



YOUR EXPERTS IN DENTAL INDEMNITY INSURANCE



Barry Nilsson.
2016 Professional
Services Firm of the Year

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INTRODUCING BARRY.NILSSON.

WHEN EXPERIENCE COUNTS

Barry.Nilsson. (B.N.) is a market leader in the Australian insurance and health industry with offices in Brisbane, Sydney, Melbourne, Adelaide and Hobart. Our Insurance & Health team comprises 19 partners and over 70 specialist lawyers, providing the highest quality legal solutions to the insurance and health care industries.

An unwavering dedication and unrivalled expertise in the insurance and health sector has resulted in us achieving an enviable reputation among health professionals, brokers and insurers.

With a wealth of experience in handling professional indemnity and medical negligence claims, we are client focused and consider the protection of the practitioner's professional and commercial imperatives to be paramount. We share a mutual concern to ensure that when managing complaints and litigation made against you as a health professional, your professional standing, as well as your livelihood, remains intact. We do this by:

- understanding your professional objectives
- having a strong practical orientation
- engaging in effective communication
- ensuring innovative and timely strategy implementation
- fostering a co-operative approach
- being readily available.

We love what we do and will bring to each and every claim the energy and efficiency that is so crucial to busy health care professionals, leaving you free to focus on your priority - your patients.

HEALTH LAW IS IN OUR DNA

Our health law experience is diverse. Some examples of matters in which we have acted include:

- Defending negligence claims made against health professionals including dentists, doctors, physiotherapists and many other allied health professionals.
- Defending negligence claims against hospitals, pathology practices, imaging practices and fertility clinics.
- Representing various health professionals at coronial inquiries, in investigations, and before professional panels and committees.
- Defending disciplinary proceedings before the Pharmacy Tribunal in matters involving the dispensing and supply of medications, unlawful access to pharmacies, storage of and access to controlled substances, competency issues, and health impairment.
- Providing general advice to hospitals, doctors, dentists and numerous allied health professionals relating to consent, medical procedures, implications of privacy legislation, risk management procedures, medical record legislation, and service agreements.
- Defending dentists, pharmacists, psychologists, physiotherapists and occupational therapists facing conditions being imposed on their registration or facing deregistration.
- Providing advice in regards to ownership of, disclosure of and access to medical records, disclosure of clinical records, and insurance implications of potential copyright and other intellectual property breaches.
- Acting for more than a decade representing doctors before the Queensland Medical Board in matters ranging from alleged drug use to violations of appropriate doctor/patient boundaries, improper prescribing of narcotic medications, as well as in disciplinary complaints and proceedings including competency issues and health impairment.

DENTAL

Relevant to your areas of professional expertise, we also have specific experience working with general dentists, oral surgeons, prosthodontists, endodontists and dental prosthetists. Some specific examples include:

- Defending allegations against a dental prosthetist in a complaint to the Office of the Australian Information Commission that he had breached the privacy of a previous patient by inappropriately disclosing her personal medical information.
- Advising a dentist in relation to allegations of extracting the incorrect tooth and, in particular, the manner of communicating with the patient to reduce the risk of a complaint to the Health Care Complaints Commission.
- Assisting dentists to prepare submissions in reply to complaints notified by the Health Care Complaints Commission in a range of circumstances.
- Defending an oral surgeon who failed to examine the patient post operatively when requested to do so with the result that Ludwig's Angina went undiagnosed and exposed the patient to the risk of serious complications, which had manifested.
- Defending dentists who it was alleged caused lingual nerve damage following the extraction of wisdom teeth.
- Defending a dentist in relation to a complaint made to AHPRA on three grounds: a failure to provide adequate service, a failure to properly supervise personnel, and a failure to maintain adequate records.

- Defending a dentist in relation to allegations that she had failed to provide pain relief during treatment. Following tooth extraction bone resorption occurred.
- Defending an orthodontist who was a senior practitioner and visiting lecturer in dentistry at a tertiary institution, and had allowed a dental hygienist to perform dental work (on numerous patients including children) that she was not qualified to perform.
- Defending oral surgeons in relation to allegations that their patients developed prolonged and intransigent TMJ dysfunction following oral maxillofacial surgery.
- Defending a dentist in a complaint to the Office of the Health Ombudsman and subsequent referral to the Queensland Branch of the Dental Board of Australia in relation to a patient who developed a life threatening infection and was hospitalised (in ICU for six days) following the removal of a wisdom tooth.
- Acting for a dental prosthetist who had suffered a stroke, which significantly impaired his ability to practise. We successfully negotiated undertakings with the Queensland Board of the Dental Board of Australia at an early stage and on terms favourable to the prosthetist and persuaded the Board not to disclose details of the undertakings on the national public register.

