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# MALPRACTICE COVERAGE



# FOLLOWING RETIREMENT

## COLLEGE CONTACT

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*The Professional Liability Program (PLP) area of the College receives a number of calls each year from members who have retired or who are contemplating retirement. They are concerned that they might not be covered for errors or omissions/malpractice claims because they are no longer paying the College's annual fees.*

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### **What You Do Not Need To Worry About**

In the Professional Liability Program Policy, the definition of “Insured” in Part V, subsection (n) (ii) includes each former member of the College. Under this provision of the policy, former members continue to be covered indefinitely for claims arising out of professional services provided to a patient in Ontario while they were a member of the College. Former members are not covered if they continue to provide dental services after they cease to be registered with the College.

In fact, PLP has defended or paid claims several years after a member’s retirement and, in some cases, even after the death of a member. It is the College’s intention to include coverage for former members in all future policies/coverage provisions administered by the Professional Liability Program.

### **Basic Coverage**

A former member’s coverage for a particular claim is governed by the amount of coverage in force when the claim is reported to PLP. For example, if a dentist were to retire at the end of 2007, the coverage available to him or her in the subsequent year would be at the current base level of \$2,000,000.

### **Excess Coverage**

Excess coverage is available to members by the College’s broker, Marsh Canada. Many dentists who regularly purchased excess coverage while they were in practice wish this excess coverage to extend into their retirement.

In the past, in order to do so, retired dentists were required to make arrangements each year to purchase excess coverage at the prevailing premium. For some, this proved to be both inconvenient and problematic, e.g. dentist moved and did not provide new address to Marsh Canada or dentist forgot to renew his or her excess coverage.



## **POST-RETIREMENT EXCESS COVERAGE PACKAGE NOW AVAILABLE**

*Starting in 2008, excess coverage applications provided by or available from Marsh Canada will include a section for retired members. Details provided to PLP indicate that substantial cost savings will accrue when choosing either the three- or five-year post-retirement excess coverage option.*

*More details about this convenient and cost-effective way to ensure excess coverage throughout retirement can be obtained by calling Marsh Canada at 416-349-3574 or toll free at 1-888-711-8399.*



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# Malpractice Coverage Following Retirement

➤ While year-by-year renewal of excess coverage will still be available, for those dentists who would like to avoid the problems described in this article, arrangements have been made with Marsh Canada to offer a convenient post-retirement excess coverage package. (See box on page 13.)



financial records that are made in respect to an individual patient must be maintained for at least 10 years from the date of the last entry in that record. In the case of a minor, these records must be kept for at least 10 years after the date on which the patient

reached the age of 18 years.

## What You Do Need To Worry About

Members who plan to retire should take some elementary precautions to assist them if a claim subsequently arises.

When selling a practice, arrangements should be made with the practitioner taking over the practice to ensure that:

- Records will be retained by the office for the appropriate retention periods.
- AND
- These records will be made available to you (the vendor) or your authorized representative upon request.

For more information, please see the Practice Advisory on Change of Practice Ownership, which is available on the RCDSO website at [www.rcdso.org](http://www.rcdso.org) under the heading of Publications & Resources.

Records of treatment must be retained for prescribed periods of time. According to the College's Guidelines on Dental Recordkeeping, clinical records (including radiographs and diagnostic study models) and

A member's solicitor or executor or executrix should be informed of the availability of ongoing malpractice insurance coverage under the Professional Liability Program.

We are aware of one case in which the executor of a dentist's estate was not aware of the existence of PLP and proceeded to defend a claim at the expense of the estate and the deceased member's family. Such situations can be avoided if the solicitor or executor or executrix is aware of the coverage available through PLP.

It remains as important as ever that any claim that a member becomes aware of after retirement be reported to PLP promptly. Although retirement will not affect the availability of malpractice insurance coverage, failure to report a claim in a timely manner remains grounds for possible denial of coverage by the insurer. Timeliness is of paramount importance, regardless of the status of the member, retired or not.