

Professional Liability Insurance for Communication Health Assistants

CAN YOU PICTURE YOURSELF IN THIS SITUATION?

Ruba works as a communication health assistant at a hospital. Ruba was assisting a patient with dysphagia when he choked and suffered internal trauma. Ruba and the speech-language pathologist are both named in a lawsuit alleging negligence in assessing the patient's risk, failure to supervise the patient appropriately, and failure to provide adequate support and assistance. The patient is seeking \$300,000 for pain and suffering.

Like many communication health assistants, you've likely asked yourself whether or not you need Professional Liability Insurance (PLI). As a professional, you work with patients who might become injured during the course of their treatment. If the injury was the result of your professional negligence, your patient might look to hold you responsible for that injury.

Since anyone can initiate a complaint, it's important for communication health assistants to have PLI coverage in place. Depending on where you work, you may have coverage, but you should be aware of the limitations of an employer's policy.

WORKING IN PUBLIC PRACTICE (EX. SCHOOLS OR HOSPITALS)

Communication health assistants who work in public practice may be protected under the organization's PLI policy for activities that are within the scope of their employment. **However, an employer's policy may have gaps in coverage that are important to be aware of.**

For instance, an employer's policy generally:

- 1 Shares limits of liability with all employees and the organization. If these limits are exhausted, you could become responsible to pay for your own defence costs and any damages or settlement costs out of pocket.
- 2 Provides coverage ONLY for work done in the employment setting. 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.
- 3 Will not respond if you are brought before a criminal court.

If you feel that the organization's policy is not adequate, or if you work or volunteer outside of the facility, you should consider securing your own PLI coverage.

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WORKING IN A PRIVATE CLINIC

If you are employed by a private clinic, you may be covered under the clinic's PLI policy, however, there may be gaps in coverage that you should be aware of.

Like work in public practice, a private clinic employer's policy may share limits across all employees, restrict coverage to the employment setting, and/or not respond to cases brought before a criminal court. In addition, some clinics may be relying on staff to have their own coverage because it is a requirement for regulated health professionals.

It's also vital to be aware that not all PLI policies cover the same scope of employment. While some PLI policies for professionals and businesses may extend to the communication health assistants, some may not. You may work with speech-language pathologists and/or audiologists at multiple places of employment where insurance coverage can differ from one to the next.

The SAC Member Insurance Program is designed to provide leading coverage, service, and resources for speech-language pathologists, audiologists, and communication health assistants.

AS AN SAC ASSOCIATE, YOU HAVE ACCESS TO:

- Exclusive, leading coverage designed specifically for communication health assistants at a discounted rate;
- Pro bono legal hotline with Gowling WLG, a leading Canadian law firm for any enquiries relating to a professional liability issue;
- Industry-specific risk management resources, including profession-specific claims updates and regulatory trends.

For any insurance-related questions, or if you'd like to discuss your individual practice circumstances, please contact a BMS broker at 1-855-318-6135 or email sac.insurance@bmsgroup.com. We're here to help.

Please note that the examples used in this article do not represent actual claims or insureds. The scenarios described above are included to provide examples of common circumstances, allegations, and outcomes for claims involving SAC members and associates participating in the insurance program.