

# Professional Indemnity what Orthopods Need to Know

Sachin Kale<sup>1</sup>, Arvind Vatkar<sup>2</sup>, Gursimram Singh Sandhu<sup>1</sup>, Yash Tantia<sup>1</sup>

## Learning Point of the Article:

The learning point is, understanding and investing in adequate PI insurance, combined with preventive measures, can significantly protect your practice and career from the risks associated with medical negligence.

## Introduction

Navigating the realm of professional indemnity (PI) in the medical field might feel like exploring unknown land. If you are an orthopedic surgeon practicing in India, understanding the complexities of medical indemnity insurance is critical for protecting your career and peace of mind. Let's go into what you require to understand.

A study conducted in 2016 by the National Law University in Bengaluru found a 400% rise in medical negligence lawsuits in consumer courts. While about 10–15% of cases are legitimate, 85% include doctors defending themselves. As awareness of rights improves along with judicial empathy growth, PI insurance is essential for medical professionals to safeguard their legal and monetary interests in such cases [1].

Our study showed that roughly 90%, 64%, and 22% of medical specialists with 10 years, 5–10 years, and 5 years of working experience had purchased PI [2].

Medical PI provides a safety net for health-care providers. It protects physicians, nurses, hospitals, and other medical professionals against financial liability resulting from allegations of malpractice or legal actions brought by patients. To put it simply, if anything goes wrong and a patient files suit against you, this insurance will reimburse the costs.

Medical professionals in Mumbai are purchasing high-value medical PI plans to shield themselves from the possible financial and professional consequences of medical negligence litigation. This tendency is not restricted to one specialty but extends across other sectors, showing a larger concern about legal weaknesses. The increase in lawsuit frequency and severity has prompted doctors to implement more extensive risk management measures, emphasizing the need for medical indemnity insurance in the health-care sector.

Orthopedic surgeons are responsible for difficult operations and therapies that are frequently associated with considerable risks. Complications, prolonged disability, post-operative neurological deficit, or patient discontent are substantially more likely to result in legal action. This is the reason indemnity insurance is so important for orthopods.

Now that we have established that medical indemnity is essential, let's understand 10 important points before we buy one.

**1. Coverage amount:** Ensure the policy covers the high litigation costs associated with orthopedic surgery. Aim for coverage of at least Rs. 1 crore to protect against major claims if you are a general orthopedic surgeon and for coverage of 2 crores if you are involved in risky specialties such as spine surgery and complex arthroplasty [3]. In a research conducted by our team in

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## Author's Photo Gallery



Dr. Sachin Kale



Dr. Arvind Vatkar



Dr. Gursimram Singh Sandhu



Dr. Yash Tantia

<sup>1</sup>Department of Orthopedics, D Y Patil Hospital and Medical College, Navi Mumbai, Maharashtra, India,  
<sup>2</sup>Department of Orthopedic, Spine Surgery Unit, Fortis Hiranandani Hospital, Navi Mumbai, Maharashtra, India.

### Address of Correspondence:

Dr. Sachin Kale,  
Department of Orthopedics, D Y Patil Hospital and Medical College, Navi Mumbai, Maharashtra, India.  
E-mail: sachinkale@gmail.com

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March 2023, the majority of consultants with 5–10 years of experience who were aware of PI picked a lower coverage of 50 lakhs. In contrast, 41% and 35% of consultants with more than 10 years of experience select the 1–2 crore and >2 crore groups [2]. This shows a worrying trend in which consultants with less experience who are more prone to surgical errors have less coverage than experienced surgeons.

**2. Policy inclusions:** Verify that the insurance contains all important coverages such as legal defense costs, compensation payments, and settlement expenses. [4]

**3. Exclusions:** Know what the insurance plan does not cover. Common exclusions may include criminal behavior, inappropriate sexual conduct, and claims deriving from intentional damage. [3]

**4. Retroactive cover:** Ensure the policy offers retroactive coverage for incidents that occurred before the start date of the policy but are reported during the policy period [4]. This is because a patient or relative has 2 years from the date of the occurrence to report the alleged medical malpractice. [4, 5]

**5. Geographical scope:** Confirm that the insurance covers occurrences that occur in all places where you practice, including clinics and hospitals in Mumbai and maybe other regions. [3]

**6. Claim settlement ratio:** “History repeats itself” is an old phrase. Check the insurer’s claim settlement ratio to make sure they have an excellent track record of resolving claims quickly and equitably.

