

## PROFESSIONAL LIABILITY INSURANCE PROGRAM FAQs

Designed for and only available to CSRT Members

### 1. What is Professional Liability Insurance?

Professional Liability Insurance (PLI) protects you if you are being sued for injury or damages that have resulted from a negligent act, error, omission, or malpractice that has arisen out of your professional capacity as a respiratory therapist. Your policy also responds if a complaint is made against you to your regulatory body (College).

In both cases, your legal defence is coordinated and paid for by the insurance company to the limits of your policy – even in circumstances where you are found to be at fault. And if damages, or patient compensation, are awarded by the court, your PLI policy covers this too.

### 2. Am I covered if a complaint is made against me to my Regulatory Body?

Yes. The CSRT PLI policy provides up to \$500,000 of coverage for legal defence costs if a complaint is made against you to your regulatory body (College).

Anyone who has a concern about the care they received or the actions or conduct of a RT is able to lodge a complaint with your regulatory body. The CSRT PLI policy will respond to defend you and will pay the legal defence costs immediately.

### 3. Will the CSRT PLI Policy provide coverage if I am charged with a criminal offence?

Although uncommon, criminal charges can be filed against healthcare professionals, including RTs, based on interactions with patients. In these circumstances, your PLI policy will reimburse the legal costs (up to \$250,000) associated with your defence if the professional service was rendered in Canada and you are found not guilty.

### 4. I work in a hospital; do I need my own PLI policy?

It is strongly recommended that RTs purchase their own PLI policy rather than rely on their employer's insurance plan.

There are a number of important gaps in the coverage offered through an employer's insurance plan. Your employer's policy:

- Generally does not respond to defend or protect you against regulatory complaints;
- Provides coverage ONLY for work done in the employment setting. Complaints related to volunteer work, advice to a neighbour, or other work done outside of your place of employment are excluded from an employer's policy;
- Shares limits of liability with all employees and the organization involved in a claim instead of having an individual limit of liability. If these limits are exceeded, you may become responsible for a portion of legal costs, including settlement or damage costs;
- Does not reimburse criminal defence costs, for instance allegations of physical or sexual assault that are brought before a criminal court.

### 5. Does the CSRT PLI Policy cover me when volunteering?

Yes. The CSRT PLI policy covers you 24/7 through your full scope of practice, whether you provide RT services as a volunteer or if you are paid.

## 6. Does the CSRT PLI Policy cover me while I'm on maternity/parental leave?

Yes. The CSRT PLI policy automatically extends to protect you at no additional cost while you are on leave. Your expiring policy will respond to claims that may arise while you are on leave, but that are based on incidents that took place in your past practice. Please note that you must renew your insurance and have an active policy in place before returning to practice.

## 7. Does the CSRT PLI Policy cover me when I retire or cease practicing as a RT?

Yes. The CSRT PLI policy will automatically extend to protect you **at no additional cost for up to 5 years** upon retirement or cessation of practice. This means that retiring members will be automatically protected against potential future claims arising from prior incidents and exposures that occurred during their past practice for a period of up to 5 years following expiry of their policy. If you require additional coverage, an unlimited extended reporting period option is now available from BMS for a one time fee of \$150.

## 8. How do I report a PLI claim?

Please contact the claims team at Crawford & Co. at **1-877-805-9168** or [BMSclaims@crawco.ca](mailto:BMSclaims@crawco.ca) to report a claim if you have received:

- A letter of complaint from your regulatory body; or
- A statement of claim from a lawyer acting on behalf of an injured patient.

You should also contact Crawford & Co. if:

- Criminal charges have been filed against you related to your professional services;
- A patient or lawyer threatens legal action or demands financial compensation; or
- You are aware of any circumstance or situation that could lead to a claim (for instance, if a patient experienced an adverse event or was injured while under your care).

## Additional Insurance Options:

CSRT members now have access to additional insurance options at group discounted rates to further address practice risk. These include:

- Commercial General Liability Insurance
- Cyber Security & Privacy Liability, and
- Business Insurance Products

### 1. What is Commercial General Liability and do I need this?

Commercial General Liability (CGL) insurance provides coverage to protect against claims arising from injury or property damage that you or your business may cause to another person as a result of your operations and/or premises. For example, you may accidentally break something while providing treatment in a patient's home or a patient may slip on a wet floor in your office.

CGL is recommended for RTs who contract out their services or bill under their business name and for RTs who own or operate a business.

### 2. What is Cyber Security & Privacy Liability and do I need this?

This policy is designed for RTs and business owners to provide coverage if you or your business has been involved in a cyber breach or privacy violation. It will cover the costs of your legal defence, investigative costs, notification and response costs, costs awarded to the patient(s) affected by the breach/violation, and more.

Coverage is recommended for all practitioners.

### 3. What Business Insurance products are available and do I need these?

RT business owners have additional insurance needs and will want to protect their business and assets with Entity Professional Liability insurance, Business Package Insurance, and Employment Practices Liability Insurance.

For further information or to review your specific insurance needs, please contact BMS.