

The relationship between a Doula and a client is special, creating a closeness and confidence that may not exist in a physician/patient relationship.

While this may reduce the likelihood of lawsuits, unfortunately no matter how competent and compassionate your services, you can still be sued by clients. This is why every Doula should protect their practice and personal assets with Professional Liability Insurance.

Why Doulas Need Professional Liability Insurance.

There are many good reasons why all Doulas should have professional liability insurance.

- You Practice in a Litigious Society.

It is unfortunate reality, but we live in a litigious society. Even the most skilled, caring Doula can find themselves involved in a lawsuit.

- You must protect your practice and your personal assets.

It does not matter whether the suit against you is frivolous or not, Professional Liability insurance will protect your practice and your personal assets. Your financial future could be endangered if a judgment is rendered against you and you don't have the right insurance. Win or lose, the cost of litigation can be enormous.

Policy Highlights

Professional Liability – Errors & Omissions Insurance

Policy features include:

- Broad coverage to protect you as a Doula
- Duty to defend actual or alleged claims or lawsuits brought against you.
- Pays legal defense costs and compensatory damages, if you are found liable.
- Deductible does not apply to defense costs. You only pay a deductible if you are liable for damages to the person who sued you.
- Liability coverage available from \$1,000,000 per claim and higher.

Commercial General Liability (CGL) Insurance

This type of liability coverage is designed to protect you from claims that arise from your negligence that is not professional in nature. The policy covers you at your premises and extends to cover you for bodily injury and/or property damage arising from your operations away from your home and/or business premises.

This CGL policy is automatically included with the Professional Liability insurance.

Policy features include:

- Liability coverage available from \$1,000,000 per claim and higher.
- coverage Includes:
- Allegations for bodily injury and property damage.
- Allegations for libel and slander.
- Medical Payments for your clients (i.e., ambulance costs).
- Liability coverage if you are a tenant.

What is professional liability insurance?

Professional Liability Insurance covers the investigation and legal defence against lawsuits (subject to policy terms, conditions and exclusions) brought against you including payments which you may be legally obligated to pay as a result of liability for injuries arising out of rendering or failure to render professional services as a Doula. The policy covers the Doula Association of Alberta Practice Guidelines (link to the DAA's Practice Guidelines).

What is the difference between Professional Liability insurance and Commercial General Liability Insurance?

While Professional Liability covers you for providing or failure to provide professional services, Commercial General Liability ("CGL") is extended to cover claims for bodily injury, libel and slander and property damage that may be caused to your client (or other third party) arising out of your premises or business operations. For example, clients falling and sustaining an injury on your premises or while you are attending a hospital or clients home. Clients suing you for damages would be covered by the CGL policy.

What are Each Claim Limits and Aggregate Limits?

All liability insurance policies have a limit of coverage per claim and a total aggregate limit for the policy period (i.e., one year). The each claim limit is the limit a policy can pay out for any one claim situation. An aggregate limit is the total amount that a policy can pay for the duration of a policy period. (the DAA policies have a one year policy period).

For example, a policy with a \$1,000,000 limit (per claim and in the aggregate) covers a lawsuit that incurs \$100,000 in legal defense costs and pays out \$500,000 in damages. This results in \$400,000 (\$1,000,000 - \$600,000) remaining for any additional claims brought against the DAA members in the policy period.

Can I increase my Limit of Liability as my business grows?

Yes, you may increase your Limit of Liability at any time during the term of the policy. In order to initiate the change you will need to sign an Increased Coverage Limits form and forward it to PROLINK. Upon receipt of the form, your Limit of Liability will be increased and an additional premium charge will apply for this additional exposure

Can I decrease my Limit of Liability?

Decreasing your Limit of Liability should be exercised with caution. You may decrease your Limit of Liability at any time during the term of the policy; however, you need to understand that you are also decreasing the Limit of Liability for all of your Prior Acts as E&O policies are written on a "Claims-Made and Reported Basis" basis.

For example:

In 2010, you had a \$2,000,000 Limit of Liability

In 2011, you reduce your limit to \$1,000,000.

In 2011, you are served with a lawsuit in the amount of \$2,000,000 (for an act committed in 2010).

Your available Limit of Liability is only \$1,000,000 (as the policy is written on a Claims-Made and Reported Basis).

What is the difference between an employee and Independent Contractor?

An Employee is someone that works exclusively for a Doula, Partnership or Corporation and are paid a salary/wage. If they are independent and working together this would not be considered an employee. Sub-contractors would also be considered separate (independent contracts) if they are submitting invoices to the owner.

Are there Specific Services that cannot be provided under the Doula Association of Alberta Insurance Program?

The DAA Professional Liability policy available to DAA members covers all of the services outlined and approved under the Doula Association of Alberta Practice Guidelines (link to the DAA's Practice Guidelines).

Examples of Operations or Services that are not covered:

- Services Rendered as a Midwife
- Rental or sale of birthing pools.
- Encapsulation and sale of placentas
- Belly Casting
- Hypnotherapy

How can I obtain coverage for Specific Services that cannot be covered under the Doula Association of Alberta Insurance Program?

Please contact PROLINK to receive assistance in covering specific services and operations that cannot be covered under the DAA Insurance Program. E. DAA@prolink.insure or visit: PROLINK.insure/daa.