YOUR REPUTATION AND CAREER ARE IN SAFE HANDS



Every step of the way I felt that Barry.Nilsson. was carrying the burden and stress of the complaint. I genuinely could not have asked for a better experience. | Registered Health Professional

They do what they say they'll do - they don't over or understate. They commit to their charter and deliver. | Client Perception Survey, 2015

The good thing is their accessibility for extra assistance - if we ask them a hypothetical question or off the cuff query, they will go above and beyond. | Client Perception Survey, 2015

The approach is consistent, we don't find that with all firms. | Client Perception Survey, 2015

On a number of occasions [B.N.] dropped what they were doing and provided... service at a moment's notice | Broking Manager



Recent data shows that 99% of all matters annually (1,000+) resolve through alternative dispute resolution and 97.3% of clients who responded to our recent Client Perception Survey said they would recommend B.N.'s Insurance & Health team.

YOUR DEDICATED B.N. DENTAL TEAM

 **DENTAL EMAIL** dental@bnlaw.com.au

 **DENTAL ASSISTANCE LINE** 1300 409 870

NSW



Con Kakakios
PARTNER



Henry Silvester
PARTNER



Rob Samut
PARTNER



Rhett Kennedy
PARTNER



Carly Meagher
SENIOR ASSOCIATE



Helen Li
SENIOR ASSOCIATE



Gillian Sheppard
SENIOR ASSOCIATE



Meredith Jacobs
SENIOR ASSOCIATE



Sarah Hull
ASSOCIATE

QLD



Hubert Wajszel
PARTNER



Peter Ewin
PARTNER



Sasha Jeffrey-Bailey
SENIOR ASSOCIATE



Philippa Cocciolone
ASSOCIATE

VIC



Andrew Hilditch
PARTNER



Bronwyn Ackland
PARTNER



Cindy Ting
SENIOR ASSOCIATE



Emma Pilkington
ASSOCIATE

SA



Peter Forbes-Smith
PARTNER



Alzena Ali
ASSOCIATE

TAS



Con Kakakios
PARTNER



Carly Meagher
SENIOR ASSOCIATE

WA



CON KAKAKIOS

Partner, Sydney

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I would also like to particularly commend the management of the matter by Con Kakakios.... His manner and communication during our meeting and discussions relating to this claim have been first class." | Client Feedback

Con Kakakios joined B.N. in January 2016 as a partner in the Insurance & Health Law practice. Con has been practising for over 16 years and is a Law Society Accredited Specialist in Personal Injury.

Con's areas of specialisation include:

- Professional indemnity
- Personal injury

Con has extensive experience defending professional indemnity and personal injury claims, including catastrophic injury, death claims and claims involving injury to minors. During his time in practice he has worked on matters involving health professionals, nursing homes, contractors, product suppliers and manufacturers, lawyers, accountants, real estate agents, hostels, religious organisations and schools.

Amongst others, Con acts for insurers, health and allied health professionals and government agencies. Con has also been actively involved for many years in the Dental Assistance Line, which provides ad hoc advice to health professionals.

Con has a comprehensive track record of delivering outstanding client results. He has successfully represented clients in high profile proceedings before the High Court, Court of Appeal, Supreme Court and District Court.



CARLY MEAGHER

Senior Associate, Sydney

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Carly is a senior associate in the Insurance & Health team in B.N.'s Sydney office and has been practising in insurance law for fifteen years.

She represents large insurers and underwriters in a broad range of matters, including in the areas of professional negligence and professional disciplinary proceedings (for medical professionals), public and product liability and regarding insurance policy interpretation and indemnity. Carly also advises medical manufacturers on matters including product liability, clinical trials and industry codes.

Throughout her career Carly has gained extensive experience in insurance law, representing various self-insured, government, insurer and plaintiff clients in all Australian jurisdictions. She has acted for both plaintiff and defendant clients in medical negligence matters involving dentists, doctors, nurses, hospitals and allied health professionals, including catastrophic and complex claims.

