

## Memorandum

**To:** CPNS Applicants and Registrants  
**From:** Karl Kowalczyk, ED/Registrar  
**CC:** Council  
**Date:** November 29, 2021  
**Re:** Professional Liability Insurance (PLI) Requirements

Hello everyone:

At the October 31, 2021, meeting of Council there was a discussion regarding the College's requirement to ensure an initial registration and licensure, and license renewal, applicant can demonstrate proof of Professional Liability Insurance (PLI) in accordance with *Paramedics Regulations 38(1)*.

This memorandum provides an overview of those who are covered by section 38(1) of the regulations, those who are not covered, the requirement to provide proof of PLI and the insurance options the College is aware of.

*Paramedic Regulation 38(1)* stipulates,

*"38 (1) A paramedic must be covered by a policy of professional liability insurance that is independent of any insurance coverage maintained by the member's employer and that at all times provides a minimum of \$5 000 000 coverage per occurrence and \$5 000 000 coverage per policy year, excluding legal or court costs, if the paramedic*

*(a) is not employed exclusively by a health authority as defined in the Health Authorities Act or by an employer who is contracted by the Minister under the Emergency Health Services Act; and*

*(b) practises paramedicine outside of the employment relationship in clause (a).*

From this section of the regulations it is clear that provided a paramedic is employed by the employer contracted by the Minister under the Emergency Health Service Act, in this case Emergency Medical Care Incorporated (EMCI), or a Health Authority (Nova Scotia or IWK), this requirement is satisfied simply through employment with one of these two employers.

However, there is specific language within this section of the regulations that should raise concern for any applicant or registrant, as there is potential for significant financial exposure to a registrant. The language to consider is "...excluding legal or court costs..."

Legal and court costs include, but are not limited to, medical malpractice suits, as well as professional conduct issues that may be raised through the Colleges professional conduct processes. These costs can be in the tens of thousands of dollars and have the potential to put a paramedic and their family at financial risk.

From Section 38(1) of the regulations, it is also clear professional liability insurance is not extended to:

- Initial Registration and Licensure Applicants.
- License renewal applicants who provide paramedical services outside of the employment relationships with EMCI, NSH, or the IWK.
- License renewal applicants who are not employed by EMCI, Nova Scotia Health (NSH), or IWK.

Therefore, effective the date of this memorandum, an initial registration and licensure applicant, or registrant, who is not covered for PLI by an employer, as described in Section 38(1) of the regulations, will be required to demonstrate proof of PLI coverage through an insurance company. This will impact all initial registration and licensure applicants today, while all current registrants without PLI must obtain it for their annual license renewal.

Additionally, a registrant is encouraged to consider the value of obtaining their own PLI policy, independent of their employers' policy, because legal and court costs are excluded from the employer's policy.

Recognizing this, the College would like to make everyone aware of the options available for PLI, they include;

- Llyod Studd Insurance,
- a paramedic associations insurance, or
- other insurance companies that offer policies for personal and business coverage.

The College only recently became aware of Llyod Studd Insurance through discussions with the Alberta College of Paramedics, who has provided Llyod Studd Insurance information to all of their applicants and registrants.

Llyod Studd Insurance has provided two documents (attached to this memo) to help paramedics understand the significance of carrying their own PLI, including:

- Risk Insights of employer coverage.
- Professional Liability/Medical Malpractice Insurance for Paramedics (Key Features)

For greater certainty, the College has no affiliation with any insurance provider or association.

An applicant and registrant should consider their options and choose the policy that meets the required coverage and best suits their needs.

If you have any questions regarding this requirement, please feel free to contact Karl Kowalczyk at 902-223-8797 or [karl.kowalczyk@cpns.ca](mailto:karl.kowalczyk@cpns.ca).

Enclosures: Llyod Studd Risk Insights of employer coverage.  
Llyod Studd Professional Liability/Medical Malpractice Insurance for Paramedics (Key Features)

Lloyd Sadd Insurance Brokers Ltd. is pleased to provide a custom insurance program to current (or applying to be) paramedics. Many paramedics believe they are properly covered under their employers policy however this is not the case in most situations. Below we have outlined the risks you may face when relying on employer coverage.

### Risks to Paramedics relying on Employers Insurance Coverage:

- Limits of insurance and types of coverage will vary by employer and employers may not have enough limit to defend both the employee and the company in the event of a lawsuit.
- Employers coverage would likely not provide coverage for a member if they are a contractor.
- If an employer does not properly report a claim in the correct timeline, there could end up being no coverage in the future.
- If a member was in a situation outside of their employment, that required them to provide a paramedical service, the employers policy would not respond to defend the member.
- No coverage would be provided by employers policy to assist the member through a complaint/investigation by their regulator.
- An employers policy would not provide the member access to a lawyer.

KEEP YOURSELF AND YOUR PATIENTS SAFE,  
GET PROTECTED TODAY

Online Application Link



\*Feel free to contact us for full policy details

### HOW YOU CAN BE PROTECTED THROUGH OUR NATIONAL PARAMEDIC INSURANCE PROGRAM?

- Policy provides \$5,000,000 Per Occurrence Limit with a \$10,000,000 Annual Aggregate to a member if they are named personally in a lawsuit relating to their actions as a paramedic.
- Coverage is provided if the member is a contractor
- With the member programs, the members are prompted to advise of any claims prior to renewing or purchasing coverage. Helping remove this risk of their employer not promptly reporting a loss.
- This policy would provide coverage if the member was in a situation outside of their employment, that required them to provide a paramedical service. E.g. at a sporting event
- This policy would assist the member with guidance through a complaint being investigated by their regulator and assist in this process from start to final adjudication. This is coverage to navigate through the complaint process with their professional association or college. \$75,000 coverage per occurrence up to \$200,000 per year.
- This policy provides the member access to free legal advice with years of experience dealing with and guiding members through various regulatory complaint situations
- Additional coverage agreements are included that would not be available through their employers policy.

# PROFESSIONAL LIABILITY/ MEDICAL MALPRACTICE INSURANCE FOR PARAMEDICS

LloydSadd  
INSURANCE BROKERS



Lloyd Sadd Insurance Brokers Ltd. is pleased to provide a custom insurance program to current (or applying to be) paramedics. Below is a brief overview of some of the programs key features and please feel free to reach out to us with any questions.

## INSURANCE DESIGNED FOR PARAMEDICS

### KEY FEATURES:\*

- \$0 Deductible & no program aggregate
- No association membership/participation or fee required
- \$5,000,000 per claim, \$10,000,000 per member annual aggregate limit
- Available to non-regulated members while under supervision of insured member
- Legal services hotline available to all policy holders and is unlimited
- Coverage provided for COVID-19 vaccine administration and no exclusion for COVID-19 related incidents/allegations
- Policy meets the liability and coverage requirements for all provincial and territorial regulators
- All professional activities of eligible paramedics, that are within the usual and customary duties of the scope of practice as set out under applicable provincial legislation are provided coverage under this policy
- \$65 annual premium + \$4 service fee

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### WHAT IS MEDICAL MALPRACTICE INSURANCE?

Medical Malpractice, also known as Errors and Omissions liability or Professional Liability responds to claims arising from your work as a Paramedic. It responds to third-party claims of negligence on your part - whether actual or alleged - during the course of your work as a Paramedic. The policy responds to claims of damage caused by the administration of professional services, services or care rendered incorrectly, or the failure to administer care when it is required. It also includes coverage for legal expenses associated with investigating and defending the allegations.

### 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, claim or that one could potentially be brought against them. 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.

Coverage provided by:



LET US HELP YOU MANAGE YOUR RISK

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