

INDEX NO: Practice Direction 16.0  
SUBJECT: Liability Insurance 16.11  
CURRENT VERSION APPROVED: April 17, 2019  
REVISION HISTORY:  
ORIGINAL APPROVAL BY COUNCIL: February 27, 2014

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### Expected Outcome

Every dietitian, who engages in the practice of dietetics, as defined in *The Registered Dietitians Act*, must obtain or be covered by, and maintain liability insurance coverage to a minimum of \$5 000 000.

### Practice Direction

- It is the responsibility of each dietitian to determine if they are engaged in the practice of dietetics. The College cannot make this decision as the dietitian will be the best judge of their day to day responsibilities.
- Dietitians may have liability insurance coverage through their employer(s). Dietitians must confirm with their employer whether or not they have liability insurance coverage and confirm that the amount of coverage meets the minimum amount required of \$5 000 000.
- Dietitians that have liability insurance coverage through their employer must be aware of any exclusions to their coverage. For example, an employer insurer will not defend claims that arise due to activities outside of the workplace, such as volunteer work<sup>1</sup>. Dietitians that are engaged in the practice of dietetics, outside of their workplace, must purchase additional liability insurance.
- Dietitians that have liability insurance coverage through their employer must be aware of the losses that are included in their insurance policy. For example, does the policy cover legal fees or costs with respect to criminal prosecutions for any crimes including fraud, theft, assault, sexual assault, or criminal negligence?<sup>2</sup> Does the policy cover legal fees or costs with respect to College disciplinary proceedings?<sup>2</sup>

### Definitions

**Criminal Negligence** - defined in section 219 of the *Criminal Code* as doing anything or omitting to do anything that it is your duty to do, and show wanton or reckless disregard for the lives or safety of other persons.<sup>3</sup>

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### **Regulatory References**

Registered Dietitians Regulation. 2004. Section 23.1

*The Registered Dietitians Act.* 2002. Part 2.

### **References**

1. Dietitians of Canada. <https://www.dietitians.ca/About-Us/Become-A-Member/Why-should-I-become-a-member/Professional-Liability-Insurance.aspx>. Accessed July 30, 2018.
2. Martin, J.J. *Liability Issues and Collaborative Practice*. Resume. College of Dietitians of Ontario. Fall 2007 p. 8. <https://www.collegeofdietitians.org/resources/interprofessional-collaboration/communication-with-other-professionals/liability-issues-and-collaborative-practice-part-2.aspx>. Accessed July 30, 2018.
3. <http://laws-lois.justice.gc.ca/eng/acts/C-46/section-219.html> Accessed July 30, 2018.