

Why do I need insurance as a CAM practitioner; I'm not handing out dangerous drugs or doing invasive surgery?

Apart from the ethical considerations, a professional person offering a service to others owes a duty of care in the performance of those services, whether it be advice or treatment and can be held legally liable if deemed to have breached that duty. Even if you did nothing wrong, defence and legal advice is very costly and insurance will pay for that. No reasonable person would admit that they have never made a mistake or done something deemed to be wrong by others- it is part of human life! I believe that this approach borders on arrogance, which is certainly not a trait one would want to see in any caring profession, indeed any profession at all. It is also irresponsible not to think of the effects of your actions on others which may cause pain, injury or loss.

If you don't, and there is no law that says you have to (unless you are a chiropractor/osteopath) you are effectively self insuring. Insurance will give financial and emotional support, and a good intermediary should give you helpful information and guidance through certain challenging episodes in your professional life, where allegations or complaints are made, loss and disruption are suffered. These actions may not occur for payment of a fee- work done voluntarily or to friends, family or in a medical emergency or disaster still invoke the duty of care which is measured by the yardstick of what another therapist, similar to you may have done in the same circumstances.

Put simply, any therapeutic intervention, whether it is healing or invasive surgery, use of drugs all carry some kind of risk- .you cannot predict how things will turn out in the future. In the end It is your personal choice whether to self insure and risk bankruptcy in a worst case scenario.....

What kind of things can I insure for/against?

Injury whether physical or emotional/mental for advice, techniques/treatments etc you may give or not give in the course of professional practice, complaints, things you supply, disciplinary hearings, allegations of criminality, discrimination etc

I've got liability insurance through my professional body; doesn't that cover me for everything?

The phrase "covering for everything" always worries me! I sometimes see the phrase used in the Insurance Requirement section of a contract for hiring rooms or providing services that therapists may have to sign and have to advise them to get that portion of the contract re-worded. Normally if labouring under this misapprehension and claim takes place, therapists have been known to blame insurers for trying to avoid a claim and relying on "small print". It is simply not possible to cover anyone for "everything"- in a legal contract such as Insurance is, the terms as to what is and isn't included have to be clearly defined, and need to be understood. If they are not clear, then your Insurance advisor should be able to explain and give examples as to what sort of situation could arise where the policy cover would or would not, operate.

Having got that off my chest, there are common areas of cover that usually are included- treatment risk or more properly, malpractice cover usually sits alongside Public Liability sometimes products liability- in other words liability for injury or damage caused is included. There are however a number of other areas of protection which should be included such as criminal defence, tax investigations

(these can be nasty) contents cover, income protection etc. In addition, the Balens newly designed wording has set the standard for developing the range of protection and situations covered to a new high with new features not usually (if at all) found.

What about supplements or herbal remedies that I recommend; if someone has an adverse reaction, am I covered?

This again is complex- if you are qualified to recommend these then yes. If you are just selling these and have no recognised qualification, then, no. Insurers may give special consideration upon referral. If you have product liability, it may be a claim due to a defect in the product causing the problem. You may give general health advice based on your knowledge, qualifications and experience- specific prescribing is another matter. There are situations where it is sometimes not clear whether it is the advice or the product that caused the problem. There are also situations where a product /remedy may be sold over the counter a clinic or shop based on brief advice from a therapist or receptionist/shop assistant, and problems are reported back by customers/patients.

Some years ago some people were poisoned by a contaminated batch of tryptophan; if something like that happens, can I be sued, or is it the manufacturers' problem?

In EU Law it is the last supplier in the chain who is held liable, whether it is a massage/aromatherapy oil, vitamin supplement, herbal, homeopathic remedy, medical device etc. It therefore would be against the therapist/shop//clinic initially. Your insurers would later on try to claim back off the manufacturer/suppliers insurance, which may or may not be successful- they may have closed down, be in a foreign country, uninsured, and these are not always easy to pursue. As long as you have a well worded products liability cover (not all are) your insurers would take care of situations like this.