At B.N. Carly provides advice in dental matters involving all manner of disciplinary enquiries and proceedings (including the Health Care Complaints Commission, the Dental Council, and the NSW Civil & Administrative Tribunal) and litigated medical negligence matters. Carly is also the direct point of contact for the Dental Assistance Line, providing free legal advice to dentists on matters including professional obligations, patient relationship management, potential disciplinary and litigated proceedings, and general enquiries such as practice management and defamation.



HENRY SILVESTER

Partner, Sydney

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Henry has an extensive knowledge and a wealth of legal experience. He is both professional and personable, and is equally adept in front of a court or when providing advice to a client. Henry's best qualities are his integrity, business acumen and ability to consistently obtain the best results for his client." | Darren Ryan, Senior Vice-President - Claims AmGeneral (IAG JV Malaysia)

Henry Silvester has more than 20 years' experience as an insurance lawyer, including 13 years spent at the Bar acting in both plaintiff and defendant professional indemnity cases. During his time in practice, Henry has developed expertise in:

- Professional indemnity (including medical defence, accounting and financial services)
- Compulsory third party
- Public liability
- Alternative dispute resolution

Henry's medical and professional indemnity experience includes:

- a four week jury trial (during his time as a barrister) in a case involving alleged hospital negligence (Henry previously appeared at the inquest four years before the trial).
- advising insured medical professionals in relation to professional indemnity claims. This also involved proactive sessions with doctors in advance of any litigation and trouble shooting where no litigation eventuated.

In the area of catastrophic and complex claims, Henry has acted in numerous medical negligence claims over the past 24 years. As a result, he has developed a specialty for complex claims, including fraudulent and compensation to relatives' claims, especially in cases where the medical evidence is complicated. Examples are claims involving brain damage, quadriplegia and paraplegia, often involving complex issues of liability, contribution, economic loss or medical causation. In addition, Henry has worked on many matters that involve analysing and advising on medical evidence.

Henry is the co-author with Mahony, P (now Judge) of *Standard of care in the era of tort reform: Professional negligence*, Law Society of NSW Journal Vol.47, No.1 Feb 2009 and of the chapter *Expert opinion and legal considerations* in the biomechanical engineering reference work, *Handbook of Human Motion* (2017) edited by Bertram Müller and Sebastian I. Wolf.



HELEN LI

Senior Associate, Sydney

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Helen has almost 15 years' pre and post-admission experience in personal injury law. Before joining B.N she worked in a plaintiff practice in personal injury and liability claims.

At B.N. Helen specialises in:

- Personal injury law
- CTP
- Public liability
- General insurance law
- Administrative law

Helen has years of experience in medical negligence claims and, in particular, dental matters in the Supreme Court of NSW, acting on behalf of UNITED Medical Protection/Avant. Helen is familiar with the court case

management of these claims. She also assists dentists in person and by phone advising on issues arising from claims against them and helping avoid potential claims.

Helen is also a Law Society of NSW accredited specialist in personal injury law and has extensive experience in personal injury claims involving complex causation issues and catastrophic injuries requiring assessment of significant damages.

QLD



ROB SAMUT

Partner, Brisbane

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When I call he's there! And I want him, not someone else. High standard written advice; straight forward simple response in phone calls." | Client Perception Survey, 2015

Rob Samut has more than 20 years' experience in insurance law. He has been a partner in B.N.'s Insurance & Health team since 2002 and leads our national Health Law team. Rob acts for insurers, self-insureds and underwriters in the areas of medical negligence and health, professional indemnity, and public and products liability.

Rob has specific interest in medical negligence and some of his key clients include the Mater Hospital, Uniting Health Care and Queensland Health. Examples of matters he has handled include:

- advising self-insureds in relation to multi-million dollar medical negligence claims arising from hospital treatment and operations
- handling claims involving failure to properly diagnose serious medical conditions.

Testament to his commitment to the health industry, Rob is the author of *HealthFiles*, B.N.'s monthly eNewsletter keeping health clients informed of the latest developments in health and medical law. He is also the driving force behind B.N.'s *Health Club*, providing regular seminars and workshops on topics such as *Coronial Investigations and Inquests: Be Prepared* and *The National Disability Insurance Scheme: What you need to know*, both of which were held in May 2017. Each quarter Rob travels to hospitals to present on hot topics, including his recent presentation to the Townsville Hospital and Health Service on *Dealing with Health Service Complaints to the Office of Health Ombudsman (OHO) - what can the OHO do?* Rob also invites guest speakers to present, for example Dr Jon Field, one of the driving forces behind Docto, Australia's first online hospital for patients situated anywhere in the world.

