

The Legal Expense Assistance Plan provides ONA members with assistance if they are faced with legal problems arising from their professional employment.

Why you need legal representation

As a nurse practitioner, you will work for 20, 30 or even 40 years. Over these years, you may make a mistake or be perceived to have made a mistake in your nursing practice. Even the best NP cannot please every patient or every family member or manager. It is very possible that at some point in your career, someone will complain about or report you to the College of Nurses of Ontario (CNO).

Moreover, in your years of practice, you may be either directly or peripherally involved in incidents where the coroner or the police want to question you in relation to a patient death: there are approximately 15,000 coroners' investigations every year in Ontario.

You may be questioned by the CNO or by a college for another health profession in regard to accusations made against a colleague.

The police may want to question you regarding the criminal allegations made against you, a colleague or a patient.

In any of these situations, you may also be called as a witness to give evidence of your nursing care or the care provided by someone else.

Becoming involved in a CNO case, a coroner's investigation or inquest, or a criminal matter can be an overwhelming and frightening experience.

With the Ontario Nurses' Association's (ONA's) Legal Expense Assistance Plan (LEAP), we are there for you.

LEAP was first established in 1980 primarily to assist ONA members who had been reported to the CNO.

Over the years, LEAP has expanded greatly.

LEAP provides coverage in the following areas:

- › Advice and representation at *Regulated Health Professionals Act* (RHPA) Tribunals (such as the CNO), including appeals.
- › Advice and representation when questioned by an inspector pursuant to the *Long-Term Care Homes Act*.
- › Advice and representation for coroners' investigations and inquests.
- › Advice and representation regarding criminal investigations and charges arising out of your employment.
- › Assistance if you are called as a witness in an RHPA matter, coroner's inquest, court custody case or a criminal case.
- › Advice and representation regarding investigations and charges under the *Health Information Protection Act* (HIPA) arising out of your employment.

LEAP covers all ONA members with respect to incidents arising out of their employment at a facility where ONA is the bargaining agent. There are **no additional costs** for this plan; it is paid for out of membership dues.

There are **no time limits** for complaints at the CNO. ONA will represent you regarding a complaint at a facility where you were employed as a Bargaining Unit member, regardless of when the complaint is made, even if it is years after the incident and even if you are no longer working for that employer.

LEAP -info, facts & figures

In 2014, the latest year for which the CNO has reported statistics, the Inquiries, Complaints and Reports Committee – the committee that deals with complaints and reports about a nurse's practice – considered 559 cases. Of these complaints/reports, 115 were about a member's health and 61 of these cases were referred to the Fitness to Practice Committee.

Complaints can take anywhere from six months to more than a year to be completed at the College. If a complaint is appealed to the Health Professions Appeal and Review Board, the case can take a further year or more.

Complaints and reports to the CNO deal with any type of breach or perceