

Policy: **Professional Liability Insurance**

Policy Number: 1.11

Policy Type: Practice

Date Revised: 06/28/2022

1. Purpose

Professional Liability Insurance is also known as 'Malpractice' insurance or 'Errors and Omissions' insurance. The *Medical Laboratory Technologists Act*¹ Section 14 (2) (o) outlines the SSMLT obligation: "prescribing the minimum amount of liability protection that members are required to obtain" The SSMLT Regulatory bylaws section (20) (1)² defines the coverage amount required: "each licenced practicing and temporary practicing member must hold and maintain professional liability insurance in an amount that is at least \$2,000,000."

2. SSMLT Registration categories**2.1. Practicing and Temporary Practicing applicants or members**

Members engaged in the practice as a Medical Laboratory Technologist must ensure they have professional liability coverage in the amount of \$2,000,000.

2.2. Non-practicing or retired members

Are exempted from mandatory professional liability coverage provided that the member declares/selects retired or non-practicing on their renewal form:

- (a) Exempt from the professional liability insurance requirement on the grounds that they are not currently engaged medical laboratory technology practice, and
- (b) They understand prior to upgrading to a practicing licence and resuming practice as a MLT they must submit evidence of PLI to SSMLT.

3. Rationale**3.1. Liability insurance protects the MLT, and the public as follows:**

- (a) Enables the public (a patient/client) to have adequate financial compensation should harm occur as a result of an error, omission or negligent act;
- (b) Protects the MLT by providing legal and financial support should a patient/client make a claim against them;
- (c) MLTs whose insurance includes legal defense (CSMLS or private insurance), provides reimbursement for costs or damages incurred in legal claims against a member by the regulatory body (SSMLT).

4. Requirements

- 4.1. Members engaged in the practice of medical laboratory technology must carry minimum professional liability insurance in an amount that is at least \$2,000,000.
- 4.2. Members may obtain their liability insurance from their employer, the national professional association (Canadian Society for Medical Laboratory Science-CSMLS) or from an independent insurance company or broker. Employees are generally covered for work they do for and on behalf of the employer.
- 4.3. A Member who performs any medical laboratory technology services, even on a part time or temporary basis, outside of the employing organization would not have employer coverage for this service and must obtain additional professional liability insurance coverage.

5. Coverage Options

The table below provides a summary of the insurance coverage options.

Insurance Coverage Option	Coverage Procedures and Requirements	Policy Implications
Association - Canadian Society for Medical Laboratory Science (CSMLS)	<ul style="list-style-type: none"> CSMLS insurance broker offers professional liability insurance at a reasonable rate for CSMLS members. This liability coverage includes legal defense coverage for costs or damages against a member by SSMLT. If an applicant chooses this option, he/she will indicate their preference during the initial application and upload a copy of their CSMLS membership card to applicant portal. Members renewing must indicate their coverage preference by declaration on their renewal form and must submit CSMLS membership fee and PLI coverage fee payment or upload a copy of their CSMLS membership card, if purchased directly. 	<ul style="list-style-type: none"> Must be a member of CSMLS with PLI coverage. All costs associated are paid by the member, either directly with CSMLS or during SSMLT renewal – joint fee collection.
Employer Coverage	<ul style="list-style-type: none"> Insurance coverage through an employer or workplace. Employees are generally covered for work they do for and on behalf of the employer. If an applicant chooses this option, he/she will indicate their preference during the initial application and upload the employer job offer letter to their member portal. They may be required to submit evidence of coverage if requested by SSMLT. Members renewing must indicate their coverage preference by declaration and must submit evidence of coverage if requested by SSMLT. 	<ul style="list-style-type: none"> <u>IMPORTANT</u> The coverage through an employer does not extend to practice outside of their employment and does not cover legal defense, voluntary, or off-duty practice. SHA PLI Coverage for employees: 'SHA confirms that the SHA holds professional liability insurance of at least \$2Million and that SHA employees are covered for work they do for and on behalf of the SHA.'
Private Coverage	<ul style="list-style-type: none"> Not available to new applicants. Members renewing must indicate their coverage preference and must submit as evidence 'certificate of insurance' (COI) to their member portal. Insurance coverage may be purchased from an independent private insurance broker registered in Saskatchewan and licensed with the Financial and Consumer Affairs Authority (FCAA) in Saskatchewan. 	<ul style="list-style-type: none"> High cost (estimated \$100-\$1,000) and must meet SSMLT coverage requirements.

6. Individual considerations

6.1. Some members may have insurance coverage with their employer; the onus is on the member to determine if these amounts are sufficient according to their specific insurance circumstances and SSMLT requirements.

6.2. The SSMLT recommends that all medical laboratory technologists review their liability insurance coverage from time to time; whether it be an individual plan, one provided by employing agency.

6.3. In determining if you have sufficient coverage members may wish to consider:

- What type of coverage does the policy provide e.g., Malpractice, Errors & Omissions only or does it also include Legal Expenses?
- Does the coverage provide reimbursement of legal defense expenses for regulatory complaint cases and/or criminal case?
- Is there a deductible, if so, how much is it?
- What are the "exclusions" under the policy? Such exclusions should be standard provisions that do not materially detract from comprehensive professional liability coverage (for example, criminal or deliberate acts).
- If you are covered by an employee insurance plan, you should check the level of coverage under the policy. You may want to request a letter from the employer confirming coverage.
- If you engage in practice outside of regular employment, it is important that you obtain additional insurance to cover those services.

References:

1. Medical Laboratory Technologists Act, 1995
2. SSMLT Regulatory Bylaws

Approved date:	(YYYY-MM-DD) 2022-06-28
Effective Date:	2023 licence year application or renewal.
Council Approval:	Council Meeting
Next review date: (3 Years).	

Revision Summary

Date:	Version #	Change Summary
December 2018	1	Initial version
June 29 2022	2	Updated to reflect Act and Bylaws