Rob has been listed in the 2015 *Doyle's Guide* as one of Brisbane's leading medical negligence lawyers and as a leading professional indemnity lawyer in 2016. He was recognised in the 2018 edition of *Best Lawyers* for Insurance Law



RHETT KENNEDY

Partner, Brisbane

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Commercial; very quick; easy to reach; lots of experience; responsive; easy to deal with, knowledgeable especially in complex matters." | Client Perception Survey, 2015

Rhett is the National Leader for the Insurance & Health practice and has more than 30 years' experience in insurance law.

Rhett has been recognised in the 2016 - 2018 editions of *Best Lawyers* for Insurance Law, and was named Lawyer of the Year for Insurance Law in the 2018 edition. He has also been recognised as a *Preeminent* professional indemnity and public lawyer in Queensland by *Doyle's Guide*. In 2016, Rhett was awarded Life Membership by the *Australian Insurance Lawyer Association*.

Rhett has acted for all major health professions over the years in unlitigated claims, PIPA proceedings, litigated proceedings, disciplinary proceedings and coronial inquests. He is intimately familiar with the legal, medical and insurance aspects of these matters. Rhett has handled claims from the most minor through to catastrophic injuries and death involving both negligent treatment and failure to advise claims.



GILLIAN SHEPPARD

Senior Associate, Brisbane

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Gillian Sheppard is a senior associate in our Insurance & Health team. She has practised exclusively in insurance law throughout her 17 year career, including spending a year in London working for a global insurer in their UK Claims Operation PI team.

Professional indemnity is one of Gillian's core areas of expertise and she has a wealth of experience in defending professional negligence claims and complaints made against a range of professionals to tribunals and registration boards.

Gillian has particular expertise in defending claims against dental professionals. Recent examples of matters in which she has acted include:

- Defending a dentist in a complaint to the Office of the Health Ombudsman and subsequent referral to the Dental Board of Australia in relation to a patient who developed a life threatening infection and was hospitalised (in ICU for six days) following the removal of a wisdom tooth.
- Defending allegations against a dental prosthetist in a complaint to the Office of the Australian Information Commission that he had breached the privacy of a previous patient by inappropriately disclosing her personal medical information.
- A dental prosthetist suffered a stroke which significantly impaired his ability to practice. We successfully negotiated undertakings with the Dental Board on terms which benefitted the prosthetist, including persuading the Board not to disclose details of the undertakings on the national public register, thus protecting the insured's reputation and his business while ensuring the public was also sufficiently protected by the undertakings agreed.
- Defending an orthodontist who had allowed a dental hygienist to preform dental work that she was not qualified to perform. We were able to negotiate undertakings with the Dental Board that were on acceptable terms, and significantly less onerous to those initially proposed.
- Working with an insured to prepare submissions to AHPRA in relation to an investigation regarding their communication with a patient and the adequacy of their records. We focused our attention on ensuring that any caution issued to the insured be kept off the national public register and were successful in this regard.



MEREDITH JACOBS

Senior Associate, Brisbane

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Meredith Jacobs is a senior associate in our Insurance & Health team and is based in the Brisbane office.

Meredith has 16 years' experience in insurance law. Prior to joining B.N. in January 2017 she practised at a large top-tier firm in Brisbane where she developed her practice focussing on medical negligence claims. She then spent 13 years working as the Head of Legal Services at a large, acute teaching hospital in London, working with all levels of medical staff in a wide variety of medico-legal contexts. Meredith has a wealth of

experience in health law, having acted in over 500 clinical negligence claims and more than 250 inquests. Meredith also has a Master of Arts (Medical Law and Ethics) from the University of Manchester in the UK.

At B.N. Meredith specialises in:

- Medical negligence
- Coronial law
- Medico-legal advice (including consent, capacity, confidentiality and end-of-life issues).

As a result of her extensive experience, Meredith is not only an experienced and skilled legal technician but also has an in-depth understanding of front-line issues that health professionals face on a daily basis. She is therefore particularly well-equipped to work with clinical staff in defending claims, preparing for inquests, and providing advice on legal matters that arises within a health setting.