**7. Policy limits:** Understand the limits on the number of claims that can be made in a policy year - any 1 year (AOY) and per incident any one treatment (AOT) [3]. Our study found that only 35% of specialists really knew about AOY and AOT [2]. The premium of PI is calculated based on any one accident (AOA) limits of 25%, 33.33%, 50%, or 100% chosen for AOY limitation per indemnity. This implies that if you purchase a policy valued at 1 crore coverage and the AOA is 25%, you may only seek reimbursement for 25 lakhs per occurrence. The premium differs between different AOA categories. [1]

**8. Legal support:** Check to see if the coverage offers access to legal professionals who can help defend against allegations.

Professional legal representation might be critical in difficult matters. It is also recommended to learn about the legal team and their track record before purchasing the PI. [6]

**9. Reputation of insurer:** Consider the insurer’s reputation, financial stability, and customer service quality. A reliable insurer will provide better support during the claims process [7]. Ask your colleagues and seniors about their experiences and choices regarding PI insurers.

**10. Premium costs:** Balance the premium costs with the coverage benefits. Ensure that the premium is reasonable and affordable without compromising on essential coverages. Group insurance coverage is also available to members of the Association of Medical Consultants, Maharashtra Orthopedic Surgeons, and the Indian Medical Association (IMA), among others. These associations negotiate with insurers to provide better prices and benefits for bulk PI purchases.

In India, medical practitioners can obtain indemnity insurance through a variety of organizations, including Indian Medico-legal Consulting Services, the IMA National Professional Protection Scheme, and PI Policies from National General Insurance. These firms manage medicolegal and administrative difficulties, including record keeping, document advice, and consumer advocacy. They also help with criminal cases and Medical Council of India proceedings, safeguarding the safety of medical professionals.

However, prevention is always preferable to treatment. As a result, let’s look at five key areas of practice for avoiding medical malpractice lawsuits. These methods also help to avoid and reduce the compensation awards made by courts in situations of medical negligence.

**1. Enhance communication:** Effective communication with patients is critical. Clear explanations of procedures, risks, benefits, and post-operative care can reduce misconceptions and increase patient satisfaction [8]. Developing excellent communication skills is now an important part of India’s competency-based medical education curriculum.

**2. Maintain comprehensive documentation:** In court, what is not written is not done. Detailed and accurate medical records might be critical in defending against malpractice lawsuits. Documentation should contain the patient’s history, written informed permission, treatment plans, and follow-up care [9]. Please write accurate doses of medications in legible handwriting or provide printed notes.

**3. Ensure technical competency:** What the mind is unaware of cannot be seen. Regular training and continuing education for surgeons and their colleagues help to maintain high technical skill levels, lowering the likelihood of surgical mistakes. It is also recommended that a two-surgeon team operate on rare and complex high-risk patients to save surgical time and avoid complications.

**4. Implement protocols and checklists:** Perioperative complications happen in around 10% of cases, with a mortality rate of around 0.5%, based on a maximum care hospital in Germany. Half of these adverse outcomes were thought to have been avoidable. The World Health Organization (WHO) introduced a perioperative checklist in 2008, resulting in a considerable reduction in morbidity and death. Hence, WHO's standardized protocols and surgical checklists need to be done which guarantees that all processes are done correctly, reducing

the likelihood of oversight or mistakes during surgeries [10].

**5. Foster a culture of safety:** Medical treatment is a collaborative effort. Encourage a work atmosphere in which team members may raise possible difficulties without fear of repercussions. This culture can assist in detecting and managing issues before they cause harm.

In the end, medical practitioners must get PI insurance to protect themselves from financial losses and reputational harm caused by malpractice lawsuits. It serves as a safety net, allowing clinicians to concentrate on patient care without ongoing legal concerns. In addition, efforts to avoid medical negligence include improving communication, maintaining thorough documentation, assuring technical proficiency, creating protocols, and cultivating a safety culture. These approaches, used together, serve to reduce hazards while also enhancing overall health-care quality.

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