21 January 2021

Dear Respected Doctor

2021 MEDEFEND: Advisory on the Recent Emergency Ordinance by the Government

Marsh JLT has received numerous queries in light of the Emergency (Essential Powers) Ordinance 2021 and the Government's directive to private hospitals with respect to the provision of healthcare in the clinical management and treatment of COVID-19 patients. We continue to value the sacrifice and hard work from the entire Healthcare industry during this COVID-19 pandemic to protect us all. However, we do understand the increased need for clarity of your *MEDEFEND's coverage as you take on this challenge.

Q1: What happens if I am involved in a medical negligence claims or problems arising from and/or relating to a COVID-19 situation? Will my MEDEFEND policy respond?

Answer: Yes, your MEDEFEND policy will respond. Presently MEDEFEND has no limitations/exclusions restricting cover for medical negligence claims or problems arising from and/or relating to a COVID-19 situation. Please be aware that not all indemnity providers cover the same. We are starting to see other providers potentially exclude coverage for pandemics like COVID-19 or related areas.

Q2: I practice in a specialised area, but I may be called upon to take patients outside my area of specialty. Will my MEDEFEND policy cover me?

Answer: Yes, your MEDEFEND policy covers treatment and management rendered to patients that you are licensed by the Ministry of Health and trained to perform. Essentially this would include treatment and management rendered following a code blue, in an emergency situation and treatment and management generally rendered at a medical officer and/or general practitioner level.

However it is important that you select the appropriate risk category under MEDEFEND for the core work that you do. If you are in doubt, please do not hesitate to contact us. As your Brokers, we are always here to assist.

Q3: There are increase risks in provision of healthcare to COVID-19 patients. Do I need to increase the limit of my coverage?

Answer: We always advise doctors to purchase the Limits in accordance to the Risk categories in MEDEFEND (eg Medium Risk minimum RM3 million; High Risk minimum RM5 million cover). If you are in doubt as to whether the limit of your current policy is adequate given this new direction from the Government, please do not hesitate to contact us for advice.

Q4: What do I do if an issue arises with a COVID-19 patient?

Answer: Please do contact us if there is an adverse outcome / incident in respect of a patient as soon as you can. We will be in a position to advise you of the next steps and to assist you in strategising a way forward. You can also notify us at https://medefend.com.my/claims/notify-claim-circumstance/

Q5: Can MEDEFEND prevent me from being sued when it comes to COVID-19 patients?

Answer: Your MEDEFEND indemnity policy will be triggered upon written notification in the event you are made aware of issues arising from provision of advice, treatment and care of a patient, regardless if it is COVID-19 related or otherwise. Essentially, you are protected by MEDEFEND when such issues escalate. Adopting good medical practice will reduce your risks of being sued. A good guideline can be found on the Malaysian Medical Council's website www.mmc.gov.my

We would like to take this opportunity to thank you again for your service to our nation. While you are busy keeping us protected, we in our capacity as your Brokers for MEDEFEND, are here to ease your worry. So please reach out to us if you have queries or if you need any assistance.

*MEDEFEND's coverage is subject to policy terms & conditions.

Best regards,
MEDEFEND Team
Marsh JLT Specialty