



FREQUENTLY ASKED QUESTIONS (FAQs) ON PROFESSIONAL INDEMNITY (PI)

Malaysian Medical Council

Approved by the Council on 16th March 2021

FREQUENTLY ASKED QUESTIONS (FAQS) ON PROFESSIONAL INDEMNITY (PI)

1. What is Professional Indemnity?

- a) Professional indemnity is coverage that protects medical practitioners for any claims/potential claims of actual or alleged acts of negligence relating to and/or arising out of their medical professional services.
- b) The primary objective of professional indemnity is to pay for any loss or damages and defence costs from the medical negligence claims/ potential claims.
- c) Professional indemnity providers provide coverage in exchange for premiums paid by the insured parties.

2. Do I need a Professional Indemnity?

- a) Yes, pursuant to the 2012 Amendments to the Medical Act 1971 ("the Act") and the Medical Regulations 2017, professional indemnity is a prerequisite for the renewal of Annual practicing certificate (APC), specifically:

Section 20 (1) of the Medical (Amendment) Act 2012

Any fully registered medical practitioner who desires to practice as a medical practitioner after 31 December of any year and who produces evidence of having satisfied any requirements or restrictions stipulated by the Council shall, not later than 1 December of that year, make an application in the prescribed form, produce evidence of professional indemnity cover and pay the prescribed fee for a certificate to practise as a medical practitioner during the ensuing year.

Regulation 28 Medical Regulations 2017

28(2) An application under sub regulation (1) shall be accompanied by—

- (a) *a Professional Indemnity Cover;*
- (b) *the evidence of sufficient continuing professional development points obtained as determined by the Council; and*
- (c) *any other documents or certificates as determined by the Council*

3. How much coverage should I have?

- a) The amount of coverage for liabilities varies among doctors, and depends on your preference and your needs.
- b) It is your obligation to ensure that the indemnity arrangements are adequate and appropriate for the risks and nature of the whole scope of your own practice.

4. I am an employee of Ministry of Health, Malaysia. Do I need professional indemnity?

- a) Yes, you will need professional indemnity. However, please note that government doctors are provided coverage under Section 5, Act 359.

“subject to this Act, the Government shall be liable for any wrongful act done or any neglect or default committed by any public officer in the same manner and to the same extent as that in which a principal, being in a private person, is liable for any wrongful act done, or any neglect or default committed by this agent, and for the purposes of this section and without prejudice to the generality thereof, any public officer acting or purporting in good faith to be acting in pursuance of a duty imposed by law shall be deemed to be the agent of and to be acting under the instructions of the government “

5. I am an employee of the Malaysian Armed Forces (Angkatan Tentera Malaysia) or employed by any other Ministries. Do I need professional indemnity?

- a) Yes, you will need professional indemnity. However, being a government employee, indemnity cover will be provided by the government.
- b) Please note, medical practitioners employed by various government agencies will also enjoy similar privileges. Please verify with your establishment to submit the necessary documents for the indemnity coverage.

6. I am an employee of the Ministry of Health, Malaysia. I would like to engage in locum and private practice. Will I need additional indemnity cover?

- a) Yes, you will need additional indemnity coverage.
- b) However, please note, some independent healthcare providers may provide indemnity cover for the work you do for them. Please verify if the cover is adequate for the scope of your work at the facility.

7. I am a lecturer in a public university. Do I need professional indemnity?

- a) Yes, you will need professional indemnity. However, public universities generally have a Group Indemnity Cover for all their doctors.
- b) You must verify if the cover is adequate for the scope of your work at the facility and if it covers any other facilities that you are assigned to outside of the university.
- c) Please note, the 'Group Indemnity Cover' may not cover your private practice in other facility. You will need to verify this with your university.

