



26th January 2021

Dear Valued Doctors,

2021 Aon MMI: Advisory on Emergency (Essential Powers) Ordinance 2021 and Healthcare

With the recent enactment of the Emergency (Essential Powers) Ordinance 2021, many doctors especially in the private healthcare industry has been clouded with queries on the management and treatment of COVID-19 patients and how it impacts their day to day practice.

Here's sharing with you Q&A insights on key sections of the Emergency Ordinance (EO) and how it reflects to a medical practitioner pertaining to healthcare **along with an explanatory note** on Aon MMI coverage in relation to the handling of COVID-19 patients.

Q 1: What are the relevant sections that relate to healthcare?

A1: With reference to the matter above please be informed of the relevant section to healthcare are Section 6, 8 and 10.

Section 6

Directions for treatment, immunization, isolation, observation or surveillance

This is in relation to Directions under Prevention and Control of Infectious Diseases Act 1988

The Yang Di-Pertuan Agong (YDPA) or an authorized person by the YDPA may, for so long as the emergency remains in force, appoint any person to issue directions for treatment, immunisation, isolation, observation or surveillance under sections 11(3)(a) and 11(3)(b) of the Prevention and Control of Infectious Diseases Act 1988 ('PCID Act').

Section 8

Power to Exempt

This is in relation to exemption of healthcare professionals from complying with the place of practice specified in their Annual Practising Certificate

For so long as the emergency is in force, the YDPA or an authorised person may exempt a healthcare professional under the Medical Act 1971, Dental Act 1971, Registration of Pharmacists Act 1951, Allied Health Professions Act 2016, Medical Assistants (Registration) Act 1977, Nurses Act 1950, Midwives Act 1966, Optical Act 1991 or Estate Hospital Assistants (Registration) Act 1965 from the requirement to comply with the place of practice specified in his annual practising certificate or its equivalent.

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Section 10

Protection against suits and legal proceedings

The Ordinance provides that no action, suit, prosecution or other proceeding shall lie or be brought or maintained in any court against the Government, any public officer or any person appointed under the Ordinance to issue directions under the PCID Act, in respect of any act, neglect or default done or omitted by it or him in good faith in carrying out the provisions in the Ordinance.

Q2: What happens if I am involved in a medical negligence claim or problems arising from and/or relating to Covid 19 situation? Will my indemnity policy provider respond?

A2: Yes, the Aon MMI policy will be triggered given the above circumstance occurs. We would also like to draw your attention to Section 10 of the EO mentioned above.

Q3: I practice in a specialized area, I may be called to take on patients outside my area of specialty. Will my indemnity policy provider cover me?

A3: with reference to Section 8 of the Emergency Ordinance, you will be required to practice outside your place of practice as stated in your APC hence you could be exposed to providing medical service outside your area of specialty. To be in line with the current change in regulation ie enactment of EO, Aon MMI policy protects you on the above scenario provided as a medical practitioner, you carry out your duty to the best of your ability and judgement.

Q4: There are increased risks in the provision of clinical care to covid 19 patients. Do I need to increase the limit of my coverage?

A4: Yes we would recommend to increase limit of cover if your patient flow escalates more than 15% compared to your previous flow.

Q5: What do I do if an issue arises from my care of a covid 19 patient?

A5: As per usual practice and protocol under the policy conditions, if you become aware of a potential circumstance that may lead to a claim against you or when you receive a legal threat (verbally or text messages), letter of demand or writ of summon during the policy period arising from your medical service rendered to your patients, please notify Aon MMI team as soon as practicable. This will enable you to get the required support and assistance and may help to mitigate the circumstance at an early stage.

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Q6: Can my indemnity policy provider prevent me from being sued when it comes to Covid 19 patients?

A6: Ideally it depends on the facts of the circumstance or case at hand. The key trigger of the Aon MMI policy is as explained above. Under the policy there are provisions of claims considerations such as settlement or mitigation provided consent is given by the provider. On another note we also draw your attention to Section 10 mentioned above for reference

In short, please be advised that your medical service in relation to treatment of Covid-19 for your patients is covered under Aon MMI as it falls within your medical service ambit and is subject to all terms and conditions under the policy.

If you have any further queries, please feel free to contact us. Rest assured that we will walk through with you hand in hand while you serve the nation.

Yours Sincerely,

Aon MMI Team

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