Medical Malpractice – Frequently Asked Questions

What is Medical Malpractice Insurance?

Medical Malpractice, also known as Errors and Omissions liability or Professional Liability responds to allegations arising from your work as a Licensed Practical Nurse in Canada. It responds to third-party claims against you, arising from actual or alleged “negligence caused by rendering or the failure to render professional services”. It includes coverage for legal expenses and potential indemnification payments.

Is there need for me to carry my own coverage if my employer provides coverage?

Your employer may or may not purchase Medical Malpractice Liability, and their policy may not include you as insured or have enough limit even if they do purchase it. This policy for Licensed Practical Nurses provides reassurance that coverage, subject to the policy conditions, is in place for incidents should they arise. In addition, if you contract your services or are self-employed, individual coverage is required.

I have left the profession permanently and am no longer licensed; will the policy still provide coverage?

The program contains a broad definition of who is insured and includes former members. This means once you leave the profession, the policy will respond to allegations against you resulting from instances while you were active in your role.

I am working outside of the country for a short period, will the policy respond?

The intent of the policy is to provide coverage for Licensed Practical Nurses working and living in Canada. If you engage in work outside of Canada, for example a Humanitarian Project, coverage can be extended on a short term basis only. It is critical that you contact your LPN regulatory body and/or Lloyd Sadd Insurance Brokers Ltd. and advise the duration and location of your work.

What is the Difference between Medical Malpractice Liability and Commercial General Liability?

Medical Malpractice Liability responds to allegations stemming from negligence in the course of providing professional services within the Scope of Practice.
Medical Malpractice - Explained

Malpractice issues are of great concern today. There was a time when health practitioners were not lawsuit targets; clients would never consider bringing forth an action against people who helped them. Times have changed. Today the public and legal system have high expectations and are more inclined to initiate a lawsuit.

Organizations, employees and services are being scrutinized by the public like never before. When adjudicating cases, the courts base their judgments on increasingly higher standards of care and responsibility.

Licensed practical nurses (LPN) have daily contact with people and patients in their work. These people are dependent upon your skillful care and extensive knowledge. Medical Malpractice Liability Insurance helps protect you from allegations of errors, omissions and negligent acts whether or not they have merit.

As an LPN, the legal system views you as a professional, meaning you are expected to have extensive technical knowledge and training in your area of expertise. You are also expected to perform the services for which you were hired according to a professional code of conduct and within the scope of practice. If an LPN fails to use the degree of skill expected of them, they can be held personally responsible in a court of law for any harm they cause to another person. Not only can your professional reputation be damaged in a lawsuit, but your personal assets may be at risk.

As a member of the LPN regulatory body you are automatically provided with Medical Malpractice Liability coverage. Included in your annual membership, your LPN regulatory body provides a Medical Malpractice Liability policy with a $2,000,000 per claim limit and an annual program aggregate of $50,000,000. The program covers the LPN for faults, errors, omissions and negligence for services rendered while acting within their scope and duties. The basis of the policy is to provide protection for:

- Defense costs associated with defending an allegation, even if the allegation is false
Your insurance company is equipped with a team of analysts, adjusters and legal professionals to ensure claims are adequately handled and proactively managed. Their expertise is critical in guiding you through the claims process, while respecting your privacy and the organization’s confidentiality.

The policy includes coverage for all active members of the LPN regulatory body and retired members. Graduates waiting licensing are also provided coverage as long as they are working under the guidance of another health professional. Since the policy is intended to only cover errors and omissions resulting from your professional practice, it is important to note there are exclusions. Some of the notable exclusions include:

- Deliberate, Dishonest and Fraudulent Acts
- Fines and Penalties
- Libel and Slander
- Abuse and Sexual Misconduct
- Issues outside of your scope of practice
- Disciplinary allegations

In a hospital or other care facility, your employer will likely maintain a Medical Malpractice Liability policy on behalf of the facility and its employees. In this circumstance, the program provides excess coverage in the event the facility coverage is insufficient. If the LPN does not work in a facility which provides Medical Malpractice Liability coverage, this program becomes primary to protect the individual. For LPN’s who are self-employed or who do contract work, this liability insurance is critical protection. Providing your work in these roles falls within your scope of practice, you are covered.

This program has been developed with the LPN regulatory body for the benefit of the members and the public. It is important to understand your coverage and know you have protection against accidental errors in your day-to-day work.
Medical Malpractice – CLAIM REPORTING

There are numerous scenarios where a Licensed Practical Nurse can be alleged of malpractice, and these allegations may have merit or be groundless or unfounded. Medical Malpractice liability, subject to the policy wordings, responds to those allegations regardless whether they are groundless or not. It provides legal representation and expenses and potential indemnity payments. Examples of complaints are professional misconduct, malpractice, neglect, humiliation, among others.

What steps should be taken in the event of a complaint or claim?

Allegations and claims should be reported immediately. Please report any of the following situations:

- You receive a Statement of Claim, summons or other legal process
- Any written allegations of professional malpractice or negligence
- Any verbal complaints or oral threats
- Any circumstance you become aware of where a third party may hold you responsible for your actions

When should you report?

The policy requires you report “as soon as practicable after being made aware of a claim”. Prompt notification is required and essential in order to provide early advice and to ensure that their rights and interests are properly protected. Delay in notification could prejudice the insurer’s position and impair their ability to defend you.

