

## Authority

This registration standard has been approved by the Australian Health Workforce Ministerial Council (the Ministerial Council) on 11 November 2011 pursuant to the *Health Practitioner Regulation National Law Act* (the National Law) as in force in each state and territory with approval taking effect from 10 January 2012.

## Summary

Nurses and midwives must not practise their respective profession unless they are covered by appropriate professional indemnity insurance (PII) arrangements.

The Board has approved PII guidelines for nurses and PII guidelines for midwives to use in conjunction with this registration standard.

## Scope of application

This registration standard applies to registered and enrolled nurses; registered nurses endorsed as nurse practitioners; and registered midwives.

It does not apply to:

- students of nursing and midwifery
- nurses and midwives who have non-practising registration and
- registered midwives who are exempted under the National Law (see *Definitions* in this registration standard).

## Requirements

1. Nurses and midwives, whether employed or self-employed, unless exempted under the National Law, require PII arrangements which covers the full scope of their practice.
2. When applying for registration or renewal of registration, nurses and midwives will be required to declare that they will not practise in their profession unless appropriate PII arrangements are, or will be, in place while they practise nursing or midwifery.
3. Nurses and midwives in different types of practice will require different levels of PII cover, according to their particular level of risk. The following PII cover should be considered:
  - a). civil liability cover
  - b). unlimited retroactive cover and
  - c). run-off cover.

4. It is the responsibility of nurses and midwives to understand the nature of the cover under which they are practising.
5. Self-employed nurses and midwives are required to have run-off cover, except those midwives practising privately who are exempt under the National Law.
6. Nurses and midwives who hold insurance cover in their own name are required to retain documentary evidence of their insurance arrangements and to provide it to the Board on request.
7. Self-employed midwives must provide full disclosure of their level of PII to their clients.

## PII arrangements guidelines for nurses and midwives

Nurses and midwives are expected to apply the relevant Board-approved guidelines for PII arrangements in conjunction with this registration standard.

## Definitions

**Civil liability** is a potential responsibility for the payment of damages for loss or injury; for example, arising out of a breach of a duty of care.

**Exemption for midwives practising private midwifery** refers to the detailed provisions set down in section 284 of the National Law.

**Professional indemnity insurance (PII) arrangements** means arrangements that secure, for the practitioner's professional practice, insurance from civil liability incurred by, or loss arising from, a claim that is made as a result of a negligent act, error or omission in the conduct of the practitioner. This type of insurance is available to practitioners and organisations across a range of industries and covers the costs and expenses of defending a legal claim, as well as any damages payable. Some government organisations under policies of the owning government are self-insured for the same range of matters.

**Run-off cover** means insurance that protects a practitioner who has ceased a particular practice against claims that arise out of, or are a consequence of, activities that were undertaken when he or she was conducting that practice or business.

**Retroactive cover** means PII arrangements which cover the insured against claims arising out of, or as a consequence of, activities that were undertaken in the course of the practitioner's professional practice, prior to the date of commencement of the insurance.

**The Board** means the Nursing and Midwifery Board of Australia.



### Review

This registration standard will commence on 10 January 2012. The Board will review this registration standard at least every three years and on any change to the exemptions for midwives practising privately.