Dental matters in which Meredith has acted include:

- representing a hospital at an inquest involving an oral surgeon who had extracted a number of the deceased's teeth. Due to underlying end-stage liver failure the deceased bled heavily from the sockets following the procedure and effectively exsanguinated.
- numerous claims relating to the extraction of incorrect teeth.
- a claim relating to a burn caused by a malfunctioning dental drill.
- a matter where the claimant, despite having heavily carious teeth, has accused the oral health centre of causing her to have all of her teeth extracted, resulting in a significant psychological injury.



SARAH HULL

Associate, Brisbane

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Sarah Hull is an associate in our Insurance & Health team. She specialises in professional negligence and health.

The core focus of Sarah's practice is disciplinary complaints (mostly in the Office of the Health Ombudsman, Office of the Australian Information Commission and AHPRA/Board context) and claims against medical practitioners. She currently acts predominantly for dentists but also GPs, nurse practitioners, radiologists, GP clinics, hospitals and midwives and has previously acted for surgeons, physiotherapists, massage therapists, occupational therapists and dieticians. Sarah also has experience acting for medical institutions and hospitals.

Recent matters in which Sarah has acted include:

- Successfully defending allegations against a dental prosthetist in a complaint to the Office of the Australian Information Commission that he had breached the privacy of a previous patient by inappropriately disclosing her personal medical information.
- Successfully defending a dentist in a mandatory notification to the Dental Board of Australia in response to a competing dentist advising the Board that the dentist was acting outside the scope of his practice.
- Successfully defending a dentist in a complaint to the Office of the Health Ombudsman and subsequent referral to the Dental Board of Australia in relation to a patient who developed a life threatening infection and was hospitalised (in ICU for six days) following the removal of a wisdom tooth.
- Successfully defending a dentist in a complaint to the Office of the Health Ombudsman and subsequent referral to the Dental Board of Australia in relation to a patient that claimed to suffer a significant "food trapping" issue following the dentist's restoration treatment.
- Handling general enquires from dentists insured by Vero under the Legal Consult Coverage clause in their policy. This includes responding to patient demands/complaints, confidentiality and privacy queries, contractual disputes, and enquires about employment contracts.



HUBERT WAJSZEL

Partner, Melbourne

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Hubert's advice was invaluable in negotiating this matter and I greatly appreciated his support. Hubert willingly answered all my questions quickly and efficiently. | Client Feedback, 2016

After completing his law degree, Hubert worked inhouse at the Australian Medical Association (Victoria), which nurtured his interest in professional indemnity. Since then, he has practised predominately in this area in firms both in Australia and the UK.

Hubert specialises in professional indemnity insurance with a special focus on:

- Health care
- Local government
- Construction
- Financial institutions

Hubert currently acts for Vero/Experien insureds, having worked closely with Evan Krawitz on health practitioner claims. In one recent matter, resolved on excellent terms, the insured health practitioner wrote:

"Thanks so much for everything! What a relief. You have done such an amazing job.... This is the best Mother's Day present for me. I can't recommend you highly enough. Thanks once again and I wish you very best for everything in your future."

Hubert was recognised in the 2016 edition of *Doyle's Guide* as a recommended professional indemnity and public liability lawyer in Victoria.



PETER EWIN

Partner, Melbourne

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10 out of 10 on level and quality of service. | Client Perception Survey, 2015

Peter's areas of expertise include professional indemnity, in particular medical negligence (total and permanent disability claims) and injury liability.

Peter deals regularly with enquiries from dentists under the legal Dental Assistance Line and has assisted many dentists in relation to complaints and AHPRA investigations. He has more than 30 years' experience in defending claims involving many medical professions, including defending claims at the Victorian Civil and Administrative Tribunal, and also advises regularly on indemnity issues affecting the dental profession. His personal injury experience involves a vast range of claims from "slip and trip" accidents to defending claims by quadriplegics and paraplegics.

Peter has also acted for clients involved in workplace prosecution, defamation cases and coronial inquests. He has managed many class actions and is highly regarded as a litigator.

Peter was recognised in the 2016 *Doyle's Guide* as a leading public liability lawyer and recommended medical negligence lawyer in Victoria.



