

What's the Difference among Legal Programs?

	LAP® 1-800-567-4527	LEAP 1-800-387-5580	RNAO PLP 1-800-650-3435	NurseInsure 1-800-650-3435
What is it?	<p>RNAO's Legal Assistance Program is an optional benefit of membership in the Association. It is a discretionary program, not insurance, designed to reimburse you for lawyers' fees for eligible cases. Eligibility of each case is considered individually by the LAP Committee.</p>	<p>Ontario Nurses' Association (ONA) Legal Expense Assistance Plan (LEAP) was established to assist ONA members with legal or regulatory body problems related to their employment at an ONA facility.</p>	<p>Professional liability insurance wherein the insurer has the duty to defend the covered claim.</p>	<p>An optional benefit of RNAO membership providing malpractice errors & omissions insurance. An insurance policy is issued in the name of the individual RN or RN(EC). NurseInsure also provides the following optional insurance purchases:</p> <ul style="list-style-type: none"> (i) Business Entity Malpractice Insurance for nurses who are operating a business with other shareholders and/or have employees; (ii) business (property and commercial general liability) insurance
Who is Eligible?	<p>RNAO members who have purchased supplementary LAP coverage.</p> <p>To qualify for assistance under the program, member must have been a participant in the program at the time of the incident, with continuous uninterrupted membership up to and including the conclusion of any legal proceedings or the time at which the member no longer requires assistance from the Program</p> <p>ONA members – LAP may</p>	<p>All registered nurses, graduate nurses and allied health personnel for whom ONA is the bargaining agent and who are regularly paying dues. Newly organized members who are not yet paying dues may purchase LEAP coverage for a fee.</p> <p>To be eligible for assistance, members must: (a) at the time of the incident giving rise to the claim for benefits under the Plan, be included within a bargaining unit for which ONA was at the time of the incident the bargaining agent; and (b) have been regularly</p>	<p>RNAO members (RNs and RNs[EC]) in good standing. PLP is included as an automatic benefit of your RNAO membership.</p>	<p>RNAO members who have purchased NurseInsure.</p>

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	assist in circumstances where the union may not Ex. CNO complaint related to incident that occurred in previous non-ONA workplace, volunteer work, etc.	paying dues or the equivalent to ONA on or before the date of the incident(s) that gave rise to a claim for benefits under the Plan In other words...the plan will only cover claims for matters in which the events giving rise to the proceedings (a) occurred on or after the date the participant became an eligible participant in the Plan; (b) arose out of and occurred in the course of the participant's employment at an agency in which the participant was a member of the bargaining unit represented by ONA		
What's covered?	Matters that relate to the professional practice of nursing are eligible for assistance. Common examples are complaints to the College of Nurses of Ontario, wrongful dismissal, coroner's inquests and being called to testify as a witness in a court or tribunal proceeding. LAP can extend to situations unrelated to your job provided that the incident is related to the practice of nursing. For example, volunteer camp nursing or rendering first aid	Advocacy and/or counselling in relation to: <ul style="list-style-type: none"> • Investigations and other proceedings before CNO and appeal of CNO decisions • Proceedings under <i>PHIPA</i> before the Information and Privacy Commissioner and appeal of Orders • Subpoena/summons to testify in court as a witness in criminal, custody, coroner's inquest or matters that falls under the <i>Regulated Health</i> 	Claims/legal actions for professional negligence arising from provision of a professional nursing service in Canada. Includes payment of any settlement or court-imposed damages, costs, legal expenses and fees. Coverage is subject to the terms and conditions of the policy. RNAO PLP is designed primarily to assist eligible nurses with:	Subject to the limits of insurance carried and subject to the terms and conditions of the policy, NurseInsure will pay on behalf of the insured legal expenses and compensatory damages that the insured shall become legally obligated to pay as a result of negligence in the rendering of professional services of nursing. The Malpractice individual E&O insurance also automatically provides the following coverages as sublimits to the limit of insurance selected: <ul style="list-style-type: none"> (i) \$100,000 Penal Defence Reimbursement (ii) \$50,000 Security and Privacy Liability

