



PROFESSIONAL INDEMNITY COVER FOR DENTAL PRACTITIONERS

1. What is Professional Indemnity Cover?

According to the interpretation under Section 2 of the Dental Act 2018, "Professional Indemnity Cover" means any form of financial security for a practitioner in a professional liability action.

The primary aim of this cover is to safeguard dental professionals against claims made by patients alleging negligence, errors, or omissions in the provision of dental care. Professional Indemnity Cover ensures that practitioners can manage the risks associated with professional duties and is essential for continuation to provide quality care without the constant worry of potential legal actions.



**The FAQs were approved
by the
Malaysian Dental Council
at the 14th MDC Meeting
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❑ Should there be any further enquiries, kindly email to mdc@moh.gov.my

2. Which other professions are required to have professional indemnity?

In Malaysia, several professions have mandated requirements for professional indemnity insurance/ cover by their regulatory bodies or associations. Some of the key professions include medical doctors and specialists, lawyers, accountants, architects and engineers.

In general, the mandatory requirements ensure that professionals have financial protection against claims arising from their professional activities, safeguarding both the professionals and their clients.

3. Do I need a Professional Indemnity Cover?

Yes, pursuant to the Dental Act 2018 and Dental Regulations 2021, Professional Indemnity Cover is a prerequisite for all dental practitioners and dental therapists when applying for a practicing certificate (PC), which includes both the annual practising certificate (APC) or temporary practising certificate (TPC), specifically:

Section 37 (4) of the Dental Act 2018

The application under subsection (3) shall be made in the prescribed form and such application shall be accompanied by—

- (a) the evidence of sufficient continuing professional development points obtained as specified by the Council or the Board, as the case may be;
- (b) the evidence of Professional Indemnity Cover as required by the Council or the Board
- (c) the evidence of approval or registration under the Private Healthcare Facilities and Services Act 1998 [Act 586] for every private healthcare facility to be entered in the practising certificate;
- (d) the fee as prescribed in the Fourth Schedule; and
- (e) any other documents or evidence, as may be required by the Dental Registrar or the Dental Therapists Registrar, as the case may be.

Regulation 48 (3) of the Dental Regulations 2021

The Dental Registrar or Dental Therapists Registrar shall inform the applicant once his application is approved and the temporary practising certificate shall be issued after the applicant produces the following documents:

- (a) evidence of Professional Indemnity Cover; and
- (b) certified true copy of the contract, agreement or appointment letter from employer or sponsor.

4. How much professional indemnity coverage should I have as a practitioner?

The amount of professional indemnity coverage needed **varies among practitioners and depends on individual preferences and needs.**

As stated in Clause 2.5 of the Code of Professional Conduct by the Malaysian Dental Council (MDC), it is your responsibility to ensure that your indemnity arrangements are **adequate and appropriate for the risks and nature of your entire practice.** Furthermore, the coverage shall encompass the **entire period of your practising certificate's validity, which ends on the 31st of December of the APC year.**

5. I am an employee of the Ministry of Health, Malaysia. Do I need Professional Indemnity Cover?

Yes, you will need Professional Indemnity Cover. However, please note that government practitioners are generally covered under Section 5 of Act 359, which addresses the liability of the government in tort. This section states:

“subject to this Act, the Government shall be liable for any wrongful act done or any neglect or default committed by any public officer in the same manner and to the same extent as that in which a principal, being in a private person, is liable for any wrongful act done, or any neglect or default committed by this agent, and for the purposes of this section and without prejudice to the generality thereof, any public officer acting or purporting in good faith to be acting in pursuance of a duty imposed by law shall be deemed to be the agent of and to be acting under the instructions of the government”

The Secretary-General of the Ministry of Health (MOH) has confirmed that **professional indemnity coverage is provided to all MOH Dental Practitioners, including dental therapists, practicing at MOH facilities.**

This measure ensures that all eligible practitioners have the necessary indemnity protection while performing their professional duties within MOH. **This coverage is in accordance with the directive outlined in the letter from the Deputy Director-General of Health (Oral Health) MOH to the MDC, reference KKM.600-14/2/2 Jld. 4(5), dated 3 October 2024.**

6. I am an employee of the Malaysian Armed Forces (Angkatan Tentera Malaysia) or employed by any other Ministries. Do I need Professional Indemnity Cover?

Yes, you will need Professional Indemnity Cover. However, being a government employee, indemnity cover will be provided by the government as mentioned above.

