



RNAO

Registered Nurses' Association of Ontario
L'Association des infirmières et infirmiers
autorisés de l'Ontario

Speaking out for nursing. Speaking out for health.

FAQ: PROFESSIONAL LIABILITY PROTECTION (PLP)

What is the difference between PLP & LAP?

All RNs/NPs registered with the College of Nurses of Ontario (CNO) in a practicing class are required to have personal liability protection (PLP) that meets the CNO's by-law requirements. All RNAO members are automatically included in the RNAO-sponsored Professional Liability Protection Program (PLP) at no additional cost.

RNAO's PLP provides insurance coverage in the event that a member is named in a criminal proceeding related to an incident in nursing practice, or legal action (lawsuit) alleging professional negligence in the provision of nursing services. Coverage is not tied to any particular workplace or practice setting. RNAO's PLP coverage includes coverage for COVID-19 and other communicable diseases. Please be aware that other PLP plans may not. If your workplace or insurance provider's PLP insurance has a communicable disease exclusion and if you do not have RNAO's PLP, you are exposed to serious risks.

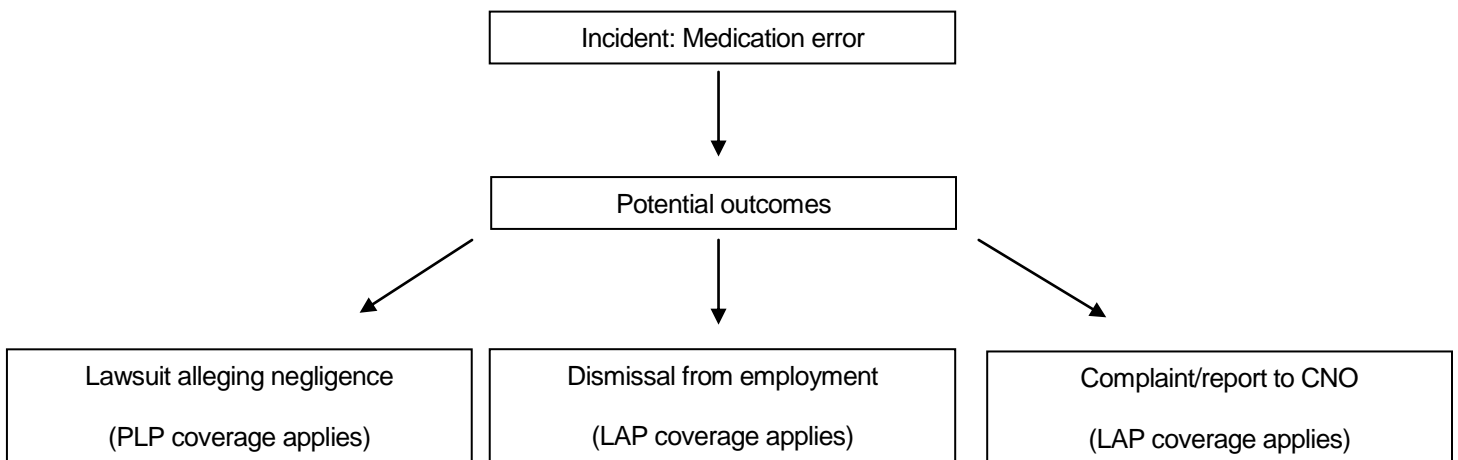
RNAO's Legal Assistance Program (LAP) is not the same as PLP/insurance and LAP coverage is not required by CNO. LAP is an optional, additional protection available to RNAO members that complements PLP coverage by providing coverage in areas that fall outside the scope of PLP, namely:

- Complaints/report to CNO
- Employment-related issues such as discipline, termination, workplace investigations and human rights issues
- WSIB and long term disability claims
- Employment contract review prior to accepting a (non-unionized) nursing position
- Advice prior to testifying as a witness in a legal proceeding related to care provided in nursing practice

The cost to participate in LAP is \$64.57/year in addition to your RNAO membership fee.

Together, PLP + LAP = Peace of Mind

Consider the number of legal issues which could arise out of one incident and how you would benefit from having both PLP and LAP coverage:



Does PLP cover nurses who administer botox injections or perform similar procedures?

The scope of coverage provided by RNAO’s PLP is for services, which fall within the scope of practice of nursing for which an RN/NP may be authorized, including but not limited to any instance where there is the use of nursing knowledge, skill and judgment. Because of this broad scope, RNAO’s PLP has you covered through a wide range of situations that may arise from your practice.