8. I am a lecturer in a private medical university. Do I need professional indemnity?

- a) Yes, you will need professional indemnity if you are involved in clinical training.
- b) Please note, some private universities do provide group professional indemnity for their lecturers. If the university does provide indemnity cover, you must ensure it is adequate and appropriate for the scope of your service.
- c) If the university does not have a 'Group Professional Indemnity' cover, you may consider professional indemnity under 'Non-Clinical Doctor' category.

9. I am a lecturer in a private medical university. I engage in practice in the university's medical centre. Do I need a professional indemnity?

- a) Yes, you will need professional indemnity.

b) Though some private universities provide group professional indemnity for academic activities, it may not be adequate for the clinical practice. You must verify with your university if the cover is adequate for all your work at the facility.

10. I have retired and do not have a medical practice. I would like to retain my APC.

Do I still need professional indemnity?

a) Yes, if you seek to retain your APC.

11. I am actively involved in voluntary medical service outside my regular work. Do I need additional professional indemnity?

a) Yes, you will need additional professional indemnity cover.

b) Please verify with the organisation if there is professional indemnity coverage for the voluntary work that you will be offering. If adequate and appropriate indemnity cover is not provided by the organisation, you must make your own arrangements to cover yourself.

12. If I provide medical care in emergencies outside work (Good Samaritan acts), will my professional indemnity cover me?

a) Malaysia has yet to introduce the “Good Samaritan Act/Law”. Doctors are advised to take note that the law does not protect them.

13. I am employed as a PIC (Person-in-charge) in a Healthcare facility. What do I need to know about professional indemnity requirements?

a) As a responsible officer you will need to ensure that doctors under your care have adequate and appropriate professional indemnity cover for their practice.

14. I run a busy medical practice and have several doctors working for me. What do I need to know about professional indemnity requirements?

- a) As a medical practitioner you must have adequate and appropriate professional indemnity for the scope of your clinical practice.
- b) As a responsible person-in-charge of your clinic, you must ensure that all medical practitioners working in your facility have appropriate and adequate professional indemnity.

15. I am an employee of KKM / Malaysian Armed Forces/other Ministries and will pursue postgraduate studies in a public university. Do I need professional indemnity?

Yes, you will need professional indemnity. However, public universities generally have a Group Indemnity Cover for all their doctors including postgraduate students. You will need to verify this with the university or your sponsoring body.

16. I am an employee of Ministry of Health / Malaysian Armed Forces /other Ministries and will undergo a clinical attachment/ fellowship training in a public university / any other healthcare facility outside Ministry of Health (eg. IJN/THONEH).

Do I need professional indemnity?

Yes, you will need a professional indemnity. However, public universities / other healthcare facilities generally have a Group Indemnity Cover for all their doctors including those attending a clinical attachment/training. You will need to verify this with the facility or your employer.

17. What are the Professional Indemnity documents that must be submitted to the MMC via the MeRITS system?

You are required to upload the policy schedule/ certificate of insurance/ certificate schedule/ group policy/ certificate of membership of the Professional Indemnity. These documents may vary according to the provider of Professional Indemnity, and the documents are subject to approval by the Council.

The documents uploaded must clearly state your name, policy number/certificate number, period of coverage, limit of indemnity and your places of practice.

For group cover, the facility is required to submit to us directly the main policy with the complete name list of their practitioners.

For MOH/Armed Forces: You are not required to submit any documents as the documents have already been submitted to us by the respective Ministry.

Other Ministries: You are required to submit a cover letter on the indemnity signed by the Secretary General of the respective Ministry.

Public University: You are required to upload the Group Policy as detailed above, or a cover letter from the Vice Chancellor detailing the above information.

Private University: You are required to upload the Group Policy/ individual policy as detailed above.

Private Sector: You are required to upload the Group Policy/ individual policy as detailed above.

Others: You are required to upload the membership certificate/ policy/ schedule as detailed above.

*This document was prepared to answer general questions pertaining to Professional Indemnity. Should there be any queries not already address kindly refer to our hotline or email us to:-
Email: unitapc.mmc@gmail.com
Hotline: 0390782171*