



Important Change to By-Law 5

Professional Liability Insurance

LIABILITY INSURANCE - A LEGAL REQUIREMENT

Through draft legislation and a Minister's directive, all colleges under the *Regulated Health Professions Act* must require their members to carry liability insurance. Liability insurance protects the public in that it can provide compensation to patients or clients who have been harmed. Under some plans and in some circumstances, insurance can also provide funds to professionals for their legal defense if they are sued or subject to a College proceeding.

College By-Law 5 sets out the liability insurance requirements as follows:

"A member engaging in the practice of dietetics shall maintain professional liability insurance coverage with the following characteristics:

- a. The minimum coverage shall be no less than \$2,000,000 per occurrence.
- b. The aggregate coverage shall be no less than \$5,000,000.
- c. The deductible shall be no more than \$1,000."

ADDITIONAL INSURANCE PROVIDERS ACCEPTED

In January, 2014, Council approved changes to *By-Law 5: Professional Liability Insurance Coverage Requirements for Members*. As a result, members may now rely on insurance from two additional sources:

- insurance provided by companies outside Ontario, and
- employees of federal and provincial governments may rely on the self-insurance of their government employer.

ENFORCING THE REQUIREMENT FOR INSURANCE

In order to verify that members are complying with the requirement to carry professional insurance, all RDs are required to make an annual declaration stating whether they are practising dietetics (refer to the College's definition of dietetic practice). They are also required to make an annual declaration about whether they have liability insurance. For the past three years, the College has randomly selected 20% of RDs to provide documentary proof of their liability insurance coverage.

Random Selection – what we have learned

Looking at the results from the past three years, members who were most likely to be without the required insurance were new members, those who have changed jobs or those who mistakenly thought that they were exempt from the requirement.

The most common mistake made by members who did not have insurance was thinking that the by-law made exceptions for different work or practise situations:

- "I don't provide direct patient/client care or counselling"
- "I am employed casually, or on a volunteer basis"
- "My job does not require me to be an RD"

There was confusion about employment status, area of practice and direct client care.

Only one question to help you decide if you need insurance: "Am I practising dietetics in Ontario?"

Your employment status, area of practice, and whether you provide direct client care are not relevant to the question of whether you need insurance. There is only one question to help you decide if you need insurance: "Am I practising dietetics in Ontario?"

Whether you work on a volunteer or casual basis, practise in a non-clinical setting, or provide direct client or patient care, if you are practising dietetics you must ensure that you have insurance.

To view the College's definition of practising dietetics in Ontario, go to the College website at www.collegeofdietitians.org and enter "practising dietetics" in the search box.

NEW MONITORING STRATEGIES

Although the process of verifying insurance coverage for 20% of the membership has been labour intensive for both members and the College, it has provided valuable information about the situations in which dietitians are most likely to be without insurance. In reviewing this information,

along with the feedback from members, the College has identified new strategies for education and enforcement activities that will focus on members who are more likely to be without coverage. New enforcement activities will be implemented in April 2015. In 2014, members will be asked to provide proof of liability insurance where the information in the renewal indicates they may be practising without insurance. Watch for more communications later this year about the new enforcement activities related to liability insurance.

IMPORTANT NOTICE

The deadline for submitting your renewal fees and renewal form has been changed to October 31.

Each year, the renewal period will be from September 1 to October 31. You will be charged a late fee if your annual renewal fees or your renewal form are received at the College after midnight on October 31.

For more details, see page 11.

