



A Note from the Editor

*Respectfully Submitted by:
Jackie Gulenchyn, Newsletter Editor*

In the Spring edition of our newsletter we have recapped some of the important information from this year's annual general meeting; in particular personal professional liability insurance. Although we had our largest meeting ever, with 128 people in attendance we felt it was important to highlight these points in our newsletter for our members that were unable to attend.

A very special thank you to Lori Stobart, who has stepped down as Chair of Council. Your hard work and dedication to this profession as well as on Council did not go unnoticed and we are very appreciative for all of the knowledge and energy that you brought. You will be missed but we wish you luck in all of your future endeavors.

Happy reading and please stay tuned for our summer newsletter to meet our new council members.

A Note from the AGM Committee

Another successful Annual General Meeting (AGM) for the College of Physiotherapists of Manitoba has come and gone. AGM 2013 was held at Masonic Memorial Temple. A total of 128 members attended this year's AGM, surpassing last year's attendance.

Thank you to everyone who came and participated, making this one of the best attended AGM's.

A special Thank you to Deanna Williams for an informative presentation about Self-Regulation. We are looking forward to seeing everyone at the next AGM in 2014.

*Respectfully submitted by:
Tania Giardini (AGM Committee Chair)*

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USB 'bracelets' with the College name and logo are now available for purchase for \$12.00! These have replaced the traditional "Blue Binders".

Reference Guide updates for download are available on the CPM Website.

Registrar: Brenda McKechnie

Deputy Registrar: Jennifer Billeck

Office Staff: Crystal Davis
(Senior Office Administrator)
and Christie McKechnie
(Office Administrator)

Council 2012/2013

Chair: Lori Stobart

Vice-Chair: Tanya Kozera

Treasurer: Jenneth Swinamer
(Rachel Wu - Finance
Committee)

Council Members: Tania
Giardini, Jackie Gulenchyn,
Rachel Wu

Public Members: Sheron Miller,
Leslie Wilder, Fred Arrojado

Student Representatives:
Jennifer McLeod, Aaron Wong,
Lindsay Pratt

Committee Chairs 2012/2013

AGM/Governance: Tania
Giardini

Board of Assessors: Trish Penner

Complaints: Tanya Kozera

Continuing Competence:
Andrew Neufeld

Continuing Competence

Evaluations: Gil Magne

Ethics: Trish Fisher

Legislative: Moni Fricke/Darcy
Reynolds

PT Standards: Elizabeth Harvey

Personal Liability Announcement from AGM

The decision to require personal liability insurance from all registered members of the College of Physiotherapists of Manitoba was made in March 2012, and Council continues to speak at length about this issue at the majority of our monthly meetings. Council feels that requiring personal liability insurance from all members is a significant but important step for our profession.

This issue has been on the minds of Manitoba Physiotherapists for many years now. In fact, many members here will remember that malpractice insurance was one of the main topics of discussion at the Legislative Assembly in 1999 when many of our colleagues attended to speak on behalf of what is now our current *Physiotherapists Act*. At the time, the issue of requiring malpractice insurance from all Physiotherapists was a very important topic of discussion, and several members stated even then that they would support the requirement of personal liability insurance for *all* members, including those who worked in public facilities. So it is clear that this is an issue that we have been discussing on and off in this province for a long time.

One of the main incidents that spurred new discussion on this topic was the recent case where several public practice physiotherapists in Manitoba were implicated in a complaint related to treatment of a hospital patient. These physiotherapists were surprised and distressed to realize that they did not have any insurance coverage through the hospital that would allow them to access legal coverage to help them through the College complaints process. Certainly the complaints process does not *require* you to have legal counsel, but many members choose to seek professional advice, especially when the complainant is writing letters with the assistance of legal counsel themselves. With the complaints process potentially resulting in inquiry and ending in the worst case scenario with the loss of practice license or large fines for the physiotherapist, it is obvious why many of our members prefer to have legal advice at their disposal during the process.

It is important to understand that the current insurance policies in hospitals and other public facilities in Manitoba will fully cover a physiotherapist for legal expenses related to a malpractice case that goes to *court*, as long as the case does not involve accusations of criminal activity. However, most insurance policies in place at public facilities will not provide any financial coverage for legal advice obtained to assist a physiotherapist with *the complaints process* through the College. Conversely, *personal* liability insurance policies typically do provide legal advice and coverage during the College complaints process.

The realization that hospital insurance policies do not provide legal coverage during the College complaints process was shocking news for many of us and certainly renewed conversation about requiring personal liability insurance. However, the mandate of the College is to protect the public and public protection is typically the basis for all of Council's important decisions.