How to Report

Please contact your insurance broker, Lloyd Sadd Insurance Brokers Ltd. directly.

Your report should contain copies of all written documents as well as names of potential claimants and date the incident occurred. Details of the incident are also needed. Information and documentation is critical in helping resolve disputes and claims.

For any further information or if you are unsure if something needs to be reported, please contact Lloyd Sadd Insurance Brokers Ltd.
Licensed Practical Nurses Insurance Programs

Lloyd Sadd Insurance Brokers Ltd. is pleased to continue providing insurance programs to Licensed Practical Nurses who are members of the provincial LPN regulatory body. Below are a few bulletins of interest about the program.

**General Liability Program**

Commercial General Liability (CGL) is imperative if you are self-employed and/or contract your professional services to hospitals, clinics, other community care providers or render services to clients in their home or other locations including your own home or workplace. A CGL program including coverage for Bodily Injury, Property Damage and Tenants Legal Liability is available through Lloyd Sadd Insurance Brokers Ltd. $2,000,000 and $5,000,000 options are available. For more information on this program please contact any of the Lloyd Sadd team members.

**International Coverage**

Coverage is available for Licensed Practical Nurses travelling outside of Canada on a short-term contract or humanitarian work. There are no additional premiums or charges associated with this coverage. The only requirement is individuals need to notify their LPN regulatory body and/or Lloyd Sadd Insurance Brokers Ltd. with respect to destination and duration of the work for international coverage to apply.

**Incident Reporting**

Coverage under Medical Malpractice Liability policies is on a Claims Made and Reported basis. This means the policy responds to allegations made during the policy period regardless of when the incident in question actually took place. However; the policy stipulates incidents/claims must be reported to Lloyd Sadd Insurance Brokers Ltd. as soon as individuals first learn of an allegation or claim or the potential of one. This is extremely important as coverage could be denied if the individual does not advise in a timely manner or jeopardizes the potential of an early defence, should it be required.

For additional information, please contact a member of your service team.

January 2018

**CONTACT INFORMATION**

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Licensed Practical Nurses Program
Medical Malpractice Liability Insurance Confirmation

INSURANCE COMPANY: Continental Casualty Company

EFFECTIVE: January 1, 2019       EXPIRATION: January 1, 2020

POLICY NUMBER: MMP 2877488

MEDICAL MALPRACTICE LIABILITY

$2,000,000 per member limit per claim
$50,000,000 policy aggregate (shared by all members)

Coverage Features
- Duty to Defend
- Claims Made & Reported
- No Retroactive Date
- Named Insured amended to include retired members and students if supervised
- Therapy Endorsement $10,000 per member /$100,000 per policy period
- Penal Defense Reimbursement: $100,000 per member
- $250 per member per day for expenses at trial, pre-trial and discovery
- Abuse & Sexual Misconduct Legal Costs Reimbursement if “fully successful” - $50,000

Main Exclusions
- Absolute Abuse and Sexual Misconduct Exclusion
- Asbestos Liability Bodily Injury Exclusion – Medical Treatment Exception
- Deliberate, Dishonest or Fraudulent Acts
- Economic Return
- Fines, Penalties
- Insured vs. Insured – Medical Treatment Exception
- Libel and Slander

Deductible
- Nil

NAMED INSUREDS
- College of Licensed Practical Nurses of Alberta
- College of Licensed Practical Nurses of British Columbia
- College of Licensed Practical Nurses of Manitoba
- Association of New Brunswick Licensed Practical Nurses
- College of Licensed Practical Nurses Newfoundland and Labrador
- College of Licensed Practical Nurses of Nova Scotia
- Saskatchewan Association of Licensed Practical Nurses
- Prince Edward Island Licensed Practical Nurses Registration Board

CONDITIONS: The Company binds the kind(s) of insurance stipulated on this form. This insurance is subject to the terms, conditions, and limitations of the policy(ies) in current use by the Company.
Bulletin | TEAM INTRODUCTION

July 16, 2018

Lloyd Sadd Insurance Brokers Ltd. is thrilled to be selected as your insurance broker representative. We look forward to working with you and appreciate the opportunity to be of service.

We are pleased to introduce the immediate service team.

Magdalena Cammidge, Principal
Direct: 780-930-3884
Cell: 780-965-8754
mcammidge@lloydsadd.com

Magdalena is the Account Executive. Her role is to drive technical expertise and risk financing alternatives consulting. She will also be responsible for the coordination of all your contract reviews, risk management, resources consulting, client service and brokerage activities. She will work closely with other team members on strategic corporate initiatives and insurance renewals.

Terra Matter, Account Manager
Direct: 780-930-3883
tmatter@lloydsadd.com

Terra is the primary contact for all day-to-day account service activities and requirements. This includes all certificate requests as well as any questions respecting your program. She will keep close contact with Magdalena and other team members as required to ensure all your service and risk management needs are appropriately handled.

Andrea Wilkinson, Account Assistant
Direct: 780-930-3841
awilkinson@lloydsadd.com

Andrea is responsible for accommodating client requests, issuing certificates and related paperwork. She is also a point of contact and will be supporting Terra in day-to-day service activities.