

COVID-19 vaccination program: Insurance FAQ



The following is general advice regarding your insurance coverage and responsibilities while your health service is involved in the COVID-19 vaccination program.

The advice provided is subject to the terms, exclusions and conditions of your policies. Please contact your risk adviser at VMIA if you want to discuss your specific circumstances.

Will VMIA provide cover if a public health service administers a COVID-19 vaccine and there is an adverse reaction?

Your medical indemnity policy provides cover for claims of personal injury arising out of a health care incident that occurs while providing health care services.

Cover will be provided for your legal liability arising from any act, omission or circumstance that occurs during the course of, or in connection with, the provision of health care services, including administering vaccines.

The Commonwealth government COVID-19 Vaccine Claim Scheme, effective 6th September 2021, will also provide Australians with access to 'no fault' compensation to cover the costs of injuries due to an adverse event that is considered to be caused by a COVID-19 vaccination delivered through a Commonwealth Government approved program, irrespective of where that vaccination occurs. Cover is subject to terms, exclusions and conditions of the Scheme

Commonwealth Government guidelines state that it's not necessary for a patient to provide written consent for the vaccine. Do these guidelines apply to eligible patients deemed at higher risk of experiencing adverse effects of the Vaxzeveria (AstraZeneca) vaccine?

You have a legal obligation to obtain valid consent prior to any medical procedure, and the Commonwealth government's guidelines for vaccine consent should be followed in accordance with that obligation.

Though there is no legal requirement to obtain written consent, applying a standard of accurate documentation in all aspects of the vaccination process, can qualify as objective and verifiable evidence, to support informed consent by an individual was obtained.

This includes patients deemed to be at higher risk of experiencing adverse effects of the Vaxzeveria (AstraZeneca) vaccine.

Documentation would need to clearly state that the patient was informed of the risks and benefits of the Vaxzeveria (AstraZeneca) vaccine, and that reasonable safeguards were applied before, during and following the vaccination.

Any method used to demonstrate written consent should be designed so that each patient's voluntary acceptance to be vaccinated can be clearly established. The quality of your documentation will be important in ensuring a strong defence in the event of a claim for medical malpractice.

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Do staff involved in the COVID-19 vaccination program need to complete specific training?

It is important that you exercise reasonable care to ensure that all individuals, employed and/or engaged by your health service are suitably trained, credentialed and adhere to all government and health care guidelines relating to the vaccination program.

Anyone employed and/or engaged by your health service must complete mandatory government training packages, including the Victorian COVID-19 Vaxzeveria (AstraZeneca) Supplementary eLearning training package, prior to them joining the vaccination program.

This training includes a revised consent process to be used for individuals deemed to be at higher risk of adverse effects of the Vaxzeveria (AstraZeneca) vaccine.

A trained COVID-19 vaccination program workforce would meet the requirements under your medical indemnity policy and legal obligations under government guidelines to take all reasonable safeguards and precautions to avoid injury to patients.

Is it necessary to maintain records to verify that individuals employed and/or engaged by a public health service have been trained to participate in the implementation of the COVID-19 vaccination program?

In the event of an injury or damage claim, the strength of your defence may rely on your ability to provide evidence that an individual was appropriately trained, credentialed and/or authorised to perform the role they were assigned.

A practice of keeping accurate records can help to verify ongoing training programs are regularly reviewed and compliant with safety, ethical and reporting obligations.

Is any person administering the COVID-19 vaccine covered under the medical indemnity policy?

The medical indemnity policy covers any person employed and/or engaged by your public health service and defined as an Insured under the policy.

Is the public health service covered if a patient contracts COVID-19 while waiting at the vaccination centre to get their vaccine?

Your medical indemnity policy provides cover if COVID-19 is transmitted by a person employed and/or engaged by your health service who, while taking all reasonable precautions to prevent the transmission of the COVID-19 virus, unknowingly carries and transmits the virus while providing health care services.

Your property insurance policy provides cover for consequential financial loss directly resulting from a COVID-19 occurrence or outbreak at a vaccination site and the subsequent intervention of the state or federal governments to deny and restrict access to the site. This cover is subject to a policy sub-limit.

Will the public health service be covered for any damage to COVID-19 vaccines caused by its negligence?

Your combined liability policy provides cover for your legal liability related to damage to property that you don't own, but is in your care, custody or control. This is subject always to the policy terms, conditions and exclusions.

Your property insurance policy provides cover for goods in trust, including when in transit, that you're responsible for insuring.

For cover to be afforded under your property policy, you must declare to VMIA the value of vaccine in your care at any one time and the measures you took to protect the vaccine from damage (including temperature abuse).

The property cover is subject to a policy sub-limit and the duration of a breakdown of the temperature controlling equipment, accidental power failure or accidental shutdown of electricity, exceeding 12 hours.

Your medical indemnity policy provides cover to indemnify your health service and employees in the event you unintentionally compromise the vaccine (e.g. through improper storage and handling) and this results in a personal injury to a patient that received the vaccine.

The policy provides cover for claims for compensation alleging your negligence resulted in their injury.

It's important to comply with all Commonwealth Government and/or the Victorian Department of Health guidelines for the proper storage and handling of vaccines.

This should minimise the risk of spoilage that could render the vaccine unusable and/or with diminished potency.

Will the public health service be covered for additional workforces (surge workforce) employed, engaged or otherwise contracted to them?

Your medical indemnity policy provides cover for claims arising out of the actions of individuals (including students on clinical placements and casual bank staff) employed, engaged or otherwise contracted by you to treat public patients, while performing work on behalf of your public health service, subject to the terms, exclusions and conditions of the policy.

Your combined liability policy provides cover for your legal and professional liabilities arising from negligence or a breach of your professional duties which result in personal injury, damage or economic loss to third parties, caused by individuals employed, engaged or otherwise contracted by you, while performing work by, for, or on your behalf, other than in the provision of health care services, subject to the terms, exclusions and conditions of the policy.

Cover does not extend to organisations that provide the surge workforce.

Public health services should continue to exercise reasonable care to minimise claims by ensuring that all individuals employed and/or engaged by them are suitably trained, credentialed, supervised and adhere to all government and health care guidelines, as they relate to the vaccination program.

Will the public health service be covered if a patient who received their first dose of vaccine at the health service misses their second dose and contracts COVID-19?

Government vaccination guidelines advise that patients must receive two doses of the vaccine to obtain the best immunity.

Given this advice, the health service should ensure that patients who receive their first dose of vaccine at the health service are informed a second dose is required. It is the responsibility of the patient to then arrange their second dose with a vaccination provider which may not necessarily be the health service who administered their first dose.

Your medical indemnity policy only responds to personal injury claims where it is alleged your negligence resulted in their injury. If your health service receives a complaint relating to your vaccination program, that you believe may give rise to a claim for compensation, then you must notify the VMIA in writing as soon as is practicable.