Personal Liability Announcement from AGM cont'd

Malpractice insurance protects the public by ensuring that the public has access to proper restitution in the event that physiotherapy advice or treatment results in patient harm. Currently, there is inequity in the way that our members gain malpractice insurance. All private practice physiotherapists and also many public practice physiotherapists in Manitoba currently obtain their own personal liability insurance which covers them as a professional to use the title “physiotherapist” at any place of employment, or at any professional volunteer commitment, at any time throughout the year. Physiotherapists who are covered only by the insurance policy at their public practice facility are issued the same license to practice, but there is technically an unwritten condition on their license. They really can only practice as a physiotherapist within work hours at the place of employment that they list on their College registration on January 31st. If a physiotherapist were to switch places of employment, take on secondary employment, or participate in volunteer commitments as a physiotherapist at any time after January 31st without notifying the College, there would be no way for the College to know if this person was treating clients in situations where they were not properly covered by malpractice insurance. If a member of the public was treated by a physiotherapist who did not have proper insurance and suffered serious harm, that patient would likely have great difficulty obtaining the compensation they deserved.

The idea that health care practitioners may treat patients outside of their primary place of employment without proper insurance is a recognized risk to the public that has already been addressed by other professions and by physiotherapists across Canada in different ways. Ontario’s health care professions have had to set up a fund of millions of dollars, mandated by the government, to protect patients that cannot obtain sufficient restitution in the event of malpractice. The nurses in Manitoba, who are covered in hospitals by the same insurance policies as physiotherapists, are currently required to pay for additional mandatory liability insurance when they register which covers them for any nursing activity that they might engage in outside of the hospital setting. The physiotherapists in Alberta and New Brunswick have addressed the issue by mandating personal liability insurance for all physiotherapists just as the College of Physiotherapists of Manitoba has elected to do. So certainly the risk of health care professionals practicing outside of their primary place of employment has been identified across Canada as a potential risk to the public that needs to be addressed.

In summary, Council firmly believes that obtaining personal liability insurance is simply a responsible thing for all of us to do for both our patients and ourselves. This requirement will ensure that all physiotherapists are covered by malpractice insurance that protects them *as a professional*, and not simply as an employee of a single facility.

CPM has offered presentations to all public practice facilities across Winnipeg and in several rural locations as well in order to further discuss this topic and to collect more information about the concerns and questions of the membership. Ten presentations have been completed so far, at least one or two more are scheduled to take place in the near future, and a webinar is being prepared for rural members to view online. In the presentations completed so far, it is apparent that many public practice members are currently divided in their opinions on this issue. Council has also been carefully considering all the letters and information received from members regarding this issue and we thank our fellow members for communicating openly with Council about their concerns. In order to address these concerns and in keeping with Council’s policy of sound decision-making, Council has been gathering information on this issue from multiple sources including other physiotherapy colleges across Canada, the colleges of other health professions, and the WRHA. We have also met with representatives from HIROC directly, which is the insurance provider for most Winnipeg hospitals.

Personal Liability Announcement from AGM cont'd

In our quest for further information, and because of varied interpretations of the wording of the regulations among the members of this year's Council, we recently also sought the advice of our legal counsel and we were advised that it would be clearer if this personal liability insurance requirement was put in place with a re-wording of the regulations.

Based on that information and based on the fact that our presentations have revealed that there is still a lot of division among the membership on this issue, Council decided at our final meeting last Thursday to postpone implementation of this decision with the intention that **the requirement of personal liability insurance for all members will come into play with the new Regulated Health Professions Act.**

We feel very strongly that this postponement is in the best interest of everyone involved because it allows for more discussion among the membership, more time to gather information on this important issue, and more time for Council to continue educating the membership on why they believe that **requiring personal liability insurance for all members is ultimately the best decision for our profession.**

***Respectfully submitted by
Lori Stobart - Chair of CPM Council 2012-2013***

Reminders from the College

Information Changes:

- If you have any changes to your personal information, such as address, phone number, email, or employer – log onto the website and submit these changes.
- If you have a change in Marital status – please submit a copy of your marriage/divorce certificate to the College, as well as a letter stating your former name and the name you wish to have registered with the College.

Completion of the Clinical Component of the Physiotherapy Competency Exam (PCE)

- If you are presently a PT3 Student and have recently completed Part one of the PCE, you must contact the CPM office in order to change your registration status to the Examination Candidate Register. You are UNABLE to work until you have successfully completed your registration change with CPM.

As per CPM By-Laws Article II: Members: VII. Obligations of Membership, all of your contact information MUST be up to date with the College.

If you require further assistance, please call the CPM Senior Office Administrator Crystal Davis or Office Administrator Christie McKechnie at 204-287-8502.