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	to a neighbour or another person on an emergency basis.	<i>Professionals Act</i> <ul style="list-style-type: none"> • Defense against criminal prosecution arising from a job-related incident • Applies only to matters arising from incidents which occur in the course of a member's employment (in a workplace for which ONA is the bargaining agent) as a registered or graduate nurse 	<ul style="list-style-type: none"> • Civil litigation • Successfully defended criminal investigations and prosecutions • Statutory offences (other than professional discipline) relating to the provision of professional nursing services • Public inquiries, inquests and fatality inquiries • Attendance at non-party proceedings 	
Can I choose my own lawyer?	<p>RNAO has engaged the services of a law firm whose speciality is labour and employment law and health-care issues. A member can engage a lawyer of their choice if they prefer, however, they will be responsible for covering the cost of any legal fees, and then submit a request for reimbursement to the LAP Committee for consideration.</p> <p><i>Members still have to make contact with the LAP administrator and obtain advanced approval even if they want to use a lawyer of their own choosing.</i></p>	<p>ONA prefers that members be serviced by the LEAP team or by a lawyer from an approved roster to whom the member is referred by the LEAP team. Members who wish to retain the services of another lawyer must have their request reviewed by the LEAP Administrator to determine if the lawyer has the necessary expertise and experience, and the member will be reimbursed for legal fees incurred only to the extent that the amounts paid are approved by the Plan Administrator. Participants are reimbursed only at the</p>	<p>Legal defence will be provided by the respective insurer on risk at the time the claim is made, subject to the terms and conditions of coverage. Consultation may occur between the insured and insurer on selection of lawyer.</p>	<p>Legal defence will be provided by the respective insurer on risk at the time the claim is made, subject to the terms and conditions of coverage. Consultation may occur between the insured and insurer on selection of lawyer.</p>

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	Members are permitted to change lawyers as a result of a breakdown in the solicitor-client relationship. However, any duplicate work undertaken by the new lawyer shall be at the participant's expense (determined on case-by-case basis).	conclusion of the matter when the final account has been rendered by the lawyer.		
What are the limits?	No cap on hourly rate. However, the maximum amount of funding per case is \$10,000.00. If there is more than one legal matter that develops out of the initial problem, an additional file(s) may be set up. Committee has discretion to approve funding beyond maximum amount in exceptional circumstances.	While the participant may agree to pay a lawyer an hourly fee in excess of what is covered, the maximum amount paid by the Plan for legal fees is limited to \$250 per hour. <ul style="list-style-type: none"> • The maximum amount reimbursable for legal expenses related to successfully defended criminal charges (related to the participant's employment as an RN) is \$300,000.00. • In the case of legal expenses related to a complaint under PHIPA, the maximum amount paid by the Plan is limited to \$5,000.00 per participant. • The Plan will cover up to \$5,000.00 per participant for legal expenses incurred in representation of a participant who is being 	Limit of Liability: \$10,000,000 Each Claim <u>Supplemental Payments</u> Criminal Investigations and Prosecutions: \$1,000,000 sublimit Statutory Offences: \$1,000,000 sublimit Public Inquiries, Inquests and Fatality Inquiries: \$1,000,000 sublimit Non-Party Proceeding: \$1,000,000 sublimit	For Malpractice Errors & Omissions insurance, limits of insurance start at \$1,000,000 per loss/\$2,000,000 annual aggregate per policy period with options available up to \$10,000,000 per loss/\$10,000,000 annual aggregate per policy period. For Business Insurance, limits of commercial general liability insurance range from \$2,000,000 per occurrence to \$5,000,000 per occurrence.

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		questioned by an inspector under the <i>Long Term Care Homes Act</i>		
How much does it cost?	\$64.57 per year in addition to your RNAO membership.		Included with RNAO membership at no additional cost.	For RNAO members, annual premiums excluding any applicable tax and fees start as low as \$140 for malpractice errors & omissions insurance, and as low as \$473 for business insurance. Premiums are dependent on the limit of insurance selected.
Am I over-insured? (Each program covers different aspects of protection)	Pays lawyers' fees & disbursements for eligible cases. ONA members – LAP is beneficial to have for piece of mind, knowing that you have protection for circumstances not covered by LEAP		RNAO PLP satisfies the CNO's mandatory PLP requirement.	Provides the option to purchase the following insurance coverages: (i) individual malpractice errors & omissions insurance including a sublimit for penal defence reimbursement and a sublimit for security and privacy liability (ii) business entity malpractice errors & omissions insurance (iii) property and commercial general liability business insurance
How much protection do I need?	RNAO encourages all members to acquire LAP protection. More likely than not that you will have at least a CNO complaint at some point in your career. Wouldn't you want legal advice if you lost your job?	LAP assistance is available for ONA and other unionized members in relation to matters connected to nursing activities outside of an ONA facility.	CNO requires coverage of \$2 million per year for RNs and \$5 million per year for RNs(EC). RNAO PLP exceeds these requirements significantly.	To decide how much coverage you need, assess what risks you or your business are exposed to, decide if you have coverage elsewhere and then decide which program(s) best suit your needs. Should assistance on NurseInsure be required, please feel free to contact Roberta Tasson of The MAGNES Group Inc. at 1-800-650-3435, extension 349.