

# Run-Off Cover Scheme (ROCS) Information guide

Effective from 1 July 2022

This guide has been prepared to assist you to understand the key features of the medical indemnity cover that is available under the Federal Government's Run off Cover Scheme (ROCS) when you permanently cease medical practice.

## What is the ROCS?

The Australian Government introduced the ROCS on 1 July 2004 to provide run-off cover to eligible medical practitioners who have permanently ceased private medical practice. Under ROCS, the government guarantees to pay the cost of medical indemnity claims against eligible medical practitioners covered by the Scheme.

The ROCS is funded through a levy on the professional indemnity insurance premium payable by medical practitioners while practising, however, the coverage is free once the practitioner becomes and remains eligible for the ROCS. When you become eligible for the ROCS cover, your last medical indemnity insurer issues your ROCS policy. The government then reimburses the insurer for valid claims against those medical practitioners covered by the Scheme.

If you have temporarily ceased practice and are not eligible for the ROCS you can apply for a non practising category with MDA National. This includes medical practitioners who provide only gratuitous services or who are required to maintain professional indemnity insurance for registration purposes. Please refer to our current [Risk Category Guide](#) for further information.

## Who is eligible for the ROCS?

To be eligible for the ROCS, medical practitioners must have met one of the following criteria;

- permanently retired from remunerated private medical practice;
- have not worked in remunerated private medical practice for at least the last 3 years;
- have ceased all remunerated (including public) medical practice because of maternity\*;
- have ceased all remunerated (including public) medical practice because of permanent disability\*;
- be an overseas trained medical practitioner who practised in Australia under visas subclasses 422 (medical practitioner), 457 (business, long stay) or from 18 March 2018, a temporary visa. This visa must permit the holder to work in Australia and not prohibit the holder from engaging in medical practice in Australia. The medical practitioner has to have ceased all medical practice in Australia and permanently left Australia to be eligible under this criteria;
- are deceased (their estate is eligible for ROCS).

## Factors affecting eligibility

### **Medical services provided at no cost**

If you provide Gratuitous Medical Services for which you do not receive payment, you will still be eligible for the ROCS as the Scheme will cover you for incidents arising from past Private Medical Practice. However, the free services themselves are not covered under the ROCS. You will therefore need to purchase indemnity cover for these services to ensure that you meet the requirements of the National Registration Standards. You will need to have appropriate registration in order to undertake gratuitous services even if you have ceased all remunerated medical practice. Please contact Member Services to discuss cover for any gratuitous services you may provide.

### **Practice in the public sector**

Medical practitioners who take up public sector employment only, remain eligible for the ROCS for any prior private practice. The public sector work itself is not covered under the ROCS and you should consider purchasing indemnity for investigations and inquiries arising from this public work.

This excludes eligibility for ROCS because of maternity leave or permanent disability. In these cases you must cease any remunerated medical practice including public sector work.

### **Temporary resident medical practitioners**

Medical practitioners must have worked in Private Medical Practice in Australia under visas subclasses 422 (medical practitioner), 457 (business, long stay) or from 18 March 2018, a temporary visa. This visa must permit the holder to work in Australia and not prohibit the holder from engaging in medical practice in Australia. The medical practitioner must have permanently ceased medical practice in Australia and no longer reside in Australia.

The medical practitioner will be eligible for the ROCS for past Private Medical Practice. If you do return to Private Medical Practice in Australia, your past practice will not be covered by the ROCS and you will need to discuss your circumstances upon your return to Australia with your medical indemnity insurance provider.

### **Legal representatives of a deceased medical practitioner**

The deceased practitioner's estate may be eligible for the ROCS. The ROCS questionnaire will need to be completed by the authorized legal representative of the estate and returned along with a copy of the death certificate.

### **If your circumstances change**

If your circumstances change and you are not sure if you are still entitled to the ROCS please contact our Member Service team to discuss your needs.

You are required to maintain a current professional indemnity policy even when you cease practising. If you do not have run-off cover you may have to pay claims and fund all associated defence/legal costs personally. Medical negligence claims can be made several years after the medical services were provided. It is therefore important that medical practitioners have adequate cover after ceasing practice.

## **How to apply for the ROCS**

If you intend to permanently cease medical practice contact our Member Services team. We will send you the relevant documentation that needs to be completed and returned before we can issue you with a ROCS contract.

### **If I want to return to Practice**

If and when you return to private practice, for example you are returning to work after maternity leave, you will no longer be entitled to the ROCS. You will need to contact our Member Services team on **1800 011 255** or via **[peaceofmind@mdanational.com.au](mailto:peaceofmind@mdanational.com.au)** to arrange the purchase of appropriate professional indemnity insurance from the date that you intend to start work. Please ensure that you contact us before you return to practice to ensure continuity of cover.

# Claims under the ROCS

## Notification

You should notify us in writing as soon as you become aware that a claim may be made against you. We will manage all eligible claims under the ROCS.

## Definitions

There are a number of definitions that are specific to the ROCS which are shown below:

### Gratuitous Services

Healthcare services provided free of charge or gratuity. This includes Good Samaritan Acts and situations where emergency medical treatment is required or repeat prescriptions and referrals are written, where your medical registration allows for such practice.

### Maternity Leave

Ceasing all private and public practice as a medical practitioner because of pregnancy (including a miscarriage or a stillbirth), to recover from a pregnancy, or childbirth (including subsequent care for one or more of your children). Another medical practitioner must certify to the birth or pregnancy on the appropriate

medical certificate.

### Permanent Disability

An injury or illness that is permanent or is likely to be permanent and you can no longer practice in the area of medicine in which you had chosen and been qualified to practice. Another medical practitioner must certify to the permanent disability on the appropriate medical certificate.

### Private Medical Practice

For the purpose of the ROCS, private medical practice is defined in legislation to mean practice as a medical practitioner, other than:

- practice consisting of the treatment of public patients in a public hospital;
- practice for which a Commonwealth, State or Territory agency or authority, or a local government body indemnifies you from liability relating to specified compensation claims, or;
- practice conducted wholly outside both Australia and its external territories.

**If you have any queries, please contact our Member Services team on 1800 011 255 or via [peaceofmind@mdanational.com.au](mailto:peaceofmind@mdanational.com.au).**

For more information on the ROCS please refer to the Australian Government Department of Health [website](#).

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1800 011 255 — [peaceofmind@mdanational.com.au](mailto:peaceofmind@mdanational.com.au)

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