The Secretary-General of the Ministry of Defence (MOD) has confirmed that professional indemnity coverage is provided to all MOD Dental Practitioners for the purpose of Annual Practising Certificate (APC) applications. This assurance ensures that all eligible practitioners have the required indemnity protection to support their professional practice under MOD. **This coverage is provided in line with the directive outlined in the letter from MOD to the MDC, reference MOD.500-3/2/13 Jld.3 (25), dated 20 September 2024.**

7. I am an employee of the Ministry of Health, Malaysia. I would like to engage in locum and private practice. Will I need additional indemnity cover?

Yes, you will need additional indemnity coverage, as the government's liability in tort applies only to public service. However, please note that some independent healthcare providers may offer indemnity cover for the work you do for them. Ensure that this coverage is adequate for the scope of your work at the facility.

8. I am a lecturer in a public university. Do I need Professional Indemnity Cover?

Yes, you will need Professional Indemnity Cover. However, public universities may provide Group Indemnity Cover for all their practitioners. You will need to confirm this with your university.

You must verify if this cover is adequate for the scope of your work at the university and any other facilities to which you are assigned. Please note that the Group Indemnity Cover may not extend to your private practice at other facilities.

9. I am a lecturer in a private university. Do I need Professional Indemnity Cover?

Yes, you will need Professional Indemnity Cover if you are involved in clinical training that requires a practicing certificate.

Please note that some private universities provide group professional indemnity for their lecturers. If your university offers this cover, ensure it is adequate and appropriate for the scope of your service. If the university does not provide Group Professional Indemnity cover, you should consider obtaining a personal Professional Indemnity Cover under an appropriate category.

10. Do I need Professional Indemnity Cover if I am a lecturer at a private university and practice at the university's medical centre?

Yes, you will need Professional Indemnity Cover.

While some private universities offer group professional indemnity for academic activities, this coverage may not be sufficient for clinical practice. You should verify with your university whether the coverage is adequate for all your work at the facility.

11. I have resigned from practicing in the public service. Do I need to obtain new Professional Indemnity Cover?

Yes, if you plan to continue practicing at private sector after resigning from the public service, you will need to obtain new Professional Indemnity Cover that suits your new role and practice setting.

The coverage requirements might differ from those in the public sector, so it is important to ensure that your new policy adequately covers the risks and responsibilities of your private practice.

12. I have retired and no longer have a dental practice, but I would like to retain my APC. Do I still need Professional Indemnity Cover?

Yes, you will need Professional Indemnity Cover to retain your APC.

13. I am actively involved in voluntary dental service outside my regular work. Do I need additional Professional Indemnity Cover?

Yes, you will need additional Professional Indemnity Cover. Please check with the organization to see if they provide professional indemnity coverage for your voluntary work. If the coverage is not adequate or appropriate, you will need to make your own arrangements for protection.

14. I am employed as a PIC (Person-in-Charge) in a healthcare facility. What should I know about professional indemnity requirements?

As a dental practitioner, you must have **adequate and appropriate Professional Indemnity Cover** for the scope of your clinical practice. As the responsible PIC of your clinic, you must **ensure that all practitioners working in your facility also have suitable and sufficient professional indemnity coverage.**

15. I am an employee of the Ministry of Health / Malaysian Armed Forces/ another ministry and plan to pursue postgraduate studies at a public university. Do I need Professional Indemnity Cover?

Yes, you will need Professional Indemnity Cover. However, public universities typically may provide Group Indemnity Cover for all their practitioners, including postgraduate students. Be sure to verify this with the university or your sponsoring body.

16. I am an employee of the Ministry of Health/ Malaysian Armed Forces/other Ministries and will undergo clinical attachment or fellowship training at a public university or another healthcare facility outside the Ministry. Do I need Professional Indemnity Cover?

Yes, you will need Professional Indemnity Cover. However, public universities and other healthcare facilities typically may provide Group Indemnity Cover for all their practitioners, including those in clinical attachments or training. Be sure to verify this with the facility or your employer.

17. What documents related to Professional Indemnity Cover must be submitted to the MDC for application of the Annual Practising Certificate (APC) via the MHPS?

You are only required to **key in the policy number, certificate of insurance, certificate schedule, group policy, certificate of membership or reference number for your Professional Indemnity Cover** during application of APC. No documents need to be uploaded or submitted, but please **retain these documents for audit purposes by the MDC.**

18. What documents related to Professional Indemnity Cover must be submitted to the MDC for application of the Temporary Practising Certificate (TPC)?

TPC application must be accompanied **with a copy of the policy schedule/ certificate of insurance/ certificate schedule/ group policy/ certificate of membership of the Professional Indemnity Cover.** The documents must clearly state the name, policy number/ certificate number, period of coverage, limit of indemnity and places of practice. For group cover, the employer is required to submit to us directly the main policy with the complete name list of the practitioners.