SASHA JEFFREY-BAILEY

Senior Associate, Melbourne

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Sasha Jeffrey-Bailey is a senior associate and specialises in:

- Professional indemnity
- Public and products liability
- Policy interpretation

Sasha has a wealth of experience defending dental claims, including resolving complaints to the Health Services Commission, assisting insureds with responding to investigations by AHPRA, and defending claims at the Victorian Civil and Administrative Tribunal. She also regularly advises her insurer clients on indemnity issues arising in relation to dental policies, in particular the application of the professional fees and the dishonest, fraudulent or criminal acts exclusions.

Sasha understands that dental claims/complaints are particularly concerning for the insured dentist, as they involve a criticism of the insured in a professional capacity. She is highly regarded by insureds for her ability to provide clear legal advice and the assistance she provides navigating the claims/complaints process.

A recent example of Sasha's expertise involved her assisting an insured to draft a comprehensive response to AHPRA, which resulted in the early closure of an investigation into an allegation that the insured had injected foreign material into the patient's soft palate.

In addition to her practice, Sasha is an associate facilitator for B.N.'s inhouse training program, [Elevista Interactive Learning](#). She has also delivered a number of other presentations to insurance professionals and published articles on a range of insurance and general litigation topics and cases.



PHILIPPA COCCIOLONE

Associate, Melbourne

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Philippa Cocciolone is an associate in our Insurance & Health team, having joined the Melbourne office in 2015.

Philippa specialises in:

- Professional indemnity, including professional discipline
- Employment practices liability

She acts for:

- professionals, including health practitioners, lawyers and financial advisors
- local government
- business owners

Philippa regularly acts for dentists through the Dental Assistance Line and has been involved in three AHPRA investigations so far in 2017. She has advised clients in relation to:

- AHPRA investigations:
 - complaint about alleged negligent treatment with braces/invisalign - AHPRA determined to take no further action.
 - complaint about alleged insufficient dental prosthesis - AHPRA cautioned the practitioner as he failed to obtain written consent to remedial treatment. This was a good result for the insured as

his conduct fitted the definition of unsatisfactory professional conduct and therefore the penalties could have been considerably harsher.

- investigation regarding a failure to meet CPD requirements – we assisted the insured to negotiate a rectification plan and undertakings to AHPRA.
- Health Complaints Commissioner:
 - assisted an insured with a complaint about allegedly defective bridgework – the claim resulted in a small payment of compensation (under \$2,000) and we assisted with terms of settlement (the practitioner conceded to us that the bridge was not fit for purpose).
- Through the Dental Assistance Line Philippa has also advised insureds in relation to:
 - responding to letters of demand from patients
 - patient confidentiality
 - Fair Work Commission claims lodged by employees.

Philippa is well versed in disciplinary prosecutions, having conducted them against legal practitioners while employed at the Legal Services Board; the provisions in the Legal Profession Uniform Law and the Health Practitioner Regulation National Law being virtually identical.

SA



ANDREW HILDITCH

Partner, Adelaide

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Andrew has over 30 years' experience in insurance law, specialising in professional indemnity claims.

Andrew acts for various London and Australian underwriters with respect to professional indemnity claims against medical practitioners, chiropractors and physiotherapists, amongst others. He has acted for underwriters in the USA and France with respect to professional indemnity claims.

His experience includes acting in numerous medical malpractice actions, including professional indemnity claims arising from:

- a failed tubal ligation
- alleged negligent treatment by an oral surgeon
- alleged negligent treatment by a chiropractor.

Andrew has also acted in medical malpractice insurance schemes covering various health professionals, including dentists, oral surgeons, chiropractors, physiotherapists and surgeons.

Andrew is listed as a leading professional indemnity lawyer in the 2016 *Doyle's Guide* and is recognised in the 2018 edition of *Best Lawyers* for Insurance Law.



BRONWYN ACKLAND

Partner, Adelaide

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I would be pleased to recommend Bronwyn who is a delight to instruct as a client. Bronwyn has a genuine interest in getting to know her clients and understands what matters most to them. She has a strong legal acumen yet balanced with a commercial mindset.” | Steven Kopti, Claims Account Manager (now Head of International Claims Asia-Pacific) Zurich, 2015

Bronwyn has over 15 years' experience in insurance litigation, specialising in the area of professional indemnity. She has acted in numerous cases involving defending medical malpractice claims. Bronwyn also has experience in personal injury claims including catastrophic injuries arising from medical negligence, motor vehicle accidents, work injury, sporting accidents and public liability.

