

4 May 2011

Ms Anne Copeland  
Chair  
Nursing and Midwifery Board of Australia  
GPO Box 9958  
MELBOURNE VIC 3001

Email: [nmba-consultations@ahpra.gov.au](mailto:nmba-consultations@ahpra.gov.au)

Dear Ms Copeland

***Re: Professional Indemnity Insurance Arrangements Registration Standard and Guidelines: Professional indemnity insurance for midwives***

Royal College of Nursing, Australia (RCNA) is pleased to provide the attached submission to the to the Nursing and Midwifery Board of Australia in relation to the consultation draft on Professional Indemnity Insurance Arrangements Registration Standard; the Guidelines: Professional indemnity insurance for midwives and approaches to specifying a minimum amount of cover for professional indemnity insurance for midwives.

RCNA is the peak professional organisation for nurses in Australia. RCNA represents nurses across all areas of practice throughout Australia. RCNA has members in all states and territories of Australia, and internationally. A not-for-profit organisation, RCNA provides a voice for nursing by speaking out on health issues that affect nurses and the community. With representation on government committees and health advisory bodies, RCNA is recognised as a key centre of influence in the health policy arena in Australia. When health policy decisions are made, RCNA presents a professional nursing perspective, independent of political allegiance.

Please do not hesitate to contact me for further information or discussion on this matter.

Yours sincerely



Kathleen McLaughlin FRCNA  
Acting Chief Executive Officer  
Attachment



## Professional Indemnity Insurance Arrangements Registration Standard and Guidelines: Professional indemnity insurance for midwives

### Introduction

Royal College of Nursing, Australia (RCNA) welcomes the opportunity to provide feedback to the Nursing and Midwifery Board of Australia consultation on the revised Professional Indemnity Insurance Arrangements Registration Standard; and the newly developed Guidelines: Professional Indemnity Insurance for midwives. RCNA's submission also provides feedback on Approaches 1 and 2 relating to the amount of cover for professional indemnity insurance cover.

General feedback from RCNA members has highlighted a number of areas that may need clearer definition or explanation, particularly in relation to the amount of cover. Most nurses and midwives are not experts in the sphere of insurance, and do not have the skills or expertise to calculate the necessary level of insurance.

### Revised Professional Indemnity Insurance (PII) Arrangements Registration Standard

#### Guidelines: Professional indemnity insurance for midwives

#### Standard

RCNA makes the following suggestions:

- consider moving paragraph 4 to paragraph 1
  - this is the key paragraph of the standard
  - this will bring the standard into line with the PII standards for other health practitioners with national registration
- provide more information in paragraph 3 to support nurses and midwives understand the nature of the cover under which they are practising
  - e.g. develop sample questions nurses and midwives may ask an employer to determine the level of cover - questions should be available in guidelines
- consider amending paragraph 5 - this is a very broad statement and gives no direction
  - provide comprehensive examples of different practice settings and risk
- delete **'the age'** from paragraph 6 e)
  - age is not related to competency and could be seen as discriminatory.



## Guidelines

RCNA makes the following suggestions:

- page 5 - provide comprehensive examples of different types of midwifery practice and risk that may require different levels of PII cover
- page 6 delete the bullet point '**the age of the midwife**' - as noted above age is not a determinant of competency.

RCNA is concerned that the bullet point on page 6 -- 'any advice from professional indemnity insurers.....' places RCNA in an invidious position. RCNA does not have access to that data and does not consider it appropriate that a professional association should be required to provide sensitive information in relation to professional indemnity insurance claims to members.

## Level of cover

RCNA recommends **Approach 1**. The rationale for this is that the amount of cover must be able to meet the civil law principle that the money paid would put the person, as far as money can, in the place they would be if the harm had not occurred.

Additionally, if it is considered that midwives will need different levels of professional indemnity cover depending on the scope and risk of their practice, RCNA members consider that it is the responsibility of the Board to give direction and advice on what those levels are.

## General comments

RCNA acknowledges that it is the nurse or midwife's responsibility to understand the nature of the cover under which they are practising. However we believe that nurses and midwives will need access to support and information to be able to be fully informed. RCNA does not consider it appropriate for professional associations to be providing advice on the level of cover required particularly for midwives in private practice. Additionally we are concerned that the Board, without consultation could be seen to be shifting the onus for advice on professional indemnity insurance to professional associations. Members have been very clear in their feedback, that advice, guidance and information is the purview of the Board.

RCNA members have advised that the development of a guideline on professional indemnity insurance for **nurses** would be beneficial and should include similar information as the Guideline for midwives; for example questions to ask an employer and information relating to different practice settings.

## Contact details

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