

CHANGES IN THE BILL OF LAW ON COMPULSORY CIVIL LIABILITY INSURANCE FOR DAMAGES CAUSED IN THE PRACTICE OF MEDICINE

In March 2022, a bill of law was introduced to amend the Sanitary Code by stating as a new requirement to carry out medical activities a civil liability insurance for damages committed during the professional practice.

In such regard, the bill contemplated a single article that would incorporate two new paragraphs in Article 112 of the Sanitary Code, which –in general terms– included, as a requirement for the practice of medicine, the possession of a civil liability insurance, delegating its validity and coverage to a regulations that would be issued later by the Ministry of Health.

Based upon the bill, the Deputies Health Committee met and, after a series of debates and presentations made by stakeholders of various sectors, recommended the approval of the bill, modifying its text in the sense of incorporating a new article 123 bis into the Sanitary Code, stating the following:

“Healthcare facilities that perform health actions on people, whether public or private, institutional or individual, open or closed, shall be required to have a civil liability insurance or a mechanism for the provision of a reserve fund in case of medical malpractice.

The insurance or reserve fund shall cover all the employees of said facilities who perform health activities and auxiliary professions, as well as all those contemplated in the Sanitary Code and other relevant regulations”.

Therefore, what began as a proposal to incorporate a civil liability insurance as an individual requirement for the practice of the medical profession was replaced by a general requirement for health facilities in Chile, which must have insurance or a reserve fund to cover all employees performing health or ancillary activities within the facility.

On June 7, the bill was approved in general by the Chamber of Deputies and referred to the Health Committee for the issuance of a second report because it was subject to indications.



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Carey y Cía. Ltda.
Isidora Goyenechea 2800, 43rd Floor.
Las Condes, Santiago, Chile.
www.carey.cl