



# Models of indemnity cover, are you really covered?

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Receive a director's fee but otherwise no financial interest in this talk



# Why do consultants need malpractice cover?

- To be allowed to practice they must have cover
- To protect them against an accusation
- That their medical professional services
- Caused physical or mental harm, injury or death, to a patient



# Why do all doctors need cover?

- Defence of your right to practice at GMC hearings
- Disciplinary procedures
- Inquests
- Fatal accident inquiries



Is there any difference between Medical Defence Organisation (MDO) cover and medical malpractice insurance?

# Let's look at MDOs first

## The good bits

- Mutual non-profit organisations



- Providing indemnity policies not insurance
- Offered on an occurrence basis i.e. cover in force if a policy in place
- No requirement for run-off cover



# And the not so good

- These policies are discretionary so no contract to pay for a claim or an investigation if the MDO chooses not to



- Strict criteria for deciding eligibility for payment in a claim



# More on MDOs

- These policies tend to be more expensive than insurance due the breadth of the cover despite being discretionary
- Being mutual and owned by the members big claims can affect all the members premiums as these pay for the claims



# And now insurance cover

- Contractually bound to guarantee cover by law
- Insurers and brokers are FCA regulated
- Greater financial security that a claim will be paid



# Further, insurance provides

- Provide formal complaints procedure and access to the Financial Ombudsman Service (FOS)



- Guarantee sufficient funds to pay claims



- Policies are on a claims-made basis i.e. those made during the term of the policy

# Cost and retirement cover

- These policies are generally cheaper as premiums not subject to large claims by other policy holders but are relative to risk



- Run-off cover is required but maybe built into the policy



# Bolt-on additional cover

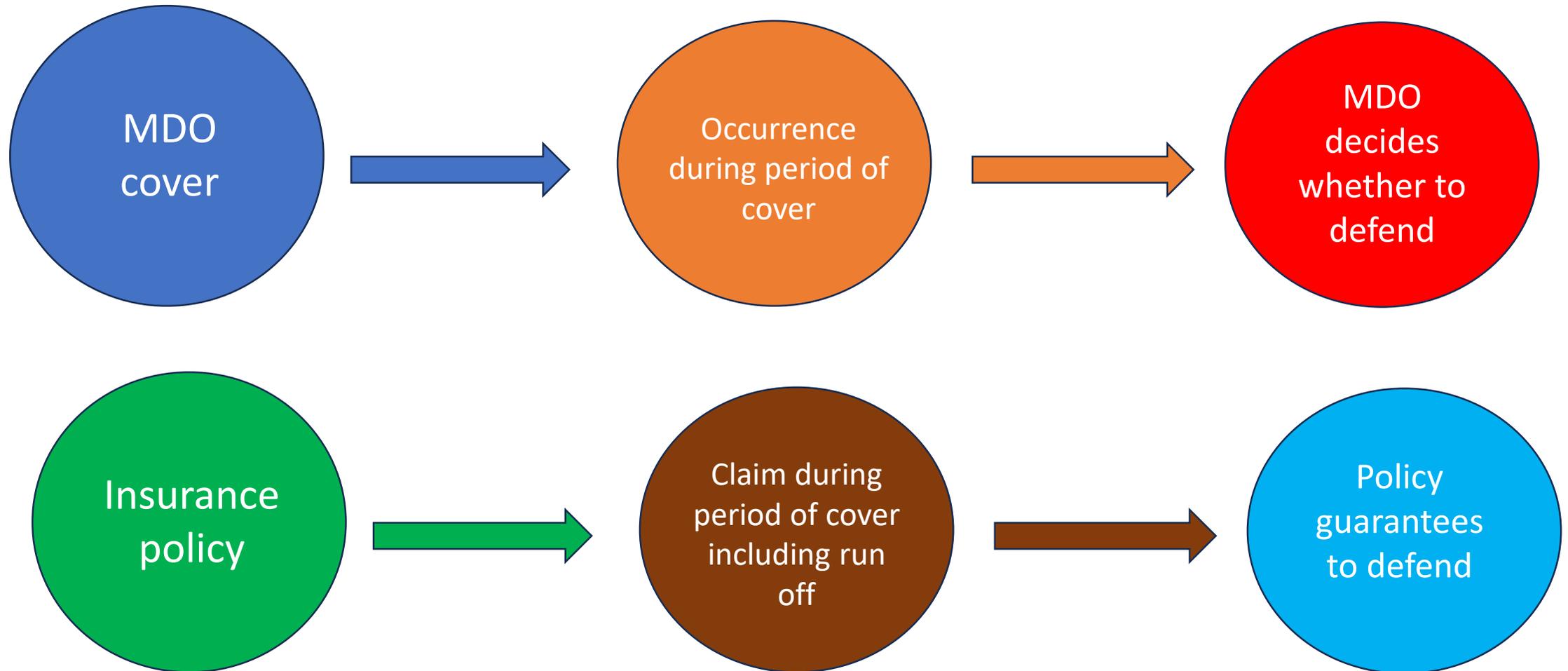
- Cyber security insurance



- Public liability insurance



# Let's review the main difference when you are sued





Thank you