

Change in professional liability protection provider

CRPNBC is pleased to announce that it has entered into an agreement with the Canadian Nurses Protective Society (CNPS). Effective November 1, 2018, all practising CRPNBC registrants, including Interim registrants and Employed Student Psychiatric Nurses, will be eligible for CNPS's comprehensive professional liability protection and risk management services. To support this transition, CRPNBC will subsidize the full cost of CNPS protection for all RPN registrants until February 1, 2020.

This change comes at a time of greater complexity in nursing practice and increased risk of litigation and higher court-awarded damages. In fact, this past year saw two lawsuits against RPNs in BC, resulting in insurance expenses of more than \$250,000 so far. The current insurer notified us they were renewing the policy for only one year (to October 31, 2018) so they could review the impact of these claims, which will likely affect premium costs (currently \$7.15 per person per year). This situation underscored a concern that CRPNBC has been grappling with: that your current liability insurance paid through your registration is inadequate to protect you and the public.

After reviewing market options, CRPNBC has determined that the comprehensive professional liability protection and risk management services made available by CNPS will result in better protection of the public and better meet your requirements for professional liability protection as your practice evolves. CNPS services were previously only available to RNs and NPs, but CNPS recently made changes to its bylaws to expand access to all nursing professions. CRPNBC is proud to be the first non-RN regulator to take advantage of CNPS' range of services for its registrants.

What does this mean for practising CRPNBC registrants?

As of November 1, 2018, CRPNBC registrants will become CNPS beneficiaries. As a CNPS beneficiary:

- *You will have access to higher limits of professional liability protection.* The limit under the current policy is set at \$2,000,000 per claim, with an annual maximum of \$4,000,000 shared by all RPNs in BC, Alberta and Saskatchewan. As a CNPS beneficiary, you will be eligible for up to \$10,000,000 in professional liability protection for claims arising from your work as an RPN.
- *You will be eligible for the full range of CNPS legal support services in your day-to-day nursing practice.* These services include confidential legal advice regarding circumstances in your practice (e.g., patient safety concerns, request for access to client records, police inquiries, service of legal documents), the assessment of professional services agreements (contracts), information about the legal implication of new legislative developments (for instance, medical assistance in dying, medical use of cannabis), and emerging risks in your practice.

- *You will be eligible for CNPS assistance with other types of legal proceedings arising from nursing practice, including criminal investigations, criminal prosecutions, Coroner's investigations, and allegations of privacy breach.*

CRPNBC will be drawing on its financial reserves to fully subsidize your CNPS fees (currently \$39 per year) from November 1, 2018 until February 29, 2020. CRPNBC is also paying on your behalf a transitional fee of \$121.25 per registrant required to extend CNPS professional liability protection retroactively to March 29, 1988 for care you provided as an RPN registered in British Columbia. In total, CRPNBC (and eventually its successor, the BC College of Nursing Professionals) will be paying over \$500,000 on behalf of RPN registrants.

If you have any additional questions regarding your access to CNPS services, please see our [FAQ](#) or the [CNPS special message for BC RPN registrants](#).

FAQs

What is the Canadian Nurses Protective Society (CNPS)?

The Canadian Nurses Protective Society (CNPS) is a not-for-profit society providing legal advice, risk management services, legal assistance and professional liability protection related to nursing practice to eligible Canadian nurses.

How does CNPS protection differ from what BC RPNs currently have?

CNPS offers enhanced professional liability protection for BC RPNs. Its protection has a higher limit of up to \$10 million per claim and it extends to more types of claims and legal proceedings. This makes it easier for members of the public to be adequately compensated in the event of professional negligence by a nurse and for you to have the necessary legal representation and access to sufficient funds in the event of a claim against you.

CNPS is not an insurance company but a legal support system for nurses. Decisions as to the extent of assistance are made on a case by case basis in light of the circumstances of each case. As a CNPS beneficiary, you will have access to services to assist you in your day-to-day practice, such as:

- Confidential legal advice regarding circumstances in your practice (e.g., patient safety concerns, request for access to client records, police inquiries, service of legal documents);
- The assessment of professional services agreements (i.e., contracts);
- Information about the legal implication of new legislative developments (for instance, medical assistance in dying, medical use of cannabis) and emerging risks in your practice.

Visit the [CNPS website](#) for all the details.

What are the other benefits of moving to CNPS?

CNPS is structured specifically for the provision of legal services to nurses in all Canadian provinces and is a knowledgeable resource of legal information for nurses. As a not-for-profit organization, all fees collected by CNPS from nurses must serve the provision of services to nurses.

When will the transition to CNPS take effect?

The current insurance expires on October 31, 2018, and CNPS professional liability protection will be in place from November 1, 2018.

How much will it cost?

The current annual fee is \$39 (plus GST) per registrant. However, CRPNBC will cover the cost of your CNPS fees from November 1, 2018 until February 29, 2020, so for the balance of the current registration year and the next full registration year.

Are there additional costs if I use CNPS services?

No. There are no additional costs if you consult CNPS or if CNPS hires legal counsel on your behalf. By way of comparison, the fee for just one hour of legal consultation with a lawyer can easily exceed \$400.

Once CNPS grants assistance, CNPS will also generally pay on your behalf any amount awarded as compensation in a lawsuit. CNPS, however, will not pay fines and other penalties that may be imposed against you as part of a sanction following an investigation.

What happens if a claim is made against me for events before November 1, 2018?

Unlike the existing insurance plan, which provides coverage only back to 2003 and only while the policy is still in effect, CNPS professional liability protection extends retroactively to professional services provided on or after March 29, 1988 while you were registered as an RPN in BC. This requires a one-time transitional fee paid by new beneficiaries joining CNPS to ensure fair access to the legal assistance fund that CNPS has accumulated over the last 30 years. The transitional fee is \$121.25 (plus GST) per registrant. The good news is that CRPNBC will be paying this fee on your behalf so you do not have to pay it.

How does CNPS professional liability protection differ from my employer's professional liability protection?

There is no legal requirement in Canada for employers to provide a minimum amount of liability coverage for their employees. While many employers have personal coverage for their employees, others may not provide it, or the limits of coverage may prove insufficient to cover the full extent of the claim.

You will generally be expected to continue to rely on your employer for legal representation and payment of damages awarded in the course of a lawsuit if adequate professional liability protection is available from your employer.

| | Professional Liability Protection | Employer coverage |
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| Amount of PLP | Up to \$10 million individually per nurse | No minimum legal requirement. May vary from one employer to another. |
| Nursing activities eligible for PLP | Extends to all nursing activities whether as employee, volunteer or independent contractor | Generally limited to nursing activities conducted within the scope of employment |
| Types of claims to | All civil claims arising from the practice of nursing | May not extend to certain claims |

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| which PLP extends | | that nurses may face, such as allegations of breach of privacy, abuse, sexual impropriety, defamation |
| Duration of PLP | Indefinite. CNPS protection extends to claims arising from care provided by RPN registrants while they were duly authorized to practice in British Columbia from March 29, 1988 onward irrespective of when the claim is commenced. | May vary from one employer to another. In some cases, protection may expire once the policy is no longer in force |
| Other services | <p>Legal representation/defence in the case of:</p> <ul style="list-style-type: none"> • Police inquiries • Criminal prosecutions • Human rights complaints • Failure to comply with legislative requirement under child abuse, motor vehicle or privacy legislation • Request to act as a witness • Coroner’s inquest and public inquiries • Participation in medical assistance in dying <p>Contract reviews</p> <p>Seminars on legal developments and risk management strategies</p> | Inquire with employer |

I am in independent practice – how does CNPS apply to me?

You are eligible for the full range of CNPS services, including professional liability protection for professional nursing services that you provide personally. You may, however, also face business risks, for which it would be advisable to have business

insurance, in addition to your CNPS beneficiary status. Important legal and risk management considerations should be weighed when making changes to an insurance plan. RPNs in independent practice who contemplate changes to their business insurance plans are advised to discuss the implications of a change in business insurance with their insurance broker or business advisor.

I am a dual RPN/RN registrant and am already covered by CNPS. Will I have to pay twice for CNPS services?

No. You will only be required to pay one set of annual CNPS fees.