If you have questions about whether or not a specific service or treatment is covered, please contact RNAO’s PLP insurance broker, The Magnes Group Inc.:

Dianna Cromwell: 1-800-650-3435 ext 324, dcromwell@magnesgroup.com.

Why should I have PLP through RNAO if I already have PLP through my workplace/union?

Relying on your employer/union’s PLP means that you are responsible for ensuring that the employer/union PLP meets the CNO’s by-law requirements, including coverage in the event that you change workplaces. With RNAO’s PLP, you can rest assured that you have PLP coverage that meets and exceeds the CNO’s PLP requirements.

In addition, unlike most employer/union PLP:

- RNAO’s PLP is not restricted to any particular workplace, job, or practice setting
- RNAO’s PLP coverage is 24/7, portable, and covers you and your nursing practice anywhere in Canada
- RNAO's PLP coverage includes coverage for COVID-19 and other communicable diseases. Please be aware that other PLP plans may not. If your workplace or insurance provider’s PLP insurance has a communicable disease exclusion and if you do not have RNAO’s PLP, you are exposed to serious risks.

What if I do not renew my RNAO membership? Am I still covered if I am named in a future claim?

To be eligible for PLP coverage, an RN or NP must be an RNAO member and must be registered to practise with the CNO at the time of the incident(s) giving rise to the covered claim. This means that if you were a member of RNAO at the time of the incident(s) that is the basis of any claim/lawsuit that arises in the future, you are covered by RNAO's PLP. "Incident" does not refer to the date on which the lawsuit is filed - it refers only to the incident(s) to which the lawsuit relates.

For example, let's say you choose not to renew your RNAO membership for the upcoming membership year. At some point after this time, you are named in a lawsuit, related to an incident that occurred on a date when you were an RNAO member. In this case, you would be covered by RNAO's PLP because you were a member at the time of the incident. Your membership status at the time the lawsuit is filed is not relevant.

******Please note that the eligibility requirements for LAP are not the same as those for PLP. Please see FAQs re LAP for additional information regarding LAP eligibility requirements*****

FAQ: LEGAL ASSISTANCE PROGRAM (LAP)

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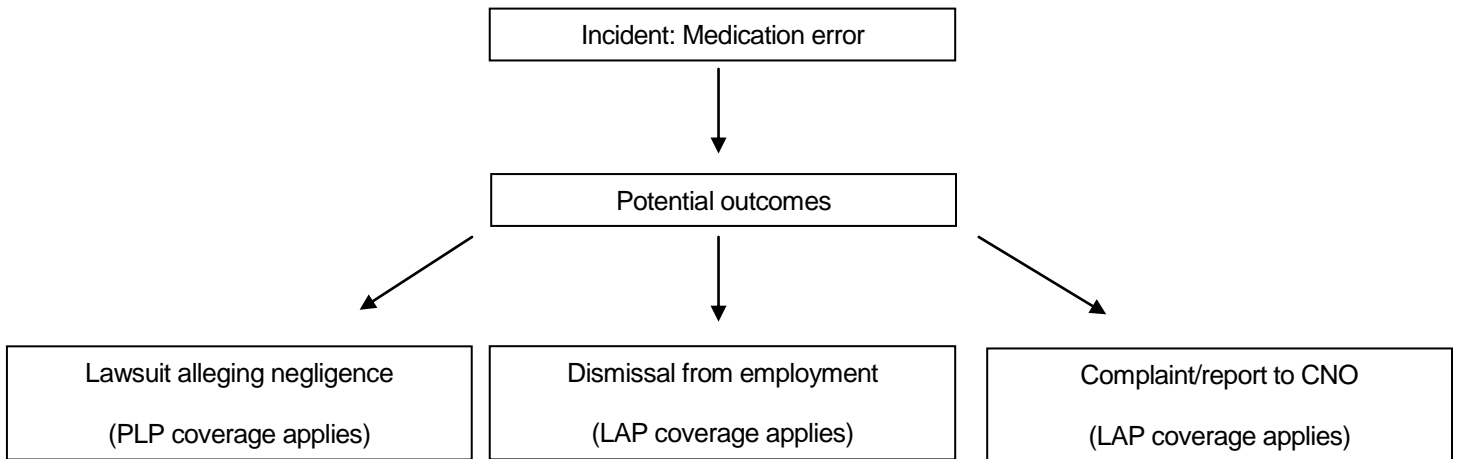
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Consider the number of legal issues which could arise out of one incident and how you would benefit from having both PLP and LAP coverage:



Can I keep LAP but cancel my RNAO membership?

LAP coverage is only available to RNAO members.

