Legal Notice 84 of 2014:
Indemnity Insurance for Healthcare Professionals Regulations, 2014

Frequently Ask Questions / Guidance for Medical and Dental Practitioners:

Indemnity cover is required for all doctors who are on the Medical Registers of the Medical Council, Malta and who in any way practice their profession involving consultation/contact with patients in Malta.

1. Can one work as a medical practitioner in Malta without registration?
   No. It is illegal to work in Malta as a medical practitioner without prior registration with the Medical Council, Malta.

2. Will one require a licence to work in Malta?
   To date, a licence to practice is issued upon registration. However, in the near future it is envisaged to separate licensing from registration.

3. Is indemnity cover required to work as a medical practitioner in Malta?
   Indemnity cover is required for any consultation/contact with patients. This applies whether this is against payment, free of charge to work colleagues or free of charge as a charity or to voluntary organizations.

4. I am currently working abroad but have retained my Maltese registration. Do I need indemnity insurance?
   Doctors in the Medical Registers of the Medical Council, Malta who are currently abroad and have no local practice whatsoever, may retain their registration and are not required to have local indemnity cover. The latter, however, has to be re-started as soon as one returns to Malta to practice.
   It is important to note that medical advice given via the internet, phone or other form of media to a recipient in Malta is regarded as a local consultation and so the requirement of local indemnity cover applies.

5. I am not registered in Malta and do not have Maltese indemnity cover? In emergencies, can I still aid patients?
   It is a criminal offence not to assist patients in an emergency. The Good Samaritan clause of some foreign indemnity insurances might cover emergency help given locally. This is insurance specific and should be clarified with one’s insurer.
6. **I am a retired medical practitioner and I am still on the medical register. Can I still retain my registration?**
   Yes. Retired doctors can still retain their registration. Unfortunately, unlike other institutions locally and abroad, Maltese Law does not allow the Medical Council to apply reduced annual retention rates.

7. **I only see a few patients and members of my family. Do I need indemnity insurance?**
   The size of one’s practice is irrelevant. The same indemnity cover is required if one has a practice population of one or of a thousand.

8. **I only see patients as part of voluntary work in charities or sports activities. Do I still need indemnity cover?**
   Once there is professional work involving consultation/contact with patients, cover is needed.

9. **As a retired doctor with no practice, I am occasionally asked to sign certificates or check a close relative. What is my position?**
   All retired doctors may retain their registration with the Medical Council and so are entitled to work as doctors. They will require indemnity cover if, in any way, they practice their medical profession. This applies to free advice/service to friends, family etc.

10. **I am a semi-retired doctor and see a minimum number of patients, income is small. Where do I stand?**
    All so called semi-retired medical practitioners are deemed to be still practicing irrespective of the size of their practice or the income generated. Registration and indemnity is required.

11. **I am a public service employed doctor. Do I need indemnity cover?**
    All public service employees (from foundation doctors to the top grades) are given government indemnity cover. One needs to check with one’s employer/HR to see whether this would extend to ’Good Samaritan’ work in case of emergency outside one’s place of work and secondly if giving advice to colleagues ( when this is not part of one’s job description)would also be covered.

12. **I am a public service employee. Would I still have indemnity cover if I am instructed by my superior to practice above my remit?**
    Public service employees should check with one’s employer/HR whether indemnity cover still applies if one is instructed to practice above one’s remit by a superior.
13. I am a salaried doctor. Can my employer offer me indemnity insurance?
Indemnity cover is the doctor’s legal obligation under Maltese and EU law. Any employer may choose to institute indemnity cover for his employee. However, the ultimate responsibility always remains with the medical practitioner.

14. Can the Medical Council indicate which insurance company/mutual fund offering indemnity is best for the local scene?
The Medical Council merely asks registered doctors to state whether they have indemnity cover or not. It does not ask the practitioner which institutions provides this service and nor can it advise which offers the better service.

15. What if I do not have indemnity cover and continue practicing?
It is a legal obligation to have indemnity cover. Lack of insurance coverage in cases of civil litigation is at the doctor’s risk. Both the Police and the Medical Council will initiate procedures against a medical practitioner if this requirement is not fulfilled.