

Professional Liability Coverage By-Law

22 PROFESSIONAL LIABILITY AND INDEMNIFICATION

~~22.1 Professional Liability~~

~~22.1.1 Arrangements for professional liability indemnity~~

~~Council may cause the College to enter into arrangements for itself and its members respecting the indemnity of members for professional liability.~~

22.01 Professional Liability

22.01.1 Arrangements for professional liability indemnity

Council may cause the College to enter into arrangements for itself and its members and former members respecting indemnity for professional liability.

22.1 Professional Liability Coverage

Definitions:

22.1.1

In this by-law,

“Professional Dental Services” means those services which would be included in the scope of practice of dentistry under the Dentistry Act, 1991 (Ontario) and any successor legislation and, without limiting the generality of the foregoing, means those services usually performed or which ought to have been performed by or on behalf of a member in the member’s capacity as a dentist. For greater clarity, Professional Dental Services shall be deemed to include those professional services reasonably considered by the College to be part of, related to, or ancillary to the practice of dentistry in Ontario; and

“Dentistry Profession Corporation” means a health profession corporation which has been issued a certificate of authorization by the College.

22.1.2 Every member holding a certificate of registration of any class issued by the College shall maintain professional liability coverage for all errors and omissions that may occur while providing Professional Dental Services in Ontario, in the manner required by this by-law, to ensure that compensation is available for persons who have sustained damages as a result of the providing of or failure to provide those Professional Dental Services.

22.1.3 The professional liability coverage described above in Section 22.1.2 shall be purchased or arranged as follows:

- i) for the calendar year 2026 professional liability coverage shall be arranged by the College for all members and former members;
- ii) for the calendar year 2027, professional liability coverage shall, in the discretion of the College, be arranged by the College for all members and former members, and if professional liability coverage is not arranged by the College, professional liability coverage must be purchased by each member on or before the date their annual fee becomes payable (including each member who will cease to be a member during the calendar year 2027) through a policy of insurance issued through Jones DesLauriers Insurance Management Inc. (JDIMI) in which the member is specifically named as the named insured;

- iii) for the calendar year 2028, each member (including each member who will cease to be a member during the calendar year 2028) shall on or before the date their annual fee becomes payable purchase a policy of insurance issued through JDIMI in which the member is specifically named as the named insured; and
- iv) during the period commencing on January 1, 2029 and thereafter each member shall purchase professional liability coverage on or before the date their annual fee becomes payable through one or more of the following:
 - a) a policy of insurance issued by a licensed insurance provider in Canada, which policy will specifically name the member as a named insured; or
 - b) a policy of insurance issued by a licensed insurance provider in Canada obtained by an employer of the member which provides professional liability insurance for the member as an employee of the named insured.

22.1.4 Any professional liability coverage purchased or arranged as described above in Section 22.1.3(i), (ii) and (iii) shall include coverage of a minimum of \$2,000,000.00 per occurrence and a minimum of \$6,000,000.00 in the aggregate for each member per year in addition to unlimited coverage for investigative costs, legal defense costs, legal costs awarded to the claimant and pre- and post-judgment interest and shall include, at a minimum, coverage for the following persons as insureds under the policy:

- a. each member
- b. each Dentistry Profession Corporation but only with respect to the rendering of Professional Dental Services by the Dentistry Profession Corporation, its shareholders or its employees;
- c. each partnership of members or Dental Profession Corporations or both, but only with respect to the rendering of Professional Dental Services by the partners or Dental Profession Corporations, their shareholders or their employees;
- d. each officer, director and shareholder of each Dental Profession Corporation, but only with respect to the rendering of Professional Dental Services by the shareholders and employees of such Dental Professional Corporation; and
- e. each employee of each member, Dental Profession Corporations, dentists' partnerships and partnerships of Dental Profession Corporations but only in respect of the provision of Professional Dental Services for or on behalf of a member, Dental Profession Corporation, a dentists' partnership or a partnership of Dental Profession Corporations.

22.1.5 Where an individual member would be an insured under the paragraph (e) of Section 22.1.4 above but is an employee of a corporation which is an employee of an insured defined in paragraphs (a), (b), (c) or (d) of Section 22.1.4 above, the employee for the purposes of paragraph (e) of Section 22.1.4 above must be deemed to be an employee of an insured defined under paragraphs (a), (b), (c) or (d) of Section 22.1.4 above.

22.1.6 Any professional liability coverage as described above in Section 22.1.3(iv) shall include coverage as determined appropriate by Council and set out in a by-law considered and passed by Council effective January 1, 2029. Failing the passage of such a by-law prescribing the minimum professional liability coverage required by the College prior to January 1, 2029 (a "**Minimum Coverage By-Law**"), the professional liability coverage with respect to each calendar year until the passage by the College of a Minimum Coverage By-Law shall be equal to the coverage required by Section 22.1.4 above.