



College of
Medical Radiation
Technologists of
Ontario

Ordre des
technologues en
radiation médicale
de l'Ontario

professional liability insurance

What you must know about...

Professional liability insurance (PLI), also known as malpractice insurance, provides coverage for MRTs with respect to claims that may arise from the practice of medical radiation technology. Effective March 31, 2014, all practising members of the CMRTO must be covered by professional liability insurance that meets the requirements in the by-laws of the CMRTO.

The CMRTO registration regulation (made under the *Medical Radiation Technology Act*) requires that members maintain professional liability insurance or protection against professional liability in accordance with the requirements set out in the by-laws of the CMRTO.¹

Requirements for PLI

The CMRTO by-laws specify the requirements for PLI.² These requirements are as follows:

- A member engaging in the practice of medical radiation technology must hold, or otherwise be covered by, professional liability insurance that provides the member with coverage for the practice of the profession of medical radiation technology
- The PLI must have, for each insured individual, a minimum amount of \$1,000,000 per occurrence
- If the PLI has a deductible, it cannot be greater than \$1,000
- The PLI must be provided by an insurer that is licensed under the Financial Services Commission of Ontario
- Within 30 days of any request by the CMRTO Registrar, and at the time(s) determined by the Registrar, a member must provide confirmation of insurance coverage to show that the member's PLI coverage complies with the requirements of the CMRTO by-laws

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¹ Paragraph 2 of subsection 3(2) of Ontario Regulation 866/93 made under the *Medical Radiation Technology Act*

² By-law No. 43, as amended, comes into force March 31, 2014. It is available at www.cmrto.org

How do the CMRTO by-laws respecting PLI affect me as an MRT?

Most MRTs registered with the CMRTO already hold PLI coverage through their membership in the professional association (Ontario Association of Medical Radiation Sciences and Canadian Association of Medical Radiation Technologists), or through the insurance coverage of their employer, such as a hospital, where the employer's insurance provides professional liability protection for the MRT. Regardless of how the PLI coverage is obtained, practising MRTs are responsible for ensuring that their insurance coverage meets the requirements of the CMRTO by-laws. MRTs who work in multiple practice locations should ensure that they have insurance coverage for all the locations in which they practise the profession of medical radiation technology.

Why is the CMRTO requiring PLI effective March 31, 2014?

The CMRTO has always believed that it is important for MRTs to carry PLI, but the Council had not made it a mandatory requirement for MRTs. In February 2013, the CMRTO received a letter from the Minister of Health and Long-Term Care requiring all Councils that did not already have requirements for their members to have professional liability protection, to put such requirements in place. The Minister's direction was to ensure that professional liability protection would be mandatory in all settings for all practising members of health regulatory colleges in the province.

In the letter, the Minister also explained that this direction was in the place of her requesting that the provisions regarding PLI set out in the *Regulated Health Professions Statute Law Amendment Act, 2009* (which amended the *Regulated Health Professions Act, 1991*, (RHPA)) be proclaimed in force. That provision would have required all members of all health regulatory colleges to carry "personal protection against professional liability".³ The Minister acknowledged that the requirement to carry personal protection against professional liability may not recognize the full range of professional liability protection options currently in the health care system, including employer coverage.

The Minister also indicated that the government believes that it is in the best interest of patients and health care practitioners that all regulated health professionals practising in the province have professional liability insurance.

³ See section 13.1 of the Health Professions Procedural Code, Schedule 2 to the RHPA, which has not yet been proclaimed in force.

What does the CMRTO mean by “practising” MRTs?

Effective March 31, 2014, all members of the CMRTO who are practising the profession of medical radiation technology, whether in direct patient care or another role, or whether in a paid or volunteer capacity, must be covered by PLI that meets the above requirements. The CMRTO has published a new document “Guidelines for determining whether MRTs require professional liability insurance” which you can use to assist you in determining whether you are practising the profession and, therefore, require PLI coverage.

Where can I obtain professional liability insurance?

Members are responsible for ensuring that their insurance coverage meets the requirements of the CMRTO by-laws.

The Canadian Association of Medical Radiation Technologists (CAMRT) and the Ontario Association of Medical Radiation Sciences (OAMRS) provide PLI for MRTs as a benefit of membership.

MRTs may also have coverage through their employer. The Healthcare Insurance Reciprocal of Canada (HIROC) provides insurance to the majority of hospitals in Ontario. MRTs who practise in hospitals should ask their employer whether the hospital’s insurance provides them with PLI coverage that meets the requirements set out in the CMRTO by-laws. MRTs who practise in independent health facilities (IHF or “clinics”) should ask their employer or the IHF owner whether the clinic has insurance that provides PLI coverage for MRTs and whether that insurance meets the requirements set out in the CMRTO by-laws.

The Ontario Public Service Employees Union (OPSEU) offers additional PLI coverage to its members who are regulated health professionals provided they apply for such coverage.

Practising MRTs may also choose to arrange for PLI themselves through a private insurance provider.

It is not the CMRTO’s role nor within its mandate to endorse one insurance provider over another, or to advise individual MRTs about what PLI coverage to obtain.

How do I know if my current professional liability insurance coverage meets the requirements of the CMRTO by-laws?

Practising MRTs will need to ensure that they have PLI coverage that meets the requirements set out in the CMRTO by-laws, in all employment settings.

MRTs who are members of the CAMRT and the OAMRS already hold PLI that currently meets the requirements set out in the CMRTO by-laws.

Otherwise, practising MRTs should ask their employer, union, or private professional liability insurance provider for information related to their PLI coverage.

Will I have to provide evidence of professional liability insurance coverage to the CMRTO?

The CMRTO will be requiring practising members to confirm or certify that they hold PLI in accordance with the requirements set out in the by-laws of the College, at the time of their annual renewal of registration. This will be in the form of additional questions that, after March 31, 2014, members will be required to answer as part of the annual renewal process.

In addition, under the CMRTO by-laws, a member must provide confirmation of insurance coverage, within 30 days of any request by the CMRTO Registrar, to demonstrate that their PLI coverage complies with the requirements of the CMRTO by-laws. This evidence will likely be in the form of a certificate or letter from the member's insurance provider, association, or employer. The CMRTO may request this type of confirmation on an audit basis, or at other specific times.

If you have any additional questions regarding PLI coverage, you may consult the CMRTO website, or you may contact the CMRTO staff at info@cmrto.org.

What you must know about...professional liability insurance is also available on the CMRTO website at www.cmrto.org



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