

A liability policy is a liability policy, right?

It may appear to be a safe assumption that a premium investment in a professional liability policy would protect a pharmacist against all liabilities arising out of the scope of practice. And more specifically, a customized professional liability policy as approved by the provincial colleges would give the added assurances.

However, it is not the case. In fact, liabilities policies are very “sensitive” to the circumstances that give rise to a claim. From a pharmacist’s perspective, there is a distinction between professional liabilities and business liabilities that necessitates different policies. Further, if you are self-employed the need is even greater.

Let’s look at an example to illustrate the distinction.

Professional liabilities emanate from the rendering of pharmaceutical services in which a patient sustains bodily injury. The allegations against the pharmacist could be wrong dosage, wrong drug and/or negligent or improper drug counseling. Whatever the allegation, the claim is based on professional services rendered or not rendered. Your professional (also referred to as medical malpractice insurance) liability policy will respond to such allegations even if the claim has no merit.

Now, if the patient, while walking to the counter or ER, slips and falls sustaining a bodily injury, they may also sue for damages. The circumstances here are not professional but business. In this case, it is a premises exposure that attracts liability. If you are self-employed, and in control of the premises, you require a Commercial General Liability (CGL) policy. Other examples of business liabilities include, libel, slander, invasion of privacy (non-medical), and copyright infringement. These liabilities could emanate from public speaking or published articles. If you are an employee, you should be protected by your employer’s policy provided you are acting within the terms of your employment.

Are you self-employed? Are you engaged in educational sessions or publications that extend the boundaries beyond a hospital or retail environment and beyond an employment contract? Do you own or lease business space? Affirmative answers will suggest the need to address your business liabilities through a CGL policy.



Editor: Michael McQuaid, Vice President, Corporate Risk, Benson Kearley Insurers Financial Group

For questions or enquiries about CSHP’s malpractice liability insurance program through Benson Kearley IFG Canada, please contact Marlaine Carter, Program Manager, by email, mcarter@bensonkearleyifg.com or phone, (800) 463-6503, Extension 1271. Your questions will be the topic of future articles.