Bronwyn currently acts for Vero/Experien insured dental professionals. Recent matters in which she has been instructed include:

- assisting a practitioner draft responding submissions to AHPRA following an audit undertaken to determine whether he had met the requirements of conditions imposed by the Performance and Professional Standards Panel through the completion of shorted mentoring. The Board has determined that his practice is or may be unsatisfactory. They have refused his application to remove the conditions and he has been invited to provide written submissions in response to that decision.
- responding to a complaint lodged with APHRA against a practitioner by a patient who alleges that the practitioner performed unsatisfactory work in making some dentures, and that he acted aggressively and intimidated her. The patient has sought an apology and disciplinary action against the practitioner. We are assisting with his responding submissions.

Bronwyn serves as President of the South Australian branch of the Australian Professional Insurance Group.



CINDY TING

Senior Associate, Adelaide

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Cindy has 18 years' experience in insurance litigation including medical malpractice actions.

Her recent experience includes:

- instructing Counsel in a high profile Coroner's Inquiry into alleged negligent treatment of a patient by a registered nurse subsequent to treatment at a major South Australian hospital
- acting in personal injury claims arising from motor vehicle accidents and workplace accidents, including catastrophic injury claims.



EMMA PILKINGTON

Associate, Adelaide

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Emma has four years' experience in insurance litigation and has assisted Andrew Hilditch and Bronwyn Ackland in relation to numerous professional indemnity and personal injury claims, including claims involving health professionals.

Recent matters in which she has acted include:

- a professional indemnity claim that involved extending indemnity to an insured who failed to implement necessary safety procedures as required by an endorsement to their insurance policy. An employee of the insured had operated an intense pulse light laser which severely burnt a customer. This matter involved detailed investigation into the terms of the insurance policy and the obligations of the insured to comply with training requirements set out in a policy endorsement.
- personal injury claims including catastrophic injury claims arising from hotel liability claims and work place injuries, including fatalities.



PETER FORBES-SMITH

Partner, Hobart

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Great result on the settlement. Thank you for all of your hard work | Client Feedback, 2017

With 37 years' experience handling general insurance claims in TAS, NSW and ACT, Peter is regarded as a leading insurance lawyer in Tasmania. He is an Accredited Specialist in Personal Injury Law (NSW) and his casualty experience extends to catastrophic personal injury claims involving quadriplegia, paraplegia, and brain injury.

Peter also has extensive experience managing professional indemnity claims on behalf of a range of insureds, including health professionals. He has advised and represented the interests of professionals before Tribunals under enquiries including AHPRA.

Over the last 15 years in Tasmania Peter has been instructed by Vero Profin in relation to claims and investigations/enquiries by various health regulatory bodies and AHPRA. Several matters involved complaints against health professionals as well as claims for compensation. The complaints/claims were against dentists, dental hygienists, nurses, midwives, physiotherapists, occupational therapists and alternative medicine consultants. Examples of the claims include:

- 44 dental patients filed complaints against a dentist in relation to whether the appropriate procedure was taken when fitting dentures. Also alleged was that the dentist's general record keeping was inaccurate. The allegations required extensive research into each and every procedure employed by the dentist. Ultimately the case was informally settled to the satisfaction of the dentist and insurer.
- Professional misconduct was alleged against a nurse in relation to the way she treated several elderly patients in a nursing home, including allegations of verbal and threatening abuse. AHPRA found that they were serious allegations and the complaints were referred to the Health Practitioners Tribunal. Agreement was reached at the Tribunal pursuant to which the nurse agreed to counselling and was allowed to continue nursing subject to a "period of good behaviour".
- A complaint was made against an occupational therapist by a disgruntled insured who alleged the OT prepared an Assessment of Daily Living (ADL) report without being instructed to do so. The complaint was not investigated further by AHPRA following a detailed response we prepared setting out the circumstances and instructions leading up to the ADL assessment.

Peter also advises clients in relation to coverage issues, including considerations of business descriptions, occurrences, notification, claims made in professional indemnity policies, and exclusions.



ALZENA ALI

Associate, Hobart

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Alzena Ali is an associate in our Insurance & Health team and is based in the Hobart office.

She has a broad range of experience in general insurance and commercial litigation and now specialises in professional negligence, personal injury and CTP matters. Her professional indemnity experience includes defending complaints against health professionals before AHPRA and claims for compensation.

Alzena also has experience advising insurers in relation to the applicability of professional indemnity policies to counsellors and social workers, which required detailed analysis of terms and exclusions within professional indemnity policies.