



### When does the requirement for having professional liability insurance take effect?

*By-law No. 5 - Professional Liability Insurance Coverage Requirements for Members*, was approved by Council and will be effective April 1, 2011. It will be professional misconduct for RDs to practice without having professional liability insurance after March 31, 2011.

### When do I have to submit a proof of insurance?

Although you must be insured by April 1, 2011, you do not have to submit a proof of insurance to the College at that time. During the renewal period in Fall 2011, the College will use two methods to verify that Registered Dietitians have liability insurance:

1. You will be required to make a declaration on your membership renewal form that you are insured from April 1, 2011, in keeping with the by-law requirements.
2. 20% of members will be randomly selected to submit a proof of insurance, either a certificate of insurance or employment letter stating that they are insured in keeping with the by-law requirements. The insurance coverage period, beginning April 1, 2011, must be indicated.

### How can I obtain professional liability coverage?

The College will not be offering or endorsing professional liability insurance for members. RDs are free to explore coverage options as long as the insurance coverage meets the requirements stated in the College By-Law No. 5 (see below).

An RD can obtain liability insurance through the following channels:

1. An RD may be insured through an employer. If their insurance is held through an employer, RDs must be personally covered, meaning they are named in the employer's policy or they are referenced by category of employee in the policy.
2. Liability insurance for dietitians may be obtained directly through an insurance company. An RD has recently informed the College that liability insurance may now be obtained through HUB International.
3. Dietitians of Canada offers liability insurance for its members.

### What is the rationale for requiring Professional Liability Insurance?

The provincial government recently amended the *Regulated Health Professions Act* (RHPA) to stipulate that no regulated health professional may practice their profession unless they carry professional liability insurance. The amendments also state that it will be professional misconduct to practice these professions without having professional liability insurance.

The purpose of professional liability insurance for regulated health professionals is three-fold:

1. To give persons harmed by dietetic services access to monetary compensation. Typically, the insurance benefit would be paid out as a result of a Registered Dietitian being successfully

sued for malpractice or negligence. The payout could be an out-of-court settlement or made on the direction of a judge or jury in a court of law.

2. To pay all or part of the costs of regulated professionals to defend themselves in the event they are sued or subject to a proceeding with their college.
3. To promote interprofessional collaboration - members of a health care team need to be insured to build trust and to be confident that they will not carry a higher liability because of an uninsured member of their team.

In compliance with the new provisions in the RHPA, the College has developed a By-law setting out the specific liability insurance requirements. This by-law requires professional liability insurance for RDs who practise dietetics (refer to attached definition of dietetic practice).

#### BY-LAW NO. 5

##### Professional Liability Insurance Coverage Requirements for Members

- 1.01 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.
  - d. The insurer must be licensed with the Financial Services Commission of Ontario.
  - e. The member must be personally insured under the insurance policy.
- 1.02 The insurance may be held indirectly (e.g., through an employer) so long as the member is able to obtain proof of coverage and the coverage meets the requirements of Article 1.01 (e.g., the member is an added insured under the employer's policy).
- 1.03 The requirements in this article take effect April 1, 2011

#### How did CDO determine the level of coverage required?

In determining the liability insurance amount for the new by-law (see below) the college reviewed and considered:

- liability coverage currently required by other regulated health professions in Ontario
- the liability insurance coverage currently available through Dietitians of Canada (\$5,000,000)
- the typical liability insurance coverage of organizations that employ dietitians in Ontario (ranging from \$1,000,000 - \$5,000,000)

Typically, the amount of coverage is determined by the risk associated with the work of the profession. At this time, there is very limited history with malpractice and negligence to establish an evidenced-based risk factor for practising dietetics in Ontario.

### Does coverage through my facility or employer satisfy this requirement?

Currently, the majority of RDs practicing within Ontario are already covered through their facility or employer liability insurance coverage. Provided the liability insurance coverage offered through their employer aligns with the College By-law amount, additional liability insurance is not required.

Only those RDs who work in a consulting or private practice capacity or whose employer coverage does not meet the standards in CDO's by-law would be required to obtain additional professional liability insurance.

### My employer's deductible is greater than \$1,000. What are my options?

The *By-Law No. 5, Professional Liability Insurance Coverage Requirements for Members* states that the deductible shall be no more than \$1,000. The deductible amount of \$1,000 was chosen as it protects the public by ensuring that an individual RD could feasibly pay this amount if there was a claim made against them. Note: there is no deductible for professional liability insurance coverage through Dietitians of Canada.

If your organization's liability insurance deductible is greater than \$1,000, there are three options for you to explore:

1. Confirm in writing with your employer that they will cover the deductible if a claim is made against an RD;
2. If the RD is responsible for paying the deductible, ask your organization if the deductible can be decreased to \$1,000 for any claims against an RD; or
3. Purchase additional individual professional liability insurance.

If you have any further questions or concerns, please contact:

Practice Advisory Service  
416-598-1725 / 1-800-668-4990, ext. 397

[practiceadvisor@cdo.on.ca](mailto:practiceadvisor@cdo.on.ca)