

Professional Liability Insurance

Professional liability insurance for paramedics is becoming a topic of interest in part due to recent high profile cases of professional misconduct in other parts of Canada. Facing the prospect of losing the ability to work in the profession, being sued by patients and their families, and even jail time, paramedics across the country should be thinking about how they'll manage in the event that their professional conduct comes into question.

Common misconceptions about liability insurance may be preventing some from considering this type of financial protection. Not all employers cover their employees in all situations, and there may be exclusions that you don't know about. Are you covered when volunteering as a paramedic? Providing care off duty? Are you covered when subject to disciplinary actions from us, your regulatory body?

The following article is written by Mike Hordichuk, CIP, CRM, Harvard Western Insurance.

If you would like to inquire about this coverage, please contact Mike:

Mike Hordichuk, CIP, CRM, Harvard Western Insurance.
Phone: 306-791-4538
Toll free: 1-888-382-6657

WHAT IS PROFESSIONAL LIABILITY?

Malpractice insurance is a type of professional liability insurance purchased by health care professionals. This insurance coverage protects health care providers in the event they perform a wrongful act, error, omission or negligent act in the course of professional services as a paramedic.

Paramedics are professionals and are therefore exposed to a unique set of risks. The nature of the paramedic profession exposes them to lawsuits or complaints as a result of the delivery of emergency care. Unforeseen expenses and damage to your professional reputation are a possibility.

WHAT RISKS AM I EXPOSED TO?

Employers carry liability to protect themselves against these risks. The employer must have entity coverage in order for it to extend to employees.

Extended coverage to employees can still be limited in scope. A claim for an employee can be denied if an employer's limits under the policy have been exhausted or exclusions exist on the policy you may not be aware of.

The Saskatchewan College of Paramedics has been working to identify individual professional liability insurance requirements and options for its members. In response to the Saskatchewan College of Paramedics request for information, **Harvard Western and Intact Insurance created a coverage proposal for individual paramedics to ensure that they are protected as professionals.**

Volunteering, secondary or part-time jobs, development of treatment plans, and disciplinary actions from your regulatory body are situations where you may not be insured under your employer's policy.

WHAT COVERAGES CAN I PURCHASE TO PERSONALLY PROTECT MYSELF?

Given the risk potential identified, it is important to take the time to evaluate your own professional coverage. As an example of what is available, Harvard Western and Intact Insurance are pleased to provide an overview of an affordable option for individual professional liability coverage to members of the Saskatchewan College of Paramedics.

The following coverage description identifies specific options that you might want to consider. Should you be interested in pursuing protection further, this particular level of coverage can be made available to you at an annual cost of ~\$57 per year (subject to a \$500 deductible). Self-employed members can also be included under this program and a flat surcharge will apply depending on the nature and scope of your operation. It is prudent to note that similar coverage may also be available through other providers that you wish to pursue.

Program coverage includes:

Limit of Liability – \$5,000,000 Professional Liability limit per claim.

Disciplinary Legal Costs – A type of coverage that pays the legal expenses required to defend an insured paramedic when a regulatory agency brings disciplinary proceedings against him or her. The limit provided under the policy is \$100,000.

Penal Legal Cost Coverage – Covers the insured's legal costs in defence of charges of a penal nature under any federal or provincial law (except proceedings before an administrative tribunal or a commission). The limit provided under the policy is \$100,000.

Loss of Earnings – Covers the insured for loss of earnings as a result of being called upon to assist in the investigation or defense of a claim. All reasonable expenses incurred by the insured including actual loss of earnings up to \$500 per day.

Coroner's Inquest – Covers the insured for legal costs when called upon to appear before a coroner's inquest as a result of administration of professional services. The limit provided under the policy is \$100,000.

Cyber Security & Privacy Liability – Covers the insured for 1st party breach and notification expenses required by law in the event of a privacy breach. Also covers 3rd party infringement, security and privacy breach and network personal injury. The Health Information Protection Act set the standard for protecting personal health information. The most expensive aspect of a cyber incident is legal costs, specifically the cost of consulting with lawyers to determine legal obligations under applicable laws in the event of a privacy breach. The limit provided under the policy is \$100,000

Abuse Exclusion – Legal Cost Extension reimburses the insured for legal costs incurred in the defence of a civil proceeding alleging abuse. The limit under the policy is \$50,000.

Therapy & Counselling Endorsement – Counselling to victims of abuse and/or molestation. The limit under the policy is \$50,000.

Territorial Coverage – Worldwide provided suit is brought back to Canada for trial.

Paramedic Candidate Endorsement - This endorsement covers the professional services of restricted license members rendered under direct supervision of an unrestricted licensed member. Also, coverage is extended to practicing paramedics on parental leave for up to 1.5 years.

Legal Guard / Advice – Unlimited access to a legal information service. Legal information will be provided by qualified lawyers in response to your legal questions as it pertains to your professional services as a paramedic.

We hope the above provides a clear explanation of the professional risks paramedics are subject to. Harvard Western Insurance would be happy to address any further questions from the membership.

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