



Liability Protection for Nurses by Nurses



www.cnps.ca

Every nurse should have professional liability protection.

Professional liability is the legal risk inherent in the provision of professional nursing services to a client.

A lawsuit is very costly in terms of money, time and stress. Legal assistance is a must. Nurses can take comfort from the knowledge that help is available from the Canadian Nurses Protective Society.

the canadian nurses protective society

The Canadian Nurses Protective Society (CNPS®) was established in 1988 when commercial professional liability insurance for nurses had become expensive and unreliable. Provincial and territorial nurses' professional associations banded together to create a national, non-profit society to provide adequate professional liability protection to their members as an alternative to commercial insurance.

mission statement

CNPS® exists so that nurses are enabled to effectively manage their professional legal risks and are appropriately assisted when in professional legal jeopardy.

eligibility for CNPS® assistance

CNPS® services and assistance are available to you **free of charge** as a benefit of membership in any one of the following professional associations or colleges: CARNA, SRNA, CRNM, RAO, NANB, CRNNS, ARNPEI, ARNNTL, RNANT/NU and YRNA. To be eligible for financial assistance you must be a member or a permit holder with one of the above associations or colleges at the time of the occurrence. Your employment status is irrelevant. You may be an independent practitioner, an employee*, or a volunteer. The occurrence can take place anywhere in the world but the claim or lawsuit must be brought in Canada.

* In certain circumstances.

unlike insurance, CNPS® is:

- the Canadian nursing profession's own legal support system
- a non-profit society created, owned and operated by nurses for nurses in the public interest
- specifically tailored to meet the professional liability needs of nurses in all nursing roles

assistance available from CNPS®

- 24 hour a day protection 365 days a year*
- information about professional liability problems
- assistance with confidential documentation of an occurrence
- explanation of legal steps to be taken and actions to avoid
- referral to legal counsel when required
- settlement or defence of lawsuits
- payment of court-imposed damages, costs, legal expenses and fees
- payment of reasonable legal expenses and fees for successfully defended criminal charges related to your nursing practice
- payment of fines, costs and legal defense costs for breach of a provincial/territorial/federal statute, other than a statute regulating nursing practice, professional discipline or labour relations
- legal assistance for opposing an application for production of client records in a criminal sexual assault case
- legal assistance for nurses compelled to appear as witnesses at legal proceedings
- legal assistance for nurses involved in Coroners' or Medical Examiners' investigations
- legal assistance for police investigation of criminal allegations prior to charges being laid

* Office hours are Monday to Friday 08 45 to 16 30 hours EST/EDT.

CNPS® assistance is available up to \$1,000,000 for each occurrence to a maximum of \$3,000,000 per year for civil lawsuits, successfully defended criminal charges and alleged breaches of statutes (other than professional discipline or labour relations) arising from the provision of professional nursing services. For registered Nurse Practitioners*, CNPS® assistance is available up to \$5,000,000 for each occurrence to a maximum of \$5,000,000 per year. Legal assistance for witness appearances and criminal investigations is available up to \$2,000 per proceeding/investigation up to an annual maximum of \$5,000.

* As designated by legislation.

to obtain assistance from CNPS®

Call CNPS® if any of the following occurs:

- any unusual occurrence or incident
- a patient or family member complains about care
- you receive court documents or a notice that you are being sued
- you receive a warning or threat advising of intent to begin legal action or to sue
- you become aware of a request for information concerning a patient's record or care
- you have knowledge of acts or omissions that, if disclosed, could result in legal proceedings
- you receive a subpoena or court order to appear as a witness
- the police wish to speak with you regarding an alleged criminal activity related to nursing practice.

confidentiality

When you telephone CNPS®, you will be able to speak to a nurse-lawyer who will discuss the matter with you. Information is collected for legal and risk analysis purposes only. **CNPS® treats all client information as strictly confidential according to CNPS' Privacy Code.** An Adjudication Committee of nurses will consider specific requests for financial help on an anonymous basis to determine the appropriate level of assistance.

if an incident occurs

- NOTIFY CNPS® IMMEDIATELY. Early reporting and documentation is essential to your defence. Do not wait for the client or family to take further action.
- DO NOT photocopy or transcribe a client's hospital chart. CNPS® will assist you to document events appropriately.
- Keep in mind that the hospital chart and the incident report may be used as evidence in court. Cite only facts; avoid statements of opinion.
- DO NOT assume responsibility for what happened. If challenged about your work, say you did your best. If you are unable to truthfully say that, say you have been advised not to discuss the matter.
- DO notify your employer. DO NOT discuss the occurrence or claim with anyone except your employer and CNPS®.
- If your employer hires a lawyer to defend you, DO cooperate with that lawyer. DO NOT consult a lawyer yourself without first contacting CNPS®.
- DO NOT answer letters of complaint or requests for information from clients or lawyers without first consulting with CNPS®.

avoid a gap in your protection

- Pay your professional association/college fees by the prescribed deadline.
- When moving to another province/territory, maintain your membership with your former professional association/college until your new association/college membership takes effect.

The Canadian Nurses Protective Society was created to serve you, the nurse, as a benefit of membership in your professional association/college. Do not hesitate to call CNPS® if you have any questions or concerns.



Contact CNPS® at:

865 Carling Avenue, Suite 110
Ottawa ON K1S 5S8

1-800-267-3390 (toll-free)
(613) 237-2092

fax: (613) 237-6300
e-mail: info@cnps.ca
(non-confidential messages only)

web site: www.cnps.ca*

*User name: contact CNPS or your association
Password: *****