

**PRACTICE DIRECTION:
PROFESSIONAL LIABILITY INSURANCE**

BACKGROUND:

The College may issue Practice Directions in respect of the practice of a regulated health profession, (RHPA: Section 85).

These Practice Directions may be stand alone documents or may enhance, explain, add to or guide registrants of the College with respect to subject matters described in the regulations, code of ethics, or other college documents.

A registrant of the College must comply with practice directions for the registrant's health profession. (RHPA: Section 86).

Official College documents such as Practice Directions contain practice parameters and standards which must be considered by all Manitoba audiologists and speech – language pathologists in the provision of health care service to their clients in the practice of the professions. College documents are developed in consultation with the professions and describe current professional expectations. It is important to note that these College documents may be used by the College or other bodies in determining whether appropriate standards of practice and professional responsibilities have been maintained.

Hence, registrants shall comply with all applicable sections of the RHPA, General Regulation, and this Practice Direction relating to the requirement of professional liability insurance. In the event of any inconsistency between this Practice Direction and any legislation that governs the practice of audiology and speech – language pathology, the legislation governs.

Professional Liability Insurance

I. REQUIREMENTS OF PROFESSIONAL LIABILITY INSURANCE

The RHPA states that:

Certificate of Practice – regulated registrants

- 40(1) A registrar must issue a certificate of practice to a regulated registrant who applies for it and whose name is entered on the register of regulated registrants if all of the following are satisfied:
- c) The registrant provides evidence of having the amount and type of professional liability insurance or coverage, if any, required by the regulations.

Furthermore, the CASLPM General Regulation states that:

Insurance

- 3.11(1) A regulated registrant who holds a certificate of practice must
- a. be covered by liability insurance of an approved type to a minimum of \$2 million for each occurrence or claim; and

- b. promptly notify the registrar if he or she is no longer covered by the required liability insurance.

3.11(2) If the regulated registrant is no longer covered by the required liability insurance, his or her certificate of practice is cancelled. At the time of notifying the registrar under clause (1) b), the registrant must also promptly surrender the certificate of practice to the registrar.

Therefore:

1. All regulated registrants of CASLPM **must** maintain professional liability insurance in order to maintain a valid Certificate of Practice.
2. CASLPM registrants registered in the following categories require professional liability insurance:
 - a. Full Regulated Audiologist
 - b. Full Regulated Speech – Language Pathologist
 - c. Provisional Regulated Audiologist
 - d. Provisional Regulated Speech – Language Pathologist
 - e. Restricted Purpose Regulated Audiologist
 - f. Restricted Purpose Regulated Speech – Language Pathologist

Non – Practicing Regulated and Regulated Associate Registrants (Inactive/Retired) are not required to maintain professional liability insurance.

3. The professional liability insurance coverage must have the following characteristics:
 - a. The minimum coverage shall be **\$2 million** for each occurrence or claim;
 - b. The registrant must be personally insured under the insurance policy.
4. The professional liability insurance coverage may be obtained by the individual registrant directly or may be provided indirectly through the policy of an employing agency, so long as it covers the entire practice of audiology or speech – language pathology, whichever the case may be, by the registrant.

It is the responsibility of the individual registrant to be informed of the terms of coverage and ensure that he or she is adequately insured for all practice of audiology or speech – language pathology, whichever the case may be, whether in a paid or volunteer capacity.

It is important to note that indirect coverage, by an employer’s policy, may have specified terms or restrictions to the coverage provided. The registrant must ensure that he or she is personally covered under the employer’s policy, meaning he or she is named in the employer’s policy or he or she is referenced by category of employee (i.e.: “all employees of XYZ company” or “audiologist” or “speech – language pathologist,” as the case may be), and ensure that the coverage meets the minimum amount required per occurrence or claim.

A registrant who is employed and covered by an employer’s policy **and** maintains a private practice in addition to his or her employment, must maintain individual professional liability insurance coverage in addition to the coverage he or she has under the employer’s policy.

