



# College of Homeopaths of Ontario Registration Policies

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Title:	Professional Liability Insurance
Category:	General Requirement
Distribution:	Internal / External
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*Note to Readers: In the event of any inconsistency between this document and the legislation that affects homeopathy practice, the legislation governs. The College has the power and authority to implement the applicable acts and regulations under the Regulated Health Professions Act, 1991. The factors outlined in this policy will be considered and every application will be reviewed on a case by case basis. If you have a question on how this policy affects your individual situation please contact the College directly.*

*It is important to note that College publications may be used by the College or other bodies in determining the interpretation of the provisions within the Homeopathy Act, 2007, its regulations and the College's Bylaws.*

## **Applicable Categories of Registration (unless otherwise noted):**

1. Applicant or Registrant Full Certificate of Registration
2. Registrant Grandparented Certificate of Registration
3. Registrant Inactive Certificate of Registration

**Type of Requirement:** Term, Condition and/or Limitation for Registrants with Full Certificate of Registration and Grandparented Certificate of Registration. Exemptible requirement for reinstatement from Inactive to Full or Grandparented Certificate of Registration.

**Applicable CHO Registration Regulation/Bylaws:** Sections 5.3, 14(e), 15(2)(d), 16, 17(e), plus College of Homeopaths of Ontario Bylaw 20

## **Policy**

Applicants must provide declarations of eligibility of professional liability insurance when applying for a Certificate of Registration. A Certificate of Registration will not be issued until proof of insurance is provided to the Registrar. Proof of such coverage shall be submitted to the Registrar no less than thirty (30) days after registration is approved. Proof that such coverage will commence on the date the Applicant is granted their Certificate of Registration. Without proof of insurance the Applicant may not be registered with the College.

Registrants shall obtain professional liability insurance as indicated in the College Regulations and Bylaws, and provide proof of such insurance upon request.

## **Purpose and Principles(s)**

It is in the interest of the public protection, and to the benefit of the Registrant, to obtain and maintain professional liability insurance should a claim be made.

## Procedure

1. The Applicant must provide a declaration of eligibility of professional liability insurance when applying for a Certificate of Registration in accordance with the requirements indicated in the Bylaw 20.03.
2. The Registrar shall not issue the Certificate of Registration until proof of coverage is received.
3. A Registrant must carry professional liability insurance with the characteristics as set out in Bylaw 20.01(1).
4. A Registrant must, upon request, provide to the College proof of professional liability insurance in a form acceptable to the Registrar which must include the following information:
  - (i) policy number;
  - (ii) name of the insured that matches the name of the Registrant;
  - (iii) address of the insured;
  - (iv) policy period; and
  - (v) coverage details.
5. If the Registrar becomes aware that a Registrant no longer maintains professional liability insurance in the amount and in the form as required under the bylaws, the Registrar may immediately suspend the Registrant's Certificate of Registration.
6. If the Registrar becomes aware that an Inactive Registrant no longer maintains professional liability run off coverage (sometimes called enduring or tail coverage) for a minimum of five (5) years since the Registrant last practised in Ontario, the Registrar may immediately suspend the Registrant's Certificate of Registration.

## Related Policies, Standards, Guidelines and Regulations

***Homeopathy Act, 2007, Ontario Regulation 18/14 Registration*** [Note: This regulation is not yet in force. It comes into force on the day named by proclamation by the Lieutenant Governor.]

### Terms, conditions and limitations of every certificate

5.3 The member shall maintain professional liability insurance in the amount and in the form required under the by-laws, and the member shall provide the College, within two days, with written notice if the member no longer maintains such insurance.

### Reinstatement

14. The Registrar may issue to a member who is the holder of an Inactive certificate of registration the Full or Grandparented certificate of registration that he or she previously held if the member,  
(e) has professional liability insurance coverage in the amount and in the form as required under the by-laws; and

### Suspensions, failure to provide information

15. (2) If the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that,  
(d) the former member has professional liability insurance coverage in the amount and in the form as required under the by-laws; and

### **Suspension, lack of insurance**

16. (1) If the Registrar becomes aware that a member no longer maintains professional liability insurance in the amount and in the form as required under the by-laws, the Registrar may immediately suspend the member's certificate of registration.

(2) If the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that the former member,

- (a) has professional liability insurance coverage in the amount and in the form as required under the by-laws;
- (b) has provided any information requested by the College;
- (c) has paid any fees required under the by-laws for lifting the suspension;
- (d) has paid any fee, penalty or other amount owed to the College; and
- (e) will be in compliance with any outstanding requirements of the College's Quality Assurance Committee and Inquiries, Complaints and Reports Committee or any outstanding orders or requirements of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee as of the anticipated date on which the suspension is to be lifted.

### **Lifting of suspension for failure to pay fees, etc.**

17. If the Registrar suspends the member's certificate of registration under section 24 of the Health Professions Procedural Code for failing to pay a fee or penalty, the Registrar shall lift the suspension upon being satisfied that the former member,

- (e) has professional liability insurance coverage in the amount and in the form as required under the by-laws; and

## **College Bylaws**

### **20. PROFESSIONAL LIABILITY INSURANCE**

#### **20.01 – Requirement to Carry Insurance**

(1) A Registrant, other than an Inactive Registrant who has purchased any run-off coverage (sometimes called enduring or tail coverage) contemplated by these by-laws, must carry professional liability insurance with the following characteristics:

- (i) a minimum of no less than \$1,000,000 per occurrence;
- (ii) annual aggregate coverage of no less than \$2,000,000;
- (iii) a deductible of no more than \$1,000 per occurrence;
- (iv) run-off coverage (sometimes called enduring or tail coverage) for a minimum of three (3) years; and
- (v) provided by an insurer licensed with the Financial Services Commission of Ontario, the office of the Superintendent of Financial Institutions Canada or a body outside of Ontario that the Registrar considers substantially equivalent to the Financial Services Commission of Ontario.

(2) An Inactive Registrant who has practised in Ontario within the previous two years must carry professional liability run off coverage (sometimes called enduring or tail coverage) for a minimum of five (5) years since the Registrant last practised in Ontario provide by an insurer licensed with the Financial Services Commission of Ontario, the office of the Superintendent of Financial Institutions Canada or a body outside of Ontario that the Registrar considers substantially equivalent to the Financial Services Commission of Ontario.

## 20.02 – Proof of Insurance

A practising Registrant must, upon request, provide to the College proof of professional liability insurance in a form acceptable to the Registrar which must include the following information:

- (i) policy number;
- (ii) name of the insured that matches the name of the Registrant;
- (iii) address of the insured;
- (iv) policy period; and
- (v) coverage details.

## 20.03 – Declaration of Eligibility for Insurance

An applicant for registration must provide a declaration that he or she is eligible for professional liability insurance coverage and that he or she shall submit proof of insurance to the Registrar with no less than 30 days after his or her registration is approved. The Registrar shall not issue the certificate of registration until actual proof of coverage is received.

## 20.04 – Relying on Employer’s Insurance Coverage

A Registrant may rely on the insurance coverage provided by his or her employer so long as the insurance coverage complies with the requirements of these by-laws including the ability to provide proof of coverage of the Registrant by the Registrant’s name.

