



# Aged Care Association NEW ZEALAND

## Liability Insurance Protection for Nurses associated with ACA members

Aged Care Association (ACA) has formed a partnership with insurance and risk advisers Aon New Zealand to provide a range of insurance packages to ACA members, and Nurses working for member entities under a special liability insurance package. On-going changes within the regulatory environment, increased scrutiny on competencies and higher professional standards of practice mean that today's health professional faces increased risk in their everyday activities.

Both legislative and social changes have made it necessary for you to take responsibility for your own professional protection and financial security.

Insurance or indemnities provided by your employer is nice to have, however it can leave you short on protection, restrict your involvement in the management of the claim, complaint or investigation and create a potential conflict of interest and your ability to independent representation.

NZACA Member Nurses can access our specially designed professional liability insurance plan.

### POLICY BENEFITS

- Portable 'Anywhere in New Zealand' policy
- Nil Excess on claims
- Easy Application
- Multiple insurance covers for one low price
- Separate cover for settlement and your defence costs - \$1,000,000 total indemnity limit
- Past activities covered (excluding any existing claims or complaints known to you prior to joining)

### ARRANGING INSURANCE COVER

- Complete the application form
- Pay the premium amount
- Return the form to ACA

The insurance has a common due date of 1 August so this will be the date your insurance will be due to renew.

Your application for cover may be subject to insurer review if you have been the subject of past claims notifications or events, or if your primary place of business is not within an aged care facility.

The insurance facility is Managed by: Aon New Zealand | PO Box 2517 Wellington 6140 | +64 4 819 4000

Underwritten by Chubb Insurance New Zealand Limited. "AA-" (Very Strong) insurer financial strength rating given by Standard & Poor's (Australia) Pty Limited

The total cost of insurance is \$213.90.

If you take out cover from 1 December 2023 the cost is \$143.75. If you take out cover from 1 April 2024 the cost is \$86.25. Regardless of when you take out the insurance cover, it will be due to renew on 1 August.

It's important when completing the forms that you give full and accurate answers. Information about your duty of disclosure can be found at Item 8 of our Important Notices document - you can access this here [Aon-Important-Notices-March-2021.pdf](#).

Included in this document is a link to our Terms of Business and other information that is important to consider prior to renewal like – Item 6 Claims Made.

Aon terms of business and general disclosure can be found here. This will tell you more about Aon and some important information about your insurance.

[General Disclosure Statement \(aon.co.nz\)](https://aon.co.nz)

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## INSURANCE SUMMARY

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The insurance is for individual nurses, working within aged care facilities, and provides a combined liability insurance package;

### MEDICAL PROFESSIONAL LIABILITY

Liability claims from third parties in connection with a civil, malpractice or competency issue including costs or damages awarded against you in connection with your professional duties, your defence costs and expenses associated with Nursing Council, HDC or other Quasi-Judicial or Regulatory body that may investigate your competency or conduct following a complaint or event.

Covering you when providing aged care nursing and related activities.

Limit of Indemnity settlements \$500,000 any one claim and for all claims in the policy period

Limit of Indemnity defence costs \$500,000 any one claim and for all in claims in the policy period

Following the Covid-19 pandemic, insurers have now applied a new coverage restriction as follows:

#### **Coronavirus Exclusion- failure to follow protocols**

The Insurer shall not be liable to make any payment for Loss under this Policy directly or indirectly caused by, arising out of, attributable to or in any way connected with:

- (i) the Insured's failure to take reasonable steps to observe and comply with applicable laws, governmental rules and official guidelines concerning:
  - a. an actual or suspected outbreak of a Communicable Disease; or
  - b. the threat or fear of a Communicable Disease (whether actual or perceived);
- (ii) the Insured's failure to follow a crisis management plan that addresses the steps referred to in (i) above; or
- (iii) the Insured's actual or alleged:
  - a. failure to adequately assess and disclose on an ongoing basis;
  - b. provision of false and misleading statements in relation to; or
  - c. failure to take adequate steps to mitigate,

the risk a Communicable Disease poses to the Insured's business, employees, suppliers, clients, customers or to the Insured's financial performance.

For the purposes of this endorsement, Communicable Disease means:

- 1) Coronavirus and any strain of Coronavirus or its sequaleae;
- 2) Atypical Pneumonia or any strain thereof;

### PUBLIC LIABILITY

Your legal liability to pay compensation for property damage or personal injury that happens in the course or conduct of your business.

Following the Covid-19 pandemic, insurers have now applied a new coverage restriction as follows:

#### **Communicable Disease Exclusion – Blanket**

This insurance does not apply to any injury, damage, expense, cost, loss, liability or legal obligation of any nature whatsoever caused by, arising out of, related to, or resulting from, directly or indirectly, in whole or in part, any "communicable disease".

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the:

- a. Supervising, hiring, employing, training or monitoring of others that may be infected with and spread a "communicable disease";
- b. Testing for a "communicable disease";
- c. Failure to prevent the spread of a "communicable disease"; or
- d. Failure to report a "communicable disease" to authorities.

“Communicable disease” means any infectious disease, including any virus, bacteria, microorganism, or pathogen that actually or allegedly induces or are capable of inducing physical distress, illness or disease.

The facility has annual aggregate limit of \$10,000,000.00 across all policy holders, subject to a maximum \$1,000,000.00 per individual policy holder.

#### STATUTORY LIABILITY

Regulatory action, investigation or inquiry into an event of actual or alleged breach of the insured Acts under New Zealand law; and resulting fines, penalties or reparation and your associated legal costs and expenses.

The facility has annual aggregate limit of \$5,000,000.00 across all policy holders, subject to a maximum \$500,000.00 per individual policy holder.

#### DEFENCE COSTS AND EXPENSES

Your costs associated with defending an allegation relating to your professional liability.

#### PERSONAL EXPENSES

Your costs incurred in attending any action or inquiry covered under the above sections, up to a set amount.

#### RUN-OFF INSURANCE (relates to when you cease practice)

If you are not replacing your insurance cover and would like to continue to have indemnity cover against the risk of a claim or compliant being taken against you for past activities, we can arrange this under a run-off insurance policy.

Your insurer can arrange 3 year run-off insurance based on the premium shown on the application form. The run-off insurance is subject to completion of a No Claims Declaration each year until the 3 years of run-off expires.

If you are interested in taking up this offer for Professional Indemnity insurance in ‘run-off’ please confirm by return email to Aon New Zealand, including the reason for your ceasing to practice and completion of the application form.

Enquiries about arranging the insurance cover to:

[office@nzaca.org.nz](mailto:office@nzaca.org.nz)

Aged Care Association

[www.nzaca.org.nz](http://www.nzaca.org.nz) Phone: (04) 473 3159

This is a general summary of the coverage and benefits available under the Nurses liability package. As with any insurance contract policy terms and conditions apply.