



# **QBE Medical Malpractice Insurance**



# The Product



## Why do medical professionals need protection?

Advancements in medicine in recent decades have brought new knowledge, treatment methods and hope to patients. However, today's medical professionals also face an increased exposure to risks due to the long-term nature of any legal claims.

If a patient suffers bodily injury, sickness, illness, mental injury, or even death after relying on the advice of the medical professional or a medical establishment, the patient or their legal representative has the right to commence legal action. Claims can also be made if a medical professional fails to fully inform the patient.

Medical malpractice insurance covers medical professionals and medical establishments against negligent acts, errors and omissions that may arise from the rendering or failure to provide medical services.

It is important that medical professionals are protected for legal costs and expenses as litigation involving medical malpractice claims can often be complex as well as very expensive.



### **What does QBE Medical malpractice insurance provide?**

- A comprehensive solution that protects medical professionals and medical establishments against potential legal action that may result through medical activities or the provision of medical services.
- Peace of mind for medical professionals with the knowledge that should they face any litigation or prosecution, QBE will offer them every possible assistance and support to protect both their reputation and their assets.
- An individually tailored plan to suit specific needs.

### **Key benefits - provides:**

- protection for medical professionals against legal liability for breach of professional duty in the conduct of their professional practice
- peace of mind and financial protection for a broad range of claims
- protection against compensatory damage awards that are awarded against the medical establishment or healthcare professional
- protection against financial burden of litigation, including settlements and legal costs and expenses associated with defending legal actions

### **Automatic extensions:**

- Libel and slander
- Loss of documents
- Coronial enquiries
- Emergency first aid
- Students
- Newly created or acquired entity or subsidiary
- Run-off cover insured entity or subsidiary
- Estate and legal representatives

### **Applicable medical professions/ establishments:**

- Allied healthcare professional - non-surgical procedures (including but not limited to physiotherapists, acupuncturists, naturopaths, audiologists, and osteopaths)
- Chemists or pharmacists
- Day surgeries and medical clinics
- Dentists/orthodontists and dental healthcare professionals
- Eye hospitals and eye laser surgery centres
- Hospitals
- Nursing homes and aged care facilities
- Traditional Chinese Medicine Physicians

In addition, QBE can also provide Clinical Trial Insurance cover on an annual or specific clinical trial basis.

### **Professions not included:**

- Medical practitioners (*doctors of medicine*)
- Physicians
- Cosmetic and/or plastic surgeons

# Medical malpractice claim examples

The following case studies illustrate several real-life scenarios:

A **pharmacist** gives a patient with high blood pressure the wrong medication, which causes further exacerbation to the patient's medical condition.

In a **hospital**, a bed-bound patient fell from bed while sleeping and subsequently died. The patient's family sued the hospital and nursing staff for their lack of supervision and monitoring because the bed side handle was not correctly placed upright.

At a **private hospital**, a patient suffered post-operative complications, which resulted in a claim against the hospital alleging that the medical practitioner who performed the surgery was not appropriately qualified and did not carry the required medical malpractice insurance at the time of the surgery. The hospital itself faced substantial costs in defending the action and paying compensation.

At a **medical day surgery facility**, a patient alleged that the surgery was performed without anaesthetic, and that the surgeon was unable to complete the surgery due to inadequate instruments. The patient's claim was for substantial mental distress and bodily injuries.

An **optometrist** faced a claim alleging the failure to diagnose the deterioration of vision, resulting in the patient's irreversible loss of vision.

A **traditional Chinese medicine physician** faced a claim from the family of a cancer patient who died after taking Chinese medications provided by the physician. The patient's family sued both establishment and the individual physician for medical negligence in failing to notice the patient's condition.

A **clinical research establishment** faced a claim from a number of participants in a clinical trial after they encounter adverse side effects and subsequently suffer permanent hair loss. The clinical trial participants commenced legal action against the company for negligence for not fully advising them on the potential side effects.

## How to obtain further information

Should you require further information, we welcome you to contact your QBE local representative or account manager, or visit [www.qbeap.com](http://www.qbeap.com)

## Important note

The description of coverage contained in this document is a summary of the highlights of the cover available. QBE encourages you to read the Policy wording for a complete description of the terms and conditions. Any claims made are subject to terms, conditions, limitations and exclusions as outlined in the Policy's wording of insurance. The Policy summary does not form part of the Policy terms and conditions.

## **QBE Medical malpractice insurance**

QBE Medical malpractice insurance protects healthcare professionals and the medical establishments against their legal liability for breach of their professional duty during the conduct of their professional medical practice.



**QBE Insurance (Malaysia) Berhad**

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