



“What If?”

Risk is out there, so let's deal with it

Some Legal Tips from CDHA Insurance Provider BMS

#### WHAT IF? I AM BEING SUED

- ▶ Contact BMS Group and speak in confidence to an insurance professional for advice. Staff at BMS will take down details of the complaint and will communicate these to your insurance company.
- ▶ Your insurance adjuster will contact you after the claim is reported. They will assign you legal counsel.
- ▶ Work with your legal counsel to prepare a statement of defence which will need to be submitted to the court within a specified period.
- ▶ Never alter a client's health record after a legal action is initiated.
- ▶ You don't have to do this on your own. CDHA's insurance program partners are here to help.

#### WHAT IF? I AM THE SUBJECT OF A COLLEGE COMPLAINT

- ▶ Contact BMS Group and speak in confidence to an insurance professional for advice. Staff at BMS will take down details of the complaint and will communicate these to your insurance company.
- ▶ Your insurance adjuster will contact you after the claim is reported. They will assist you in determining what the College is asking you to do and will assign you legal counsel.
- ▶ Work with your legal counsel to draft your response to the College. Your response should reflect what happened, your interactions with the client, and your rationale behind your care or conduct.
- ▶ Maintain a respectful tone throughout your response and show empathy, as the College expects you to remain professional.
- ▶ Never alter a client's health record after learning of a complaint or legal action.

#### WHAT IF? I NEED LEGAL ADVICE RELATED TO A POTENTIAL PROFESSIONAL LIABILITY CLAIM

- ▶ If you are participating in CDHA's Professional Liability Insurance Program you can access the pro bono legal advice program with Gowlings.
- ▶ Members can take advantage of this service with questions related to issues such as:
  - Privacy and confidentiality
  - Conflicts of interest
  - Responses to requests for information from third parties
  - Inquiries from your regulatory body
  - Responses to subpoenas
  - Professional misconduct
  - Ethical obligations
  - Professional obligations
- ▶ When you make this call, you will hear a recording asking you to leave a detailed message. Please be prepared to provide the following information:
  - Name, telephone number, and address
  - Certificate and policy number
  - A brief summary of the issue
- ▶ A lawyer will return your call and provide you with free, confidential legal advice in order to help you avoid or reduce the probability of a claim or complaint.



For more information please visit  
[www.cdha.ca/insurance](http://www.cdha.ca/insurance)

#### Helpful contacts

BMS Group: 1-855-318-6557 or  
[cdha.insurance@bmsgroup.com](mailto:cdha.insurance@bmsgroup.com)

Gowlings pro bono legal advice  
program: 1-855-783-8826