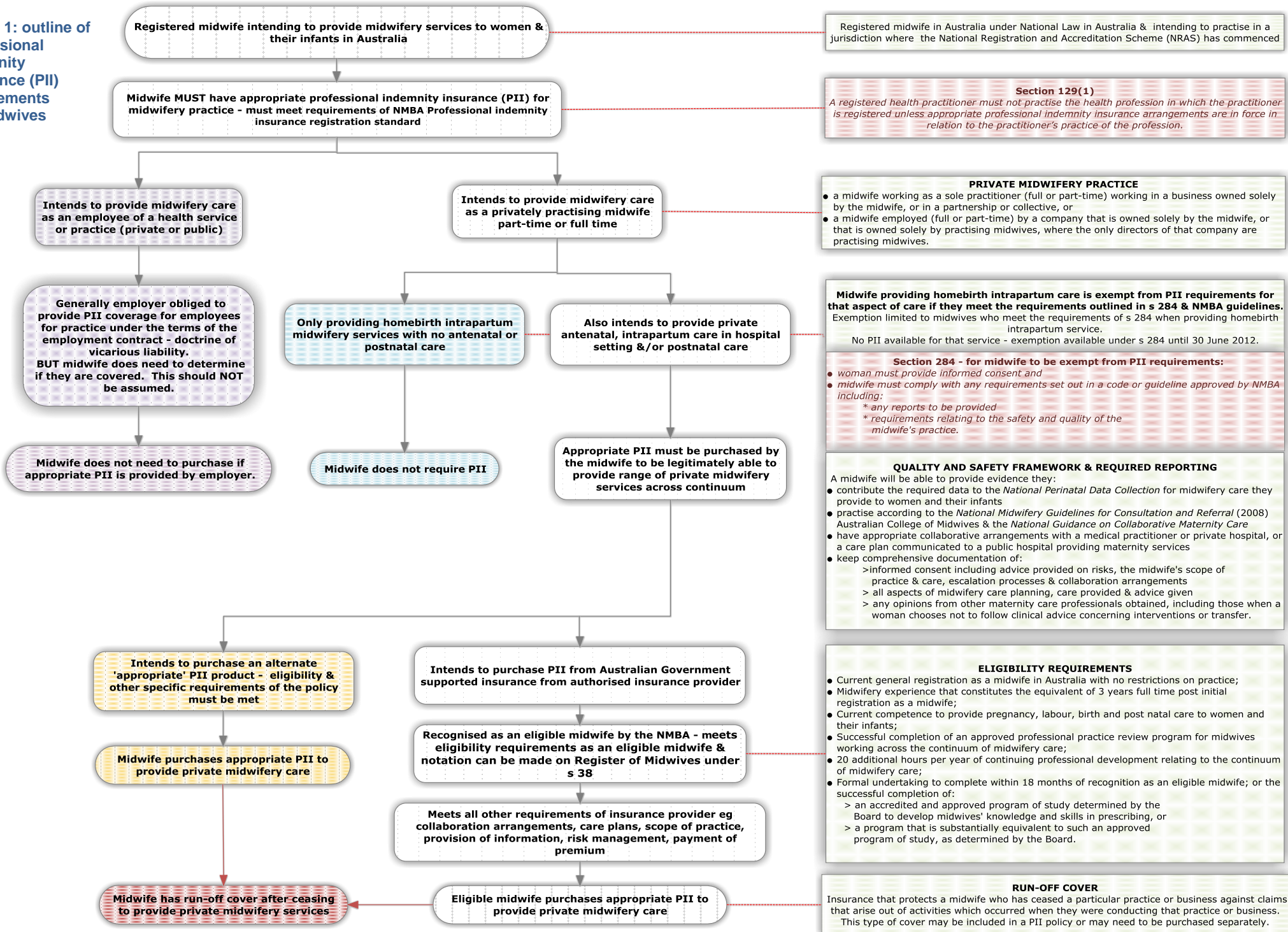
The baseline requirement is that a midwife **MUST** have appropriate professional indemnity insurance (PII) for midwifery practise to meet the requirements of section 129(1) of the National Law. This provision states:

A registered health practitioner must not practise the health profession in which the practitioner is registered unless appropriate professional indemnity insurance arrangements are in force in relation to the practitioner's practice of the profession.

The NMBA Professional indemnity insurance registration standard provides further detail to this requirement.

Figure 1 below summarises the requirements for registered midwives intending to provide midwifery services for women and their infants in Australia. These will be discussed in further detail in the more detailed guideline to be published by the Board in the near future.

Figure 1: outline of professional indemnity insurance (PII) requirements for midwives



Registered midwife in Australia under National Law in Australia & intending to practise in a jurisdiction where the National Registration and Accreditation Scheme (NRAS) has commenced

Section 129(1)
A registered health practitioner must not practise the health profession in which the practitioner is registered unless appropriate professional indemnity insurance arrangements are in force in relation to the practitioner's practice of the profession.

PRIVATE MIDWIFERY PRACTICE

- a midwife working as a sole practitioner (full or part-time) working in a business owned solely by the midwife, or in a partnership or collective, or
- a midwife employed (full or part-time) by a company that is owned solely by the midwife, or that is owned solely by practising midwives, where the only directors of that company are practising midwives.

Midwife providing homebirth intrapartum care is exempt from PII requirements for that aspect of care if they meet the requirements outlined in s 284 & NMBA guidelines.
Exemption limited to midwives who meet the requirements of s 284 when providing homebirth intrapartum service.
No PII available for that service - exemption available under s 284 until 30 June 2012.

Section 284 - for midwife to be exempt from PII requirements:

- woman must provide informed consent and
- midwife must comply with any requirements set out in a code or guideline approved by NMBA including:
 - * any reports to be provided
 - * requirements relating to the safety and quality of the midwife's practice.

QUALITY AND SAFETY FRAMEWORK & REQUIRED REPORTING
A midwife will be able to provide evidence they:

- contribute the required data to the *National Perinatal Data Collection* for midwifery care they provide to women and their infants
- practise according to the *National Midwifery Guidelines for Consultation and Referral (2008)* Australian College of Midwives & the *National Guidance on Collaborative Maternity Care*
- have appropriate collaborative arrangements with a medical practitioner or private hospital, or a care plan communicated to a public hospital providing maternity services
- keep comprehensive documentation of:
 - > informed consent including advice provided on risks, the midwife's scope of practice & care, escalation processes & collaboration arrangements
 - > all aspects of midwifery care planning, care provided & advice given
 - > any opinions from other maternity care professionals obtained, including those when a woman chooses not to follow clinical advice concerning interventions or transfer.

ELIGIBILITY REQUIREMENTS

- Current general registration as a midwife in Australia with no restrictions on practice;
- Midwifery experience that constitutes the equivalent of 3 years full time post initial registration as a midwife;
- Current competence to provide pregnancy, labour, birth and post natal care to women and their infants;
- Successful completion of an approved professional practice review program for midwives working across the continuum of midwifery care;
- 20 additional hours per year of continuing professional development relating to the continuum of midwifery care;
- Formal undertaking to complete within 18 months of recognition as an eligible midwife; or the successful completion of:
 - > an accredited and approved program of study determined by the Board to develop midwives' knowledge and skills in prescribing, or
 - > a program that is substantially equivalent to such an approved program of study, as determined by the Board.

RUN-OFF COVER
Insurance that protects a midwife who has ceased a particular practice or business against claims that arise out of activities which occurred when they were conducting that practice or business. This type of cover may be included in a PII policy or may need to be purchased separately.