

30th March 2017

INSURANCE REGULATORY UPDATE

Compulsory Professional Liability Insurance for Healthcare Providers

Following the enactment of the Medical Error Law (Law No. 5/2016), the Macau Chief Executive approved regulation that prescribes compulsory professional liability insurance for healthcare providers. The Administrative Regulation No. 5/2017 (R5/17) has been enacted on 26th February.

To whom does it apply?

All licensed healthcare providers, whether individuals or entities, that provide services of prevention, diagnosis, treatment or rehabilitation must purchase professional liability insurance.

What risks must be covered?

The compulsory policy covers liability for damages arising from bodily or mental injuries caused to a patient in Macau due to a breach of law, of applicable guidelines, professional codes of ethics, technical knowledge or standard healthcare practices. Coverage must also include claims arising from the rendering of emergency first aid care and litigation fees and expenses.

What are the terms of the compulsory policy?

The terms and conditions of the compulsory policy, as well as the minimum coverage, the premiums and the excess, are determined by two executive orders that supplement R5/17. The minimum mandatory coverage varies according to the type of the healthcare provider.

How should a claim be handled?

Upon becoming aware of a potential medical malpractice, a healthcare provider must inform the Macau Health Bureau within 24 hours and its insurance company within 8 days. Upon completing its investigation, an insurance company must indemnify within 45 days. Under the Medical Error Law, both the healthcare provider and the patient may request a government appointed Medical Error Committee to conduct independent investigation to claims.

What is the Medical Litigation Mediation Center?

The Medical Error Law has also established a Medical Litigation Mediation Center as an alternative mean of dispute resolution regarding medical error claims. A submission of a dispute to the Center is voluntary. A healthcare provider that agrees to mediation must inform its insurer, which participation in the proceedings becomes mandatory. Any settlement or indemnification agreement reached during mediation must be approved by the insurer.

Should you have any queries, please do not hesitate to contact us at mdme@mdme.com.mo or:



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