

28 September 2021

Mr Nick Kirwan
Policy Director – Life Insurance
Financial Services Council

Via email – policy@fsc.org.au

Dear Mr Kirwan

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MIGA submission – Life Insurance draft code of practice

As a medical defence organisation and professional indemnity insurer MIGA appreciates the opportunity to comment on the FSC's life insurance draft code of practice 2.0.

With over 36,000 members and clients in a wide range of community and hospital settings across the country, MIGA regularly provides advice and assistance around requests for health information from life insurers.

MIGA suggests the following changes to the draft code

- Paragraph 1.20 – change to read *“If the provider is a medical assessor or examiner, we will require them to comply with the **Medical Board of Australia’s Good medical practice: a code of conduct for doctors in Australia and the Australian Medical Association’s Ethical Guidelines on Independent Medical Assessments, or an equivalent international guideline for providers overseas**”* – clauses 10.8 and 10.9 of the Board’s code cover medico-legal assessments and reports
- Paragraph 4.17 – change to read – *“We will tell you each time we use this consent. We will contact you by phone, SMS, email or similar when possible, unless you tell us you have a different preference. **We will also let treating doctors from whom we request information know that we have told you about the request.**”*
- Comparable provisions to paragraphs 4.16 and 4.17 (accessing health information from treating doctors and other third parties) should be included in section 5 - claims, relating to requests for health information in this context.

In addition, MIGA is concerned about the scope of Authority 1 in FSC Standard No. 26: Consent for accessing health information.

Accessing records in the Victorian SafeScript real-time prescription monitoring system for the purpose of providing them to a life insurer could potentially breach s 30C of the *Drugs, Poisons and Controlled Substances Act 1981* (Vic).

It foresees similar issues arising in relation to accessing real-time prescription monitoring system records for those purposes in other states and territories.

MIGA would welcome the opportunity to engage further with the FSC and key stakeholders on this issue.

If you have any questions or would like to discuss, please contact Timothy Bowen, 02 8905 3476 / timothy.bowen@miga.com.au.

Yours sincerely



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