

Canadian Nurses Protective Society

More than liability protection



Virtually every aspect of nursing carries legal implications. Nurses' legal obligations are increasing as the practice of nursing expands and evolves. A nurse may become involved in legal proceedings as a witness or defendant. These proceedings can be very costly in terms of money, time and stress. Legal assistance is necessary to understand your obligations and protect your rights.

The Canadian Nurses Protective Society (CNPS) helps nurses understand the legal risks and obligations in their daily practice and can assist nurses involved in a legal proceeding. With information and support from CNPS, nurses can practice their profession with confidence.



www.cnps.ca

What is CNPS®?

CNPS is the Canadian nursing profession's own legal support system that offers legal advice, risk management services, legal assistance and professional liability protection related to nursing practice to eligible registered nurses. CNPS is a not-for-profit society created and operated by nurses for nurses. Its legal assistance is offered on a discretionary basis and specifically tailored to meet the professional liability needs of registered nurses in all nursing roles.

Who is eligible for CNPS assistance?

CNPS services and assistance are automatically available to registered nurses as a benefit of membership in any one of the following professional associations or colleges: CARNA, SRNA, CRNM, RNAO, NANB, CRNNS, ARNPEI, ARNLL, YRNA, and RNANT/NU. The employment status is irrelevant. The nurse may be an independent practitioner, an employee, or a volunteer. To be eligible for assistance with a legal proceeding, a registered nurse must be a member at the time of the events giving rise to the proceeding.

What services does CNPS offer?

1. Advice

- information about professional obligations and professional liability issues
- prompt, confidential access to nurse legal advisors who are lawyers with extensive nursing experience
- explanation of legal steps to be taken and actions to avoid when an incident has occurred
- referral to legal counsel when required
- pre-contractual review of professional service agreements

2. Assistance with legal proceedings* including:

Civil Litigation

- defence of claims and legal actions arising from nursing practice
- payment of any settlement or any court-imposed damages, costs, legal expenses and fees

Criminal Investigations & Prosecutions

- investigation of criminal allegations arising from nursing practice
- defence of criminal charges arising from nursing practice**
- legal assistance in responding to an application for production of client records in a criminal sexual assault case

Statutory Offences

- legal defence for alleged breach of a provincial / territorial / federal statute (including investigations of alleged human rights and privacy violations)
- excludes statutes regulating nursing practice, professional discipline or labour relations

Witness Appearances

- legal assistance for nurses compelled to appear as witnesses at legal proceedings
- legal assistance for nurses involved in Coroners' or Medical Examiners' investigations

CNPS protection is occurrence-based, which means registered nurses can seek assistance from CNPS for any incident arising from nursing practice that occurred while they were members of a CNPS member organization, irrespective of when a claim arising from this incident is made or a civil action is commenced.

* May be subject to financial limits.

** Generally in the form of reimbursement of reasonable defence expenses in the case of a fully successful defence; "fully successful" means acquittal, the return of a not guilty verdict or the withdrawal of charges.

Requests for legal representation will be considered on a case by case basis by a committee of nurses to determine the eligibility and appropriate level of assistance.

3. Risk Management and Education

- CNPS publishes educational material on a wide range of subjects to help nurses understand their professional legal obligations, manage the risks in their nursing practice and reduce the risk of harm to their patients
- CNPS provides interactive risk management presentations to nursing groups on specific legal issues related to their nursing practice
- test your knowledge of legal risk management at www.cnps.ca

When do you need CNPS?

Call CNPS if any of the following OCCURS:

- any unusual occurrence or incident
- a patient or family member complains about your care
- you receive court documents or a notice that you are being sued
- you receive a warning or threat advising of an intent to begin legal action or to sue
- you become aware of a request for information concerning a patient's record or care
- you are concerned that circumstances in your practice could result in legal proceedings
- you receive a subpoena or court order to appear as a witness
- the police wish to speak with you regarding your nursing practice or an event that occurred during the course of your practice
- any other circumstance in which you are unsure of your professional/legal obligations



Confidentiality

When you speak with a nurse legal advisor at CNPS, please expect to provide your name, address, phone number, and nursing registration number. We collect this information to comply with our professional legal obligations and to ensure you are eligible for CNPS protection and services. Any information you provide to CNPS will remain confidential and will only be used for the purpose for which it was collected. It will not be divulged without your consent unless required by law. The information is also protected under solicitor-client privilege when it is provided to obtain legal advice. Please refer to the CNPS Privacy Code for more information on how we protect your privacy.

Avoid a gap in your protection

Pay your professional association/college fees by the prescribed deadline. When moving to another province/territory, maintain your membership with your former professional association/college until your new membership takes effect.

CNPS is here for YOU!

The Canadian Nurses Protective Society was created to serve you, the nurse, as a benefit of membership in your professional association/college. Do not hesitate to call CNPS if you have any questions or concerns.

Contact CNPS at:

1.800.267.3390

or

613.237.2092

Fax: 613.237.6300

Email: info@cnps.ca

(non-confidential messages only)

www.cnps.ca

