

POLICIES & PROCEDURES

DATE APPROVED: November 2020	CATEGORY: Registration
DATE FOR REVIEW: November 2023	AUTHORITY: OT Act 6(3)(n); registration regulations 27(e)(vi), 48

POLICY TITLE: 405.2 Liability Insurance

Purpose:

The College fulfills its mandate by ensuring new applicants for registration meet certain standards for entry to practice in the province. In keeping with the Fair Registration Practices Act, the College makes registration requirements publicly available. This policy outlines the process to verify that applicants have sufficient liability insurance for entry to practice.

Principles:

Registrants are responsible for their own actions and activities. In the event of committing a fault, error, omission or negligent act while practising occupational therapy, professional liability insurance must be in place to ensure adequate resources to protect the public.

Policies:

In keeping with the Registration Regulations section 48, every occupational therapist is required to have a minimum of \$5 million of professional liability insurance with a legal expenses endorsement for investigations of complaints.

1. Registrants must demonstrate continuous professional liability insurance coverage while registered with the College.
2. Applicants and registrants may meet the requirement by providing a copy of their certificate to the College which confirms the purchase of the insurance and includes the policy number and expiry date. The certificate should be uploaded to the registrant or applicant’s COTNS online profile or provided electronically as a PDF. The policy content must demonstrate that it meets

the College's minimum professional liability requirement and includes a legal expenses endorsement for investigation of complaints by a regulatory body.

3. Where the insurance company has not yet issued a certificate, applicants may meet the requirement by providing the College with written confirmation from the institution through which the insurance has been purchased. The written confirmation must indicate that the insurance policy meets the College's minimum professional liability requirement and includes a legal expenses endorsement for the investigation of complaints by a regulatory body. This confirmation may be uploaded to the applicant or registrant's COTNS online profile or provided electronically as a PDF.
4. Where insurance is provided by the employer, applicants may meet the requirement by providing a letter from the employer stating they have provided proper liability insurance and that it meets the College's requirements for professional liability and appropriate legal expenses endorsement coverage. This letter may be provided via fax, email, or electronically as a PDF.
5. The College must receive confirmation of malpractice insurance for each area of practice in which services are provided including, regular employment, private practice, contract and volunteer positions.
6. Registrants must inform the College of any change to their professional liability insurance coverage, including insurer name, start date, expiry date and policy number, within thirty (30) days of the change occurring.
7. Additional evidence, satisfactory to the Registrar or the Credentials Committee, may be requested to ensure compliance with the professional liability insurance requirement.

Outcome:

1. The applicant satisfies the Registrar or the Credentials Committee that they have met this requirement by providing a copy of the professional liability certificate and legal expenses endorsement coverage that meets the College's requirements together with the New Applicant Form or when signing the declaration on the Annual Renewal Form.
2. A member's certificate of registration may be revoked for failure to maintain professional liability insurance as prescribed by the regulations or if the member fails to provide satisfactory evidence of maintaining such insurance within 30 days of a request in writing from the College.

Established: September 2013

Revised: February 2017

Reviewed: November 2020