

Canadian Nurses Protective Society

More than
liability protection



Virtually every aspect of nursing carries legal implications. Legal obligations for nurses are increasing as the practice of nursing expands and evolves. A nurse may become involved in legal proceedings as a witness or defendant. These proceedings can be very costly in terms of money, time and stress. Legal assistance is necessary to understand your obligations and protect your rights.

The Canadian Nurses Protective Society (CNPS®) helps nurses understand the legal risks and obligations in their daily practice and can assist nurses involved in a legal proceeding. With information and support from the CNPS, nurses can practise their profession with confidence, knowing that they have available the necessary legal resources.



cnps.ca

What is the CNPS?

The CNPS is the Canadian nursing profession's own legal support system that offers legal advice, risk management services, legal assistance and professional liability protection related to nursing practice to eligible registered nurses (RNs) and nurse practitioners (NPs). The CNPS is a not-for-profit society created by nurses for nurses. Its legal assistance is offered on a discretionary basis and is specifically tailored to meet the professional liability needs of RNs and NPs in all nursing roles.

Who is eligible?

CNPS services (including liability protection) are available to:

- RNs and NPs in Newfoundland/Labrador, Nova Scotia, Prince Edward Island, New Brunswick, Manitoba, Saskatchewan, Alberta, Northwest Territories, Nunavut, Yukon and British Columbia as a benefit of their registration in their professional association or college
- Members of the Nurse Practitioners' Association of Ontario (NPAO)
- RNs and NPs in Ontario and Quebec who have registered with the CNPS as individual beneficiaries

RNs and NPs eligible for CNPS services and legal assistance are referred to as "beneficiaries" of the CNPS.

What services and legal assistance does the CNPS offer?*

Core Legal Services:

1. Advice

- Information about professional obligations and professional liability issues in specific circumstances
- Prompt, confidential access to legal advisors who are lawyers with extensive nursing and/or health law experience
- Explanation of legal steps to be taken and actions to avoid when an incident has occurred
- Pre-contractual review of professional service agreements

2. Assistance with legal proceedings** including:

Claims and Civil Proceedings***

- Defence of claims and legal actions commenced in Canada and arising from the provision of professional nursing services
- Claims for defamation, libel, slander, breach of privacy, abuse, neglect or discrimination
- Payment of any settlement or any court-imposed damages, costs, legal expenses and fees, generally excluding punitive damages

Criminal Investigations and Prosecutions

- Assistance with police inquiries, requests for information
- Investigation of criminal allegations arising from nursing practice
- Defence of criminal charges arising from nursing practice
- Legal representation available to defend charges from the outset in most circumstances

Statutory Offences

- Includes investigations of alleged human rights infringement, privacy breaches and violations of legal obligations under child protection or “protection for persons in care” legislation

Witness Appearances

- 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 in responding to an application for production of client records in a criminal sexual assault case

General Legal Assistance

- Legal assistance to contain or mitigate a legal risk, appropriately respond to circumstances that could compromise patient safety, or appropriately respond to similarly exigent circumstances

* Other conditions may apply. Contact the CNPS for more information.

** An individual per claim annual aggregate limit may apply.

*** CNPS professional liability protection generally does not extend to claims for which the nurse’s defence is adequately covered by an employer’s professional liability protection or insurance.

3. Risk Management and Education

- The CNPS publishes educational material on a wide range of subjects to help nurses understand their professional legal obligations, manage the risks in their nursing practice and reduce the risk of harm to their patients
- The CNPS provides interactive risk management presentations to nursing groups on specific legal issues related to their nursing practice

Supplementary Legal Services

CNPS beneficiaries who expressly register for CNPS Supplementary Services are also eligible for assistance to respond to a complaint to their regulatory body (college or association). An additional fee applies. Visit cnps.ca/complaints or contact us for more information.

The CNPS: a lifetime investment

CNPS protection is occurrence-based, which means RNs or NPs can seek assistance from the CNPS with respect to legal proceedings arising from professional nursing services rendered while they were CNPS beneficiaries, irrespective of when a claim arising from this incident is made or a legal proceeding is commenced. Beneficiaries therefore remain eligible through retirement for assistance with incidents that occurred while they were CNPS beneficiaries.

CNPS protection extends to decisions that rest on the exercise of professional nursing judgment, whether made in the context of providing care, managing the provision of care, research or volunteer services.

Requests for legal representation will be considered on a case by case basis by a committee of nurses to determine eligibility for assistance as well as the appropriate level of assistance.

When do you need to call the CNPS?

Call the CNPS if any of the following occurs:

- Any unusual occurrence or incident that leaves you with a concern that your care may be in issue
- A patient or family member complains about your care
- You receive court documents or a notice that you are being sued
- You receive a warning or threat advising of an intent to



begin legal action or to sue

- You become aware of a request for information concerning a patient's record or care
- Whenever you have a legal or risk management question relating to your nursing practice

Confidentiality

When you speak with a legal advisor at the CNPS, please expect to provide your name, address, phone number, and nursing registration number or CNPS ID number. We collect this information to comply with our professional legal obligations and to ensure you are eligible for CNPS professional liability protection and services. Any information you provide to the CNPS will remain confidential and will only be used for the purpose for which it was collected. It will not be divulged without your consent unless required by law. The information is also protected under solicitor-client privilege when it is provided to obtain legal advice. Please refer to the CNPS Privacy Code for more information on how we protect your privacy.

Avoid a gap in your protection

Renew your nursing registration/licensure and, as applicable, your CNPS individual beneficiary registration, by the prescribed deadline.

When moving to another province or territory, maintain



your membership with your former professional college or association until your new membership takes effect.

The CNPS is here for YOU!

The Canadian Nurses Protective Society was created specifically to provide nurses in Canada with the professional liability protection services and legal support they need in the practice of nursing.

Do not hesitate to call the CNPS if you have any need of assistance or have any questions about our services.

Contact the CNPS

1-844-4MY-CNPS or 1-800-267-3390

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