If I cancel LAP will I still be covered for when I had it?

To be eligible for assistance from LAP, a member requesting assistance must be a member of the program at the time of the incident and remain a member from the time of the incident until the case is resolved or the maximum assistance available from the program has been reached. Continuous membership is defined as membership in RNAO and LAP, which is renewed annually, for the entire membership year November 1 to October 31.

If you cancel your LAP membership, you will no longer be eligible for assistance from LAP because you do not meet the "continuous membership" criteria described above. LAP membership status at the time you are in need of assistance from the program is relevant to a determination of eligibility.

As an example, let's say you choose not to renew your LAP membership for the upcoming membership year. At some point in the future, you are named in a complaint to the CNO related to an incident that happened when you were an RNAO member with LAP coverage. In this instance, you would not be eligible for assistance from LAP to respond to the complaint because you do not meet the "continuous membership" eligibility requirement. In other words, although you were a member at the time of the incident to which the CNO complaint relates, you did not "remain a member continuously from the time of the incident until the case is resolved or the maximum assistance available from the program has been reached."

Will LAP cover me for an applicable legal issue that occurred in the past if I sign up now?

To be eligible for assistance from LAP, a member requesting assistance must be a member of the program at the time of the incident and remain a member continuously from the time of the incident until the case is resolved or the maximum assistance available from the program has been reached. Continuous membership is defined as membership in RNAO and LAP, which is renewed annually, for the entire membership year November 1 to October 31.

Therefore, if you were not a member of RNAO and LAP at the time of the incident in relation to which you are seeking assistance, you are not covered by LAP.

Do I need LAP if I am not working? (e.g. maternity leave, retirement)

To be eligible for assistance from LAP, a member requesting assistance must be a member of the program at the time of the incident and remain a member continuously from the time of the incident until the case is resolved or the maximum assistance available from the program has been reached. Continuous membership is defined as membership in RNAO and LAP, which is renewed annually, for the entire membership year November 1 to October 31.

If you cancel your LAP membership during your maternity leave, you will no longer be eligible for assistance from LAP because you do not meet the "continuous membership" criteria described in the paragraph above. LAP membership status at the time you are in need of assistance from the program is relevant in determining eligibility, and any gaps in your LAP membership history could render you ineligible for assistance.

Nurses who retire (or otherwise stop working) but maintain registration with CNO in the non-practising class are still legally and professionally obligated to respond to the CNO in the event of an investigation into your nursing practice. Therefore, you would need to maintain LAP coverage.

Nurses who retire and resign from the CNO are no longer obligated to respond to CNO. However, the CNO still has the power to render a decision against you, which could include the payment of legal costs. In order to protect yourself and your reputation, you should consider maintaining membership in LAP for at least a few years after retirement and resignation from CNO.

I am "low legal risk," should I have LAP?

Complaints/reports to CNO is a risk exposure for all nurse in all practice setting. Employment-related issues can arise at any time without warning. You may find yourself involved in a situation that falls under LAP or be the subject of a CNO investigation even if you have not done anything wrong.

Your employer may not always protect your interests, and the CNO's mandate is to protect the public. Who is protecting you if you do not have LAP coverage through RNAO?

If I am a member of ONA/another union. Do I still need LAP?

Any coverage provided by a union generally applies only to employment in a specific workplace and a specific role in that workplace. If you are engaged in any nursing practice outside of your unionized workplace (ex. part-time job, volunteer nursing role, etc), you would not be covered by your union. In addition, most unions, with the exception of ONA, do not offer their members help with CNO matters.

I want to set up a nursing business/independent practice. Can I get help with this through LAP?

Legal advice related to setting up a business, including risk management advice and assistance with the development of contracts and other legal documents for use in independent practice, is outside the scope of services provided under RNAO's LAP.

I need general nursing practice advice and/or help with interpreting CNO standards of practice. Does LAP cover this?

RNAO is not able to interpret CNO practice standards on behalf of nurses, nor is such assistance available through RNAO's LAP.

The CNO has practice support staff who can help you with nursing practice-related inquiries: <http://www.cno.org/en/learn-about-standards-guidelines/Practice-Support/>

You can also find a variety of resources - including educational tools and practice documents - in the Standards & Learning section of the CNO website: <http://www.cno.org/en/learn-about-standards-guidelines/> These resources are designed to help nurses understand the CNO standards and how to apply them to nursing practice.

Questions about nursing scope of practice and CNO practice standards should also be directed to the broader health team and/or any other resources available to you in your practice setting, such as nurse educators, nurse managers, and professional practice advisors.