



## Indemnity

The Faculty has been in correspondence with the Medical Protection Society, Medical Defence Union and Medical & Dental Defence Union of Scotland with regards to Indemnity of doctors treating elite sports men and women.

From April 2007 the Medical Protection Society has not offered indemnity to doctors who are newly employed by or contracted to a Premier League Football Club and from 1<sup>st</sup> April 2008, that position has been extended to those existing members such that MPS now no longer offers indemnity membership to any doctor who is employed or contracted to a Premier League Football Club.

Doctors who are employed by or contracted to a Premier League Football Club have two responsibilities - to the player and to the club. If something goes wrong and the doctor's treatment has been found to be negligent, financial recompense may have to be made not only to the player but also the Club to compensate for their financial loss resulting from the loss of the player.

The MDU and the MDDUS currently will continue to indemnify doctors employed by Premier League Football Clubs but all doctors are advised to contact the Defence organisation to confirm that the organisation is fully conversant with the nature of their work practice and that their indemnity cover encompasses all aspects of their work. While MDDUS continues to provide indemnity for doctors employed by Premier League Football Clubs, it will not be accepting new applications and has the whole question under review.

UK paying members of the MDU each receive an individual professional indemnity insurance policy which covers clinical negligence claims up to a limit of £10m for each and every claim or in the aggregate. If a large claim, or a number of claims, caused an individual's member's policy limit to be exceeded, then that member would be in a position to approach the MDU to seek ongoing assistance on the traditional discretionary basis but it is likely that the MDU Board would limit the indemnity to the £10m available under the insurance policy.

If a Premier League footballer is treated in the NHS, the doctor(s) treating him will be covered by Crown Indemnity.

If the player is subsequently transferred to the Private Sector, the MPS advise that the contract for treatment be between the doctor and player and not the club and that the fee note is sent to the player, even if they will be paid by the Club.

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The MPS also advise that referrals should only be accepted from other healthcare professionals and not from the club directly. There should be no contractual agreement between the clubs and the treating doctor. Any contract and indeed the duty of care should be between the treating doctor and the player himself. If a referral is accepted from the employing Football Club, the fees are sent to the club and/or the contract is with the club the MPS may not indemnify the treating doctor.

Specialist Registrars, who work in Clubs, as part of their training, will be covered providing that the work that they carry out is supervised by their trainer.

There are other Elite Athletes who earn large sums, for example in Golf, Tennis etc. Doctors who treat such athletes are also advised to question the extent of their cover and, if deemed insufficient, to make additional arrangements.

The above information is correct at the date of printing but may change at any time and medical practitioners are advised to contact their indemnity provider if there is any change in their work and/or if they have not already informed their indemnity provider of all aspects of their work. The indemnity provider should also be informed, in good time, of any proposed trip abroad as medical officer to a team.