

DOES YOUR EMPLOYER HAVE YOU COVERED? POTENTIAL PITFALLS OF RELYING ON EMPLOYER INSURANCE

*Kristine works as a physiotherapist in a hospital, but occasionally provides holiday coverage at a local clinic in town. Recently, she was named in a statement of claim alleging that the treatment she provided at this clinic aggravated a patient's pre-existing injury. Kristine was one of three physiotherapists who treated this patient over a two month span. With all physiotherapists being named in the statement of loss, Kristine turned to her employer's professional liability insurance for representation and protection. Unfortunately, as is the case with many hospital policies, **Kristine is only covered for work done in her employment setting.** Complaints related to services provided outside of the workplace, such as advice to a neighbour, volunteer work, or other paid services are often excluded from an employer's policy. Kristine is not sure what to do next and she's worried about her ability to finance an adequate legal defence.*

This scenario illustrates why some physiotherapists working in public practice have decided to purchase their own independent professional liability insurance. However, there are many therapists who are still relying on their employer's policies, thinking they are well protected in the case of a claim. Some of these therapists have been surprised to find that there are other gaps in the protection offered by their employer's policy.

For instance, an employer's policy:

Does not typically provide the physiotherapist with coverage for complaints made to a College regulator, such as claims of unprofessional attitude or improper conduct. A review of claims made to the CPA program suggests that College complaints make up approximately half of claims against participating physiotherapists. Those relying on employer coverage would be left to independently secure legal representation to defend against these claims and would be responsible for the associated costs;

Generally 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, the physiotherapist may become responsible for a portion of legal costs, including settlement or damage costs;

Does not typically reimburse criminal defence costs, for instance allegations of physical or sexual assault that are brought before a criminal court.

These are only some of the significant reasons it is important to protect yourself. The only way to ensure comprehensive professional liability protection is by securing an independent policy. You can then be confident that your interests will be upheld and that your reputation and assets will be protected.

Benefits of participating in the CPA program:

While an employer's insurance policy is in place first and foremost to protect the best interests of the employer, the CPA professional liability insurance policy **protects the personal assets of the member physiotherapist**. This means that members participating in the CPA program can rest assured that coverage is in place to defend and pay claims – both those made to regulatory Colleges and to the civil courts. Legal representation is provided at no cost to you and without having to pay any deductible or additional fees. And the **minimum \$7 million** per claim policy limit means you can be confident that money is in place to pay valid claims in a timely manner.

Participating members even have access to **pro bono legal services** from Gowling WLG (Canada) LLP (Gowlings), one of the most highly recognized legal defence firms in medical defence and professional liability in Canada. This free, confidential legal advice is designed to help avoid or reduce the probability of a claim or complaint and is available to participating members should you have questions related to an actual or potential professional liability claim.

CPA-dedicated pro bono legal advice line: 1-888-943-0943.

CPA's insurance program is the **longest standing**, most **secure** and most **comprehensive** coverage available to physiotherapists anywhere in Canada. CPA ensures that no corner is cut when protecting member practice risk and delivers a program with only the best possible professional liability legal protection in the event of a claim. It is the only program designed specifically for physiotherapists and providing evidence-informed educational materials relevant to physiotherapy risk. No other liability insurance available has the backing of nearly ½ of all practitioners across Canada and the national Association advocating on their behalf.