II) PERFORMANCE EXPECTATIONS

A regulated registrant of the College demonstrates appropriate maintenance of professional liability insurance by:

1. providing a signed declaration that he or she is insured in accordance with the requirements of CASLPM, at the time of application for or renewal of a certificate of practice,
2. providing the following information to the College:
 - a. Name of the Carrier or Broker Company
 - b. Name of the Policy
 - c. Policy Number
 - d. Name of the Insurance Company/Policy Provider
 - e. Policy Period or Expiry Date
 - f. Amount of Insurance Coverage per claim
3. notifying the registrar promptly if the registrant is no longer covered by the required professional liability insurance, and promptly surrendering his or her certificate of practice to the registrar.

Registrants may be randomly selected to submit proof of insurance, either a certificate of insurance or employment letter stating that he or she is insured in accordance with the requirements of CASLPM.

III) CONSEQUENCES OF NON- COMPLIANCE

Maintaining professional liability insurance is required in order to maintain a valid certificate of practice. It is an important aspect of public protection.

In the event a regulated registrant, who is required to do so, fails to maintain or to provide proof of his or her professional liability insurance coverage in the amount and type required, his or her certificate of practice will be suspended, and he or she will be ineligible to practice.

IV) HOW TO OBTAIN COVERAGE

The College does not provide nor endorse any particular professional liability insurance provider. Registrants are free to explore coverage options as long as the insurance coverage meets the requirements of CASLPM. An audiologists or speech – language pathologist may obtain professional liability insurance through the following channels:

- A. Professional liability insurance may be obtained directly through an insurance company that provides liability insurance to health care professionals.
- B. Speech – Language & Audiology Canada (SAC) offers professional liability insurance for its members. You must be an SAC member to obtain coverage through this group program.
- C. A registrant may be insured through an employer. If a registrant is insured through an employer, he or she must ensure the employer's policy meets the requirements of CASLPM, (see Section I. REQUIREMENTS OF PROFESSIONAL LIABILITY INSURANCE).

CASLPM does not endorse any of the sources for professional liability insurance listed above. Each individual registrant is responsible for conducting his or her own research to ensure policies provide

adequate coverage and meet the requirements as set out by CASLPM. A registrant may obtain coverage through which ever means best suits his or her needs. (See Appendix A)

V) REFERENCES

Regulated Health Professions Act, Sections 40(1)(c), 85

CASLPM General Regulation, Section 3.11

Mandatory Liability Insurance for Registered Dieticians, College of Registered Dieticians of Ontario

Guide for Initial Registration, College of Audiologists and Speech – Language Pathologists of Ontario

Official By – Laws of the College of Physiotherapists of Ontario

APPENDIX A

SOURCES OF PROFESSIONAL LIABILITY INSURANCE

1. Professional liability insurance may be obtained directly through an insurance company that provides liability insurance to health care professionals. Examples of such companies are:

WILLIS CANADA
145 King Street West, Suite 1200
Toronto ON M5H 1J8
T: 1 416 869 1320 Toll Free: 1 800 268 8532
Fax: 1 416 869 1649

HUB International Horizon Insurance
1661 Portage Avenue
Winnipeg MB R3J 3T7
T: 204 988 1508
Fax: 204 988 4801
www.hubhorizon.ca

2. Speech – Language & Audiology Canada (SAC) offers professional liability insurance for its members. You must be an SAC member to obtain coverage through this group program. For further information, contact:

Speech – Language & Audiology Canada
1 Nicholas Street, Suite 1000
Ottawa ON
T: 1 613 567 9968
Toll Free: 1 800 259 8519
Fax: 1 613 567 2859
www.sac-oac.ca

3. A registrant may be insured through an employer. If a registrant is ensured through an employer, he or she must ensure the employer's policy meets the requirements of CASLPM, (see Section I. REQUIREMENTS OF PROFESSIONAL LIABILITY INSURANCE).

CASLPM does not endorse any of the sources for professional liability insurance listed above. Each individual registrant is responsible for conducting his or her own research to ensure policies provide adequate coverage and meet the requirements as set out by CASLPM. A registrant may obtain coverage through which ever means best suits his or her needs.