



## **Insurance 101 – what you need to know!**

The single most important benefit that a practitioner in Alberta receives from their professional association is the inclusion of Professional/Malpractice Liability and Commercial General Liability Insurance coverage. However, having a clear understanding of what is – *and more importantly, what is not!* – covered under your liability insurance program is even more important. Take a look at each professional association’s website and you will see that each and every one states, “we have the best coverage available” or “our members have unparalleled insurance coverage”. Unfortunately though, not every organization provides full disclosure on what IS included in the association provided insurance program.

Transparency is one of the key values of the MTAA and what *is* covered and included in the insurance package provided to members is important not only to the association, but to you as the practitioner making an informed decision. Having information about the liability insurance you are buying is now more critical than ever. The saying that ‘you don’t know what you don’t know’, holds true in many peoples’ knowledge of their insurance coverage....usually they find out when it’s too late and it can be devastating to find out that your insurance coverage is lacking in areas critical to protecting your business and yourself.

While there are several insurance products available in the market, there are very few carriers that are able to provide outstanding insurance coverage for Massage Therapists in Alberta. The MTAA is extremely fortunate to have one of the leading Brokerages working on our behalf to continually ensure that the coverage available in our insurance program is truly second to none.

Within the liability insurance market, there are two “types” of insurance policy forms – an Occurrence based form and a Claims-made form. The MTAA was the first association in Alberta to absolutely require that its insurance policies were on an Occurrence based form to ensure maximum protection for the members. Over the past few years, there has been a shift in the marketplace and now the majority of policies are written on an Occurrence based form, including the MTAA program, which has always been that way. The difference in the type of policy form comes down to two primary factors – cost (as a standard, the Claims-made forms are considerably cheaper) and protection for you as the practitioner.

### **Occurrence Policy Form**

The Occurrence based policy covers any type of a loss – or claim – that happened during the time period when you held the insurance, even if the claim is reported years later. The trigger for whether you are covered under your insurance policy is when the incident took place and whether you had insurance coverage at that point in time. This is extremely important for those therapists who may take time off to travel, go back to school or start families.

***Claims would be responded to by the carrier or insurer on risk at the time the claim occurred.***

### **Claims-made Policy Form**

A Claims-made policy covers a claim that is filed only during the timeframe when you held the insurance in which the policy was active. In other words, the incident which caused the patient to report the claim must have occurred during your policy timeframe and be reported within the policy timeframe.



***A Claims made form will only respond to insurance claims which are presented during the period a policy was in full force and effect and for incidents which occurred during the same policy term or for any previous year noted in the policy as the “retroactive date”.***

*For example:*

During a treatment, your patient is in a great deal of pain; however they don't say anything about it during or following the treatment. Six months following this particular treatment, you go on maternity leave for a year and find out several months after having your baby that the patient is still in an extreme amount of pain and attributes this to the treatment that you provided almost a year ago. The patient decides to sue you for providing an unprofessional treatment.

*On an Occurrence based policy, you don't need to worry – you are covered due to the fact that you were an Active member with liability insurance coverage at the time the patient had the treatment, even though it's been a year and you are not currently practicing with current insurance coverage.*

*On a Claims-made based policy, you would not have insurance coverage due to the fact that at the time that the claim is being “made” (or started) is during a period when you are not practicing and don't have insurance coverage.*

### **Professional Liability / Malpractice Insurance**

Professional Liability Insurance (PLI), also commonly called Medical Malpractice Liability Insurance provides coverage for you the professional services that you provide as a Massage Therapist. If you unintentionally cause harm to a patient during a treatment, the patient has the legal option of suing you. As the incident in question took place while you were performing a treatment – referred to as the professional service that you were providing – the claim would be filed under your Professional Liability / Malpractice Insurance.

### **Commercial General Liability Insurance**

Of equal, if not *more*, importance is the inclusion of Commercial General Liability (CGL) insurance coverage. The majority of lawsuits or claims submitted against a Massage Therapist will fall under the CGL category. CGL covers claims such as bodily injury (from a slip and fall), personal injury and property damage – the types of claims that Massage Therapists are exposed to that are considered as non-professional in nature, but for which you are legally liable.

There are some organizations in the province of Alberta who allow you the ability to pick and choose your liability insurance coverage levels by only having Professional / Malpractice OR a combination of Professional / Malpractice AND Commercial General Liability Insurance. The MTAA believes that having coverage for both Professional and General Liability is extremely important – we never want our members to be in a position where they are being sued and don't have the appropriate coverage!



### **There IS A Difference!**

The MTAA Insurance program not only provides you with the minimally accepted coverage levels for both areas of Liability insurance, but we have taken it a step further and included the following coverage areas not found in any other insurance package in Alberta:

- **Legal Defense Coverage** – provides reimbursement of legal expenses if a member is charged with an offense in a court of law. Some organizations provide this coverage only if the claim is pertaining to a disciplinary action by a regulatory body. The MTAA insurance coverage applies to every single member in our unregulated jurisdiction provided that they plead not guilty and are found not guilty of professional misconduct.
- **Employers Legal Liability – \$1 Million coverage:** insurance against common law liability of an employer for injuries to employees as opposed to liability imposed by a Workers Compensation Board. This applies in situations where Workers Compensation does not apply.
- **Advertising Liability – \$1 Million coverage:** *covers damages caused in the course of advertising ie copyright or trademark infringement.*
- **Non-Owned Automobile – \$1 Million coverage:** use of personal vehicles during business hours, third party liability coverage will apply in the event of an accident.
- **Tenants Legal Liability – \$10,000 coverage:** pays compensatory damages due to property damage caused by accident to rented premises.
- **Identity Theft – \$5,000 coverage:** assistance and guidance to recovery of your identity as well as financial aid in the reproduction of documents.
- **Office Contents – \$3,000 coverage:** provides coverage for standard office equipment utilized as your profession as a Massage Therapist ie: table, towels, product, and office furniture.
- **Medical Payment – \$10,000 coverage:** to pay minor medical expenses of a third party from an accident that happens at the Massage Therapists' business as a result of their operations.

All of the above coverage is automatically included with your Active Membership at the MTAA – there is no additional cost to you and you never need to worry if you're "covered" for an incident that will affect your professional practice.

Check with your insurance carrier directly to make sure that your insurance coverage is actually protecting you from a coverage limits perspective as well as what exactly IS included in your policy. Why take a chance when it comes to your professional practice and your personal income.... MTAA members enjoy peace of mind at the most competitive rate in the profession.

***You don't know what you don't know....isn't it time that you took the time to find out and gain peace of mind that your clinical practice is not in jeopardy due to poor insurance coverage?***