I often worry what would happen if I get ill myself and can't see clients. Is there any type of insurance I can get that would cover me for loss of earnings and maybe guarantee me a proportion of my income while I am out of practice?

There are two forms of protection for this Personal Accident and sickness cover and Permanent Health Insurance- both have positive and negative aspects- to explore these is really too complex to explain here – another article is looming!! Suffice it to say that the government gives self employed people about £60 per week when they are off work, increasing to about £80 for long term periods. Work out your running costs for the basic ticking over of your life without the lifestyle extras, then decide if you can cope- without a nest egg of at least 6 months expenses sitting in a bank or building society- I suggest you seek advice now and get some cover!

Would I be better off getting some sort of private health insurance?

Private Health Insurance just covers outpatient private cover or hospitalisation costs of treatment etc it doesn't protect your income. However getting treatment done quickly without waiting lists and choice are valuable.

Can I insure against the practitioner's worst nightmare: the upset, litigious client, who thinks I have made a mistake, or otherwise harmed them in some way?

This is basic malpractice insurance- the better wordings include Professional indemnity as well for financial loss allegations, breach of confidentiality, libel/slander allegations and much more besides- look at the small print and exclusions- you need to understand what is protecting you and your family's livelihood and not take the cover for granted because you assume the people selling it or recommending it have covered the most number of angles! Self responsibility is what we often want our clients to take for their own health. Your financial health relies on you making an effort to understand the basics of your protection programme. This is the beginning of financial therapy!

Isn't insurance a terrible form of negative thinking? I've always avoided insurance because it feels like I am placing a bet that I can only win if the worst happens. I'd rather focus on having everything go right.

Depends on your point of view- if you think it is negative, then it is! For those whose livelihoods have been saved by it (we have helped a few over the years) thinking it is a negative form of thinking, is a negative form of thinking! This reminds me of young people who think they are immortal, that nothing will ever happen to them and is ungrounded and unreal! We can live by our philosophy and ideals, and many people do without insurance. I know when we first started specialising, I had many conversations with very naïve people who thought that as they had never had a claim, and their therapy was very safe, that they didn't need insurance. I sometimes wondered whether it was a money or a pride thing. Those people are more in the minority now- everyone realises that we live in a more litigious, blaming society than we did before, and of course there were no "no win, no fees solicitors many years ago. Even so, it is a known fact that a large percentage of patients or clients don't claim even though they have suffered or lost out as a result of treatment – why they do or don't is another complex subject beyond the scope of this article.

----- Original Message -----

From: [David Balen](#)

To: [Josh Balen](#) ; otherwise@fusemail.com

Sent: Thursday, July 03, 2008 8:09 AM

Subject: RE: josh@balen.co.uk - Sender is probably forged (SPF Softfail) - New series in CAM - can you contribute?

Hi Simon

Good to hear from you

Yes would be happy to help- can do practice management stuff as well as Insurance and financial therapy advice!

Give me more of a steer

Can do Q and A if that is simpler to start with

A few tips on Insurance perhaps?

From: Simon Martin [<mailto:otherwise@fusemail.com>]

Sent: 01 July 2008 18:30

To: Josh Balen

Subject: josh@balen.co.uk - Sender is probably forged (SPF Softfail) - New series in CAM - can you contribute?

Hi Josh,

Simon Martin here, editor of CAM magazine. This may be one for you or for David... we're starting a new business-orientated column in CAM, and thought of you first as contributors.

The basic plot is to cover some aspect of practice management or business development/practice building and so on each month, using a rotating panel of contributors.

I'd like to get this going in the next issue (August).

Would you be up for supplying some copy for the first one? We can do a Q&A session if you're not sure what to cover, but I think what would go down well is a general explanation of why practitioners need insurance, especially liability insurance, these days, and you could then talk about some of the problems with standard policies and how you've designed your latest product. Any kind of "case histories" you have of how practitioners have been helped would be good. I don't want it to read too much like an advert; we can "brand" it with your contact details and also a by-line.

Let me know what you think and we can chat more about it.

All the best,
Simon.

Simon Martin