

Indemnity for Medical Evacuations



Reading time:
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Since the introduction of the Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018 (the Bill), more commonly referred to as the Medevac Bill or the Urgent Medical Treatment Bill, certain legal issues of concern to members have been highlighted.

The Bill will allow for medical evacuations from Manus Island and Nauru where doctors are of the opinion that it is necessary to evacuate a detainee from either of those islands in order to provide appropriate treatment in Australia, which the person may not otherwise receive if he/she remains on either of those islands.

MIPS was approached by the **Medical Evacuations Response Group** (MERG or Medevac), which describes itself as “a partnership of specialist refugee support organisations who are working together to ensure the safe, orderly and effective implementation of applications... under the Medevac legislation.”

The MERG have defined roles for practitioners and MIPS members can be indemnified for their work in these roles.

Membership benefits (including insurance cover) can only be extended under the MIPS Members Indemnity Insurance Policy when you have fully complied with the laws of the country/jurisdiction where the healthcare services are provided, including any registration obligations and/or requirements. For telehealth under Australian law and in general, healthcare is considered to be provided where the patient is located, not the practitioner.

Members will need to make their own enquiries about the regulations of each country they are providing services in (based on the locations of patients) to ensure compliance with local laws. Nauru passed a law in early 2019 to prevent residents of the island nation being granted medical transfers if the referral is based on the recommendation of a doctor who consulted the patient online. No insurer, including MIPS, can provide cover for practitioners knowingly committing illegal acts hence the requirement for practitioners to adhere to laws.

MERG roles

Triage group
Medical Working Group (including Psychiatric Registrar sub group)
Specialist Report writing
General Medical Group - practitioners who do not teleconference (including Registrar sub group)
General Medical Group - practitioners who teleconference (including Registrar sub group)
Critical Illness Working Group (including Registrar sub group)
Teleconference Assessment Group

Indemnity provided through MIPS membership

Practitioners working within Defined Roles meet the definition of healthcare as per the MIPS Members' Indemnity Insurance Policy.

MIPS' indemnity extends to work performed within the definition of these roles such as reporting and assessment, coordinating healthcare practitioners and formal reporting after being briefed by lawyers.

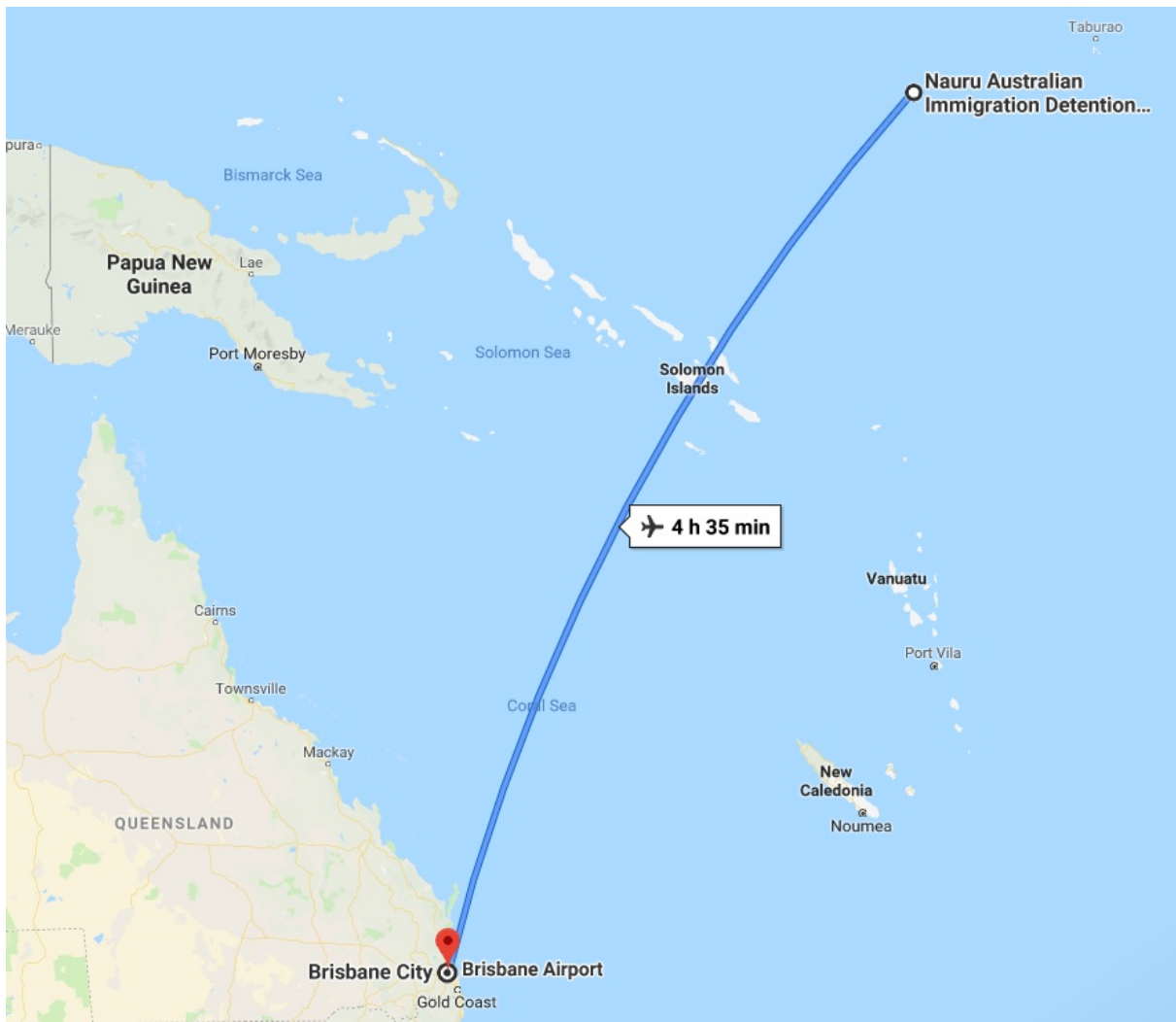
Members in an 'Employer indemnified only' basis will need to update their membership classification to include non employer indemnified gratuitous services within Australia, which may result in an additional fee. **Contact MIPS** to make this change.

Case management of urgent cases would involve patient contact thus would be considered as undertaking gratuitous healthcare services outside of Australia and would need to comply with MIPS' normal requirements.

Members will need to update their membership classification to include non employer indemnified gratuitous services outside of Australia. For members in an 'Employer indemnified only' basis, this may result in an additional fee.

If you are participating in these roles, you will need to make an **Application for Cover for Healthcare Services Outside of Australia**. Please ensure that you clearly outline which role/s you will participate in, and when you commence the services.

See the **MERG process**



According to the Refugee Council of Australia, as of 26 March 2019, there were 359 people left in Nauru and 547 left in PNG. As of 6 April 2019, 1 person had been transferred to Australia under the Medevac legislation.

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