



Professional Awareness and Litigation Trends

Ensuring adequate protection of the public is without question a fundamental part of any health professional's delivery of care. Respiratory Therapists provide services to hundreds of thousands of Canadians each year, it is imperative that financial resources, liability protection, and legal representation are accessible in the event of a patient being injured due to the negligence of a Respiratory Therapist.

Each year a variety of allegations surrounding patient injuries are brought forth that need to be defended. In such instances, not only does the professional need to be provided with coverage and legal protection, but in addition, an adequate financial fund (the limit of insurance) is needed to respond for potential damage rewards. Regulatory bodies have performed an essential role to ensure the protection of the public by establishing standards of practice for the profession by enforcing the requirements for professional conduct, and by supporting the requirements for professional liability insurance.

For members of the CSRT participating within the insurance program, the Insurer agrees to defend any suit in accordance with the policy terms and conditions which alleges bodily injury or damage to a patient from an act falling within the therapist's scope of practice.

The policy will also pay legal expenses, investigation and defence costs, as well as judgments awarded. In addition, members are provided with loss of earnings coverage that provides financial support to insured members in the event they are called upon to assist the insurer in the defence of a claim or allegation.

In the event of a professional liability claim, the insurer has the right to settle or defend a claim in court on behalf of an insured member. In return, members are relieved of all responsibility for securing legal counsel and defence. It is however, imperative that members report all claims immediately.

A number of important variables are taken into account in each specific case to first and foremost protect the integrity of the member and ultimately, to ensure the sustainability of the program. Some of these variables include legal costs and court time. Over the past 20 years, legal costs to defend claims have increased on average by more than four times and continue to escalate.

While it is a priority to provide insured members with the best possible coverages and rates, representatives working on behalf of Respiratory Therapists have gone to great lengths to also ensure both the insured members and the general public using respiratory services are supported by an adequate financial vehicle to respond to allegations of wrongdoing. In such cases, the insurance policy coverage and limits are specifically tailored to meet the needs of Respiratory Therapists in Canada.

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