

## DOES YOUR EMPLOYER HAVE YOU COVERED?

**Did you know?** Anyone who has a concern about your practice or conduct can lodge a complaint with your professional organization and/or regulatory body (i.e. Sonography Canada's Discipline Committee or your College, if applicable). If you are relying on your employer's Professional Liability insurance (also called Malpractice Insurance or Errors & Omissions Insurance) to protect you, there may be gaps in that policy that could leave you vulnerable.

Take \*Farah, who is working at a hospital. Recently, she was notified by Sonography Canada's Discipline Committee that a former patient lodged a complaint against her alleging that she behaved unprofessionally and made biased comments. Farah turned to the hospital's Professional Liability Insurance policy for representation and protection. Unfortunately, as is the case with many hospital policies, Farah is only covered if she is named in a claim alleging malpractice or professional negligence. Complaints made to a professional organization or regulatory body, such as claims of unprofessional attitude or improper conduct, are often excluded from an employer's policy. Farah is unsure what to do next and she's worried about her ability to finance an adequate legal defence.

Or consider \*Yannick, who works as a sonographer at a hospital but occasionally provides holiday coverage at a local clinic. Recently, he was named in a statement of claim alleging that the patient he was treating at this clinic was injured when he helped her on to the examination table. Yannick, as the treating sonographer, and the clinic are both named in a civil lawsuit alleging negligence. Although Yannick is insured under the hospital's Errors & Omissions policy, the policy only responds to insured claims resulting from Yannick's professional activities within his place of work and scope of employment. There is no coverage under the hospital's policy for Yannick's legal defence costs, damages, or settlement costs associated with his work at the private clinic.

Farah and Yannick's situations illustrate why sonographers working in public practice such as hospitals, often decide to purchase their own individual Professional Liability Insurance. However, there are many professionals who are still relying on their employer's policies, thinking they are well protected in the case of a claim. Some have been surprised to find that there are other gaps in the protection offered by their employer's policy.

**For instance, an employer's policy generally:**

- **Does not cover the legal costs associated with responding to a regulatory complaint or investigation.** As illustrated in the first scenario, those relying on employer coverage would be left to independently secure legal representation to defend against these claims and would be responsible for the associated costs;
- **Provides coverage ONLY for work done in the employment setting.** As in the second scenario, complaints related to services provided outside of the workplace, such as other paid services, advice to a neighbour, or volunteer work, are often excluded from an employer's policy;
- **Shares limits of liability with all employees and the organization.** There is no individual limit of liability so if these limits are exceeded, the professional may become responsible for a portion of legal costs, including settlement or damage costs; and
- **Will not likely reimburse criminal defence costs.** This might include allegations of physical or sexual assault that are brought before a criminal court.

An employer's policy will not protect you under all circumstances. The above list includes only some of the significant reasons it is important to protect yourself. A prudent way to ensure comprehensive professional liability protection is by securing an individual policy.

### How to Apply

Please contact Sonography Canada to purchase individual Professional Liability coverage. Members can purchase insurance coverage at any time; however, May 1 is the annual policy date.

#### Sonography Canada

201-1150 Morrison Drive, Ottawa ON K2H 8S9  
 Toll Free: 1-888-273-6746  
 Email: [info@sonographycanada.ca](mailto:info@sonographycanada.ca)  
 Web: [www.sonographycanada.ca](http://www.sonographycanada.ca)

## Understanding Sonography Canada's Professional Liability Insurance

Professional Liability Insurance (PLI) provides coverage for wrongful acts to a third party (actual or alleged negligent acts, errors or omissions) committed when acting within your scope of practice as a Sonographer. Your coverage insures payment of both compensatory damages and legal costs associated with a claim.

Coverage Highlights	
Professional Liability	\$5M each claim \$5M limit per policy year
Disciplinary Expense Endorsement	\$200,000 each claim \$200,000 limit per policy year  (Not applicable to Practicing Non-Credentialed Members)
Defence Costs Reimbursement for Alleged Criminal Acts	\$150,000 each claim \$150,000 limit per policy year
Abuse Defence Costs Reimbursement	\$1,000,000
Privacy and Data Protection Coverage	\$50,000
Coverage Territory	Worldwide; suits brought forward in Canada
Libel and Slander	To policy limit
Extended Reporting Period	10 years included
Pro bono legal services	Included

### Disciplinary Expense Endorsement

The Disciplinary Expense endorsement provides coverage for legal costs associated with having to respond to a complaint or appear at a disciplinary hearing with your professional organization or agency. In the event of a complaint or investigation, members are provided with superior legal representation and defence protection.

### Defence Costs Reimbursement for Alleged Criminal Acts

The policy will reimburse legal costs associated with defence of criminal charges (up to \$150,000) based on professional interactions with patients if you are found 'not guilty' of the criminal charge. The policy will also reimburse legal costs associated with the defence of claims for allegations of abuse (up to \$1,000,000) based on professional interactions with patients if the defence is fully successful.

### Extended Reporting Period, including Maternity/ Parental Leave

The policy automatically includes up to 10 years of extended reporting period coverage - for professional liability claims that are first discovered and filed after you have retired and/or discontinued practice, in respect to acts, errors and omissions committed prior to the expiry of your last active policy. Please note that you must renew your insurance and have an active policy in place before returning to practice.

## Additional Coverage Available to Members

### Commercial General Liability

Commercial General Liability insurance (CGL) protects members from financial loss should you be sued due to bodily injury or property damage caused by your services or business operations and not related to your delivery of professional services. For example, a patient may slip and fall on a wet floor and injure themselves.

This coverage is recommended for members who own or operate a business. Coverage is also recommended for members who operate independently and contract out their services or bill under their business name.

### Cyber Security & Privacy Liability Coverage

Members have the option to purchase Cyber Security and Privacy Liability coverage to better manage the risk of holding increasingly large quantities of personally identifiable data of clients, employees, and others, and to mitigate the reputational damage resulting from a data security breach.

*This brochure is a summary of coverage and is 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 BMS Canada Risk Services Ltd. (BMS). For more information, please contact BMS.*