

Member Guidance: Navigating Professional Scenarios



Reading time:

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Q &

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What happens if my AHPRA registration changes?

You are required to notify MIPS in writing of any current or new conditions imposed on your provision of health care by registration bodies or your employer (or as a student your educational institution), registration body or clinical institution, when this occurs. If you do not inform us of this change it may prejudice your membership rights including cover under the Indemnity Insurance Policy, or the amount of assistance that will be provided.

It is a requirement for membership and insurance cover that any and all registration board conditions and requirements are met.

Make a [notification](#).

What is my duty of disclosure?

You have a duty at law to disclose to MIPS anything that you know, or could reasonably be expected to know, that is relevant to our decision to accept you into membership and an insurers decision to insure you and if so, on what terms and conditions. This duty applies to your initial application for membership and at each subsequent renewal application. Examples include disclosure of previous claims history or previously unreported incidents, circumstances from your health care activities that could lead to a complaint, claim, and legal action or AHPRA Board investigation.

If you fail to meet your duty of disclosure, MIPS may reduce or refuse its liability and assistance to you under the membership benefits or in accordance with MIPS Constitution. MIPS may also cancel your membership and/or decline future membership renewal applications. If your non-disclosure is fraudulent, your cover under the membership benefits may be void from the beginning.

If a mentally unstable patient threatens me or my family, can MIPS provide financial aid for my personal safety?

This is an unusual circumstance and MIPS would consider the merit of the request through the discretionary cover of [MIPS Assist](#).

Does MIPS provide any assistance with public relations and defamation?

Yes, within the limits of discretionary assistance provided under [MIPS Assist](#). MIPS has counselled and assisted members on how to remove defamatory social media posts and website reviews. MIPS however, does not provide financial assistance to employ a PR firm or compensation for defamation.

Will MIPS pursue my right to indemnity if my employer/hospital/clinic refuses to assist?

Yes, if you are a MIPS member and you provide healthcare in an employer indemnity role where the healthcare you provide is covered under your employer's policy, then MIPS is able to provide assistance through [MIPS Assist](#). This may also be known as 'indemnity dispute pursuit'. MIPS commonly assists members where employers are not meeting or where they are unable to meet their obligations (eg due to conflict of interest).

Will MIPS assist me if I am subject to a tax audit by the ATO?

The Indemnity Insurance policy does not extend to cover tax audits. You can make a claim in the same way as any other notification to MIPS.

Can MIPS cover me for loss of documents/privacy breach fines and penalties?

The Indemnity Insurance Policy does not provide this type of cover. If you need this type of cover you can seek out a practice entity policy.

Does indemnity cover mean that MIPS pays the damages and the legal costs?

Yes, where a claim is accepted, the **Indemnity Insurance Policy** includes cover for up to \$20 million for legal representation. This covers the cost for legal defence as well as representation during an investigation. It will also cover the cost of any damages that you are ordered to pay. MIPS' cover is comprehensive and this doesn't just refer to Australian courts, it also covers administrative or disciplinary proceedings, (including investigations by AHPRA, NSW HCCC and state and territory drugs and poisons authorities).

If a private health fund sues me, will MIPS defend me and to what limit?

MIPS' **indemnity** has no-sub limits, so any actions covered under the policy falls under the one limit of \$20 million. If the civil case brought against you relates to your provision of healthcare then it does not matter whether it is a patient or a private health fund that brings the case, MIPS will defend you. However, if the matter relates to say, an accusation of fraud concerning billing, then MIPS' policy is unable to respond.

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