



# Press Release

---

PR 140142

29.01. 2014

## **PROFESSIONAL LIABILITY INSURANCE FOR HEALTH CARE PROFESSIONALS**

The Ministry for Health is issuing this statement to address a number of concerns and misinformation concerning professional liability insurance for health care professionals.

Council Directive 2011/24/EU on the application of patients' rights in cross-border healthcare requires each Member State of the European Union to ensure that systems of professional liability insurance or equivalent arrangements are in place for treatment to patients provided in their territory. The Directive was enacted on 9 March 2011, after going through the usual EU legislative procedure which was triggered by a European Commission Proposal way back in 2008. Like all the other Member States, Malta was obliged to transpose and give effect to this Directive by 25 October 2013.

Healthcare professionals in private sector, which include Doctors, Pharmacists, Allied Health Care Professionals and Nurses, are required to ensure that they are covered by a professional indemnity insurance which is appropriate to the nature and extent of the risk which they undertake when providing healthcare services to patients. Such policies of insurance, are meant to ensure that in the event of a claim for civil damages, the healthcare professional is covered up to the agreed sum indicated in the policy. Some professionals already had such cover in place, even before the above development at European Union level, as this was always considered to be good practice. Other professions such as notaries public are also required to be covered by professional indemnity insurance.

In the case of healthcare professionals providing healthcare services within the public healthcare system of Malta, the Government will continue to provide cover for civil damages itself. Nothing has changed in this respect, and the current system and procedures will be maintained. The Directive will therefore not impose any new requirement on doctors, nurses and other healthcare professionals working in the public healthcare system of Malta.

Furthermore, it is to be noted that Council Directive 2011/24/EU has nothing to do with criminal liability. Criminal responsibility for criminal behaviour falls outside the scope of the Directive. Nothing at all has changed in this respect.