

Insurance and Indemnity: a consultation on changes to the Licence to Practise and Revalidation Regulations 2012

About this consultation

- 1 We are consulting on changes to the Licence to Practise and Revalidation Regulations 2012 which will:
 - a enable the Registrar to ask for information about a doctor's professional indemnity arrangements
 - b enable the Registrar to withdraw a doctor's licence to practise if they don't provide the information when requested or if they have failed to obtain, or maintain, an indemnity arrangement which provides appropriate cover
 - c confirm the change we have made to the declaration section of new applications for registration with a licence to practise and restoration of a licence to practise, to include a statement about professional insurance and indemnity.
- 2 This consultation asks for your views on the changes to the regulations.
- 3 The consultation runs from 15 October 2014 to 10 December 2014.

Why should the consultation matter to you?

- 4 **If you are thinking of applying for registration with a licence to practise for the first time (or restoring your licence to practise) with the GMC** – this consultation confirms the change we have made to the declaration section of new applications for registration with a licence to practise and restoration of a licence to practise, to include a statement about professional insurance and indemnity.
- 5 **If you are already registered with a licence to practise** – you should already be aware that Good medical practice places a duty on you to have professional

indemnity or insurance arrangements in place. The new regulations will give us powers to request information about a doctor's insurance and indemnity arrangements and to withdraw a doctor's licence to practise if they don't provide the information when requested or if they have failed to obtain or maintain an indemnity arrangement which provides appropriate cover.

- 6 Employers and contractors of doctors' services** – this consultation explains the changes to the Licence to Practise and Revalidation Regulations 2012 relating to professional indemnity arrangements and the impact this will have on doctors who work with you.

How to respond

- 7** To have your say, send your response by email to I&Iregs@gmc-uk.org

Or post it to:

Iona Milton-Jones
General Medical Council
3 Hardman Street
Manchester
M3 3AW

- 8** If you have any questions about the consultation please call 0161 923 6602.
- 9** If you need the consultation in an alternative format, email I&Iregs@gmc-uk.org or call 0161 923 6374.

Q Are the arrangements set out in section 1 above appropriate and reasonable?

Yes.

Please give reasons

The best way of ensuring compliance is at application for a licence to practice. The success of the scheme depends on the definitions of cover and their suitability for the practice contemplated. That must be subjective to some extent as it depends on the intention of the applicant at the point of application. There should be an obligation to ensure that you consider your cover when undertaking any new area of practice.

2. Request for information: indemnity arrangement

We are proposing the addition of a new regulation (suggested new regulation 4A) which will provide that:

The Registrar may ask medical practitioners holding a licence, and other parties, to provide information about the practitioner's indemnity arrangements.

The Registrar will have power to request information regarding a licensed medical practitioner's indemnity arrangements, in order to satisfy himself that indemnity arrangements are in place and to determine whether those arrangements are appropriate.

This will give the Registrar power to request information regarding a licensed medical practitioner's insurance and indemnity arrangements, to ensure that appropriate arrangements are in place or will be at any time the applicant is practising, and to determine whether the arrangements are appropriate (this includes the power to request information within a specified timescale to be determined by the GMC).

We will have the power to require a licensed practitioner to inform us if they have appropriate cover provided under an indemnity arrangement by an employer and to inform us if their indemnity cover ceases.

We are likely only to exercise those powers where we become aware of information which may raise concerns about the validity of the original declaration completed by the doctor or which suggests that the practitioner may not have appropriate cover in place.

If it becomes clear that a licensed medical practitioner has not complied with the regulations (by providing the declaration or further information requested) or has not maintained appropriate insurance or indemnity arrangements, the Registrar will have the power to withdraw their licence to practise, or to treat the matter as misconduct and to refer it to the GMC's Fitness to Practise directorate for consideration.

Q Do you think it is reasonable that the Registrar will have power to request information regarding a licensed medical practitioner's indemnity arrangements?

Yes.

Please give reasons

It would be helpful for the public to know that there is a minimum level of cover in place for all doctors. The GMC may have to explain that appropriate cover is related to practice and cannot be easily specified for each doctor in regulations.

3. Withdrawal of a licence to practise

We are proposing an amendment to Regulation 4(3) to enable the Registrar to withdraw a practitioner's licence to practise if they have:

- failed, without reasonable excuse, to provide any evidence or information to the Registrar in accordance with [regulation 4A] or
- failed to have appropriate cover in place when practising as a licensed practitioner.

This will enable the Registrar to take action to withdraw a practitioner's licence to practise if they have failed to provide information or evidence in accordance with regulation 4A regarding their cover when requested by the Registrar, or where it becomes clear that they have failed to obtain or maintain an indemnity arrangement which provides appropriate cover.

Q Do you think it is reasonable that the Registrar will have power to withdraw a practitioner's licence to practise in these circumstances?

Yes, so long as reasonable periods for response are given.

Please give reasons

There needs to be plenty of time to respond to take account of pressure of work and illness. It should also be possible to obviate the need for response from individual doctors where they have declared they only work in the NHS. This should be built into the IT support system.

Q Do you have any other comments about the proposed changes and additions to the Licence to Practise and Revalidation Regulations 2012?

No.

This response submitted by:

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