

CANADIAN PHARMACISTS BENEFITS ASSOCIATION (CPBA) PROFESSIONAL LIABILITY INSURANCE FAQs

The Canadian Pharmacists Benefits Association (CPBA) is managed and operated for the sole benefit of provincial member associations, and works to provide you with access to comprehensive and exclusive professional liability coverage.

Pharmacists must be members of their provincial association to benefit from the CPBA-sponsored insurance program.

What is Professional Liability Insurance?

Professional Liability Insurance (PLI) protects you against liability or allegations of liability for injury or damages that have resulted from a negligent act, error, omission, or malpractice that has arisen out of your professional capacity as a Pharmacist or Pharmacy Technician. Your policy also responds if a complaint is made against you to your regulatory body (College). Coverage is written on a claims-made basis.

In both cases, your legal defence is coordinated and paid for by the insurance company to the limits of your policy – even in circumstances where you are found to be at fault. And if damages, or patient compensation, are awarded by the court, your PLI policy covers this too.

Am I covered if a complaint is made against me to my Regulatory Body?

Yes. The CPBA PLI policy provides up to \$50,000 of coverage per claim for legal defence costs if a complaint is made against you to your regulatory body (College).

Anyone who has a concern about the care they received or the actions or conduct of a Pharmacist or Pharmacy Technician is able to lodge a complaint with your regulatory body. The CPBA PLI policy will respond to defend you and will pay the legal defence costs.

Will the CPBA PLI Policy provide coverage if I am charged with a criminal offence?

Although uncommon, criminal charges can be filed against healthcare professionals, including Pharmacists and Pharmacy Technicians based on interactions with patients. In these circumstances, your PLI policy will reimburse the legal costs (up to \$100,000) associated with your defence if the

professional service was rendered in Canada and you are acquitted, found not guilty, or if the charges are withdrawn.

I have Professional Liability (Errors & Omission) Insurance through my employer. Do I need my own PLI policy?

It is recommended that Pharmacists and Pharmacy Technicians purchase their own PLI policy rather than rely on their employer's insurance plan. For this reason, CPBA offers a "Supplementary" policy that will help cover you for potential possible coverage gaps in your employer's policy.

Your employer's policy:

- Generally does not respond to defend or protect you against regulatory complaints;
- Provides coverage ONLY for work done in the employment setting. Complaints related to volunteer work, advice to a neighbour, or other work done outside of your place of employment are excluded from an employer's policy;
- 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, you may become responsible for a portion of legal costs, including settlement or damage costs;
- Does not reimburse criminal defence costs, for instance allegations of physical or sexual assault that are brought before a criminal court.

Please note that you must have valid primary insurance coverage through your employer in order for the CPBA Supplementary insurance to respond.

I have a part-time pharmacy job in addition to my full time employment. Does the CPBA policy provide coverage for these activities?

Yes. Your CPBA PLI policy covers you for your professional pharmacy services outside of your employers' setting as long as they are within the regular duties and activities or scope of practice for a pharmacist or pharmacy technician.

Is there a difference if I am hired as an employee through a contract or self-employed?

No. There is no difference, as long as you are delivering services within your applicable scope of practice as a pharmacist or pharmacy technician. Please check with your provincial regulatory body for further clarification on scope of practice.

Does the CPBA PLI policy cover all the activities under pharmacists' scope of practice such as prescribing or administration of injections?

The CPBA PLI policy provide coverage for all professional services and activities that are within your full scope of practice as a pharmacist or pharmacy technician. Please check with your provincial regulatory body for further clarification on scope of practice.

If I practice out of province will I still be covered by my CPBA PLI policy?

The CPBA policy is designed to provide Canada wide coverage. However, prior to delivering your services in another jurisdiction you should first check with the applicable college to confirm that you are abiding by their insurance coverage and registration requirements.

Please note that this coverage excludes any claim that is brought in USA from internet sales or if you operate a pharmacy in USA and provide services there.

Does the CPBA PLI Policy cover me while I'm on maternity/parental leave?

Yes. The CPBA policy automatically extends to protect you at no additional cost while you are on leave. Your expiring policy will respond to claims that may arise while you are on leave, but only for incidents that took place in your past practice. Please note that you must renew your insurance and have an active policy in place before returning to practice.

Does the CPBA PLI Policy cover me when I retire or cease practicing?

Yes. The CPBA policy will automatically extend to protect you at no additional cost for up to 3 years upon retirement or cessation of practice. This means that retiring members will be automatically protected against potential future claims arising from prior incidents and exposures that occurred during their past practice for a period of up to 3 years following expiry of their last active policy.

How do I report a PLI claim?

Please contact your claims adjuster at Crawford & Company at 1-877-805-9168 or BMSclaims@crawco.ca to report a claim if you have received:

- A letter of complaint from your regulatory body; or
- A statement of claim from a lawyer acting on behalf of an injured patient/patient's family.

You should also contact Crawford & Company if:

- Criminal charges have been filed against you related to your professional services;
- A patient or lawyer threatens legal action or demands financial compensation; or
- You are aware of any circumstance or situation that could lead to a claim (for instance, if a patient experienced an adverse event).

How to Apply

This CPBA insurance program is available to members of the following participating associations. Please contact your association to apply for coverage:

Alberta Pharmacists Association

Pharmacists Manitoba

Prince Edward Island Pharmacists Association

Pharmacists Association of Newfoundland and Labrador

More Information

This brochure is provided for information purposes only. Full terms and conditions of the policy, including all exclusions and limitations are described in the policy wordings, a copy of which can be obtained from CPBA or BMS Canada Risk Services Ltd. (BMS).

For more information please contact BMS at:

BMS Canada Risk Services Ltd.

825 Exhibition Way, Suite 209
Ottawa, ON K1S 5J3

Phone: 1-844-200-7140

Email: cpba.insurance@bmsgroup.com