



Malaysian Physiotherapy Association

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Malaysian Physiotherapy Association

# Exclusively for MPA members

## PROFESSIONAL INDEMNITY

Protect your professional practice with comprehensive indemnity coverage at a competitive rate, ensuring peace of mind while you focus on patient care.



## FIRE INSURANCE BUNDLE

Secure your physiotherapy center (both contents and building) with our fire insurance bundle, offering savings of up to 50%!



+

## PUBLIC LIABILITY

Safeguard yourself and your business in the event of an accident related to your work practice—included in the bundle at no extra cost!



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## Malaysian Physiotherapy Association

### INTRODUCTION

The Allied Health Profession Act 2016 requires physiotherapists in Malaysia to be registered with Malaysian Allied Professions Council (MAHPC) which operates under Ministry of Health.

- The Association governing physiotherapists in Malaysia is the The Malaysian Physiotherapy Association.
- The laws ensures that a physiotherapist meets the necessary educational, professional and ethical standards required to practice in Malaysia.

### ACCESS TO PHYSIOTHERAPY SERVICES

- In Malaysia, the scope of practice is regulated & may require approvals from healthcare professionals usually referral from a doctor.
- The services are available in clinics, hospitals, physio centres and private practice.
- Physiotherapists are trained to assess, diagnose & treat variety of conditions related to pain, movement and rehabilitation.

### LEGAL FRAMEWORK

- In Malaysia, the legal framework for claims against physiotherapists is based on the tort system.
- The claimant must establish 3 essential elements to succeed in a claim against the physiotherapist :
  - a) Duty of care - The physiotherapist must owe a duty of care to the claimant,
  - b) Breach of Duty – Show that the physiotherapist has breached the duty of care by acting negligently, carelessly or
  - c) Damages – Claimant must prove that the physiotherapist was negligent & directly caused harm or injury to the claimant.

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### LEGAL FRAMEWORK

**Common Risks faced by Physiotherapists :**

1. Negligence in treatment – Failure to provide proper treatment
2. Breach of Professional Services
3. Failure to properly explain treatments & risks involved
4. Incorrect treatment leading to worsened condition or injury
5. Failure to diagnose or refer patient to the appropriate healthcare provider

### WHY THE NEED FOR PROFESSIONAL INDEMNITY POLICY?

- The biggest exposure for physiotherapists is when they are faced with a claim.
- Its critical for physiotherapists to have a professional indemnity policy as your role involves direct patient care, where even the smallest mistakes can lead to a claim.
- The Professional Indemnity Insurance protects you from legal and financial consequences of mistakes, negligence, error or omission that occur while providing physiotherapy services.

### BENEFITS OF PROFESSIONAL INDEMNITY POLICY

- a) Peace of mind – you are protected in the event of a claim
- b) Regulatory requirement – it is required by the Association as part of your membership or licensing.
- c) Risk Management – Physiotherapists face unique risks that could result in substantial claims without proper Insurance.

### SUMMARY OF COVER

The professional indemnity policy indemnifies the Insured against legal liability for any claims made against them by the claimant for any act, error or omission committed whilst providing physiotherapy services to patients

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### POLICY PAYS FOR THE FOLLOWING:

- a. **Compensation** - if found liable for patient's injury, loss or financial damage due to their actions (Arising out of professional errors, incorrect treatment or failure to provide adequate care).
- b. **Legal/Defence costs** – costs for legal fees associated with defending the claim
- c. **Breach of Duty** - If a physiotherapist is in breach of their professional duty or not meeting the expected standard of care.
- d. **Libel and Slander** – any false statements made on the professional conduct or services leading to reputational harm or financial losses. (Must be made in the conduct of the professional services)
- e. **Loss of Documents** – covers the costs of reconstruction of the document

### MAIN POLICY EXCLUSIONS

- a. **Damages to any tangible property**
- b. **Criminal Activities / Fraud & Dishonesty** including intentional harm (eg assault) or illegal conduct
- c. **Sexual harassment** – claims relating to sexual misconduct /harassment or inappropriate behavior
- d. **Contractual Liability** – If a physiotherapist has signed a contract accepting responsibility beyond their usual professional duty
- e. **Fines & Penalties**
- f. **Known, Pending or claims notified to insured prior to inception of the policy**
- g. **Pre-existing conditions** – claims relating to injuries that occurred prior to inception of the policy
- h. **Inappropriate Treatments** – Claims arising from the use of non-evidence- based treatment methods that fall outside the scope of accepted practice.
- i. **Breach of confidentiality** – Claims for breach of patient's confidentiality or privacy violations

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### CLAIM SCENARIOS

#### SCENARIO 1

The claimant visited a physiotherapist for treatment. The claimant was on blood thinner medication (warfarine) and this information was made known to the physiotherapist. The claimant was treated for his left thigh. After the treatment, the claimant experienced pain and bruises formed on his left thigh. Two days after the treatment, the claimant was rushed to the emergency unit as he could not walk and the bruises had become larger. Subsequently the claimant was hospitalized for further treatment. The claim was finally settled out of court and claimant was paid RM 55,000 for his injuries and medical costs incurred.

#### SCENARIO 2

A physiotherapist treats a client with lower back injury and incorrectly advises them on exercises, which leads to exacerbation of the condition. The client files a lawsuit.

The physiotherapist's professional indemnity insurance covers legal defence costs and any settlement awarded to the client.

#### SCENARIO 3

A 54 year old man went to a private medical centre for outpatient physiotherapy treatment as a result of a recent right ankle fracture. During the session the therapist instructed him to ride a stationary bike for 10minutes & then dismount the bike & proceed to the next exercise. As he was dismounting the bike, the bike tipped causing him to fall backwards onto the floor.

This caused the man further injuries and the therapist was found to be negligent for failure to supervise and assist the man whilst dismounting the bike safely due to poor balance as a result of his right ankle fracture. He was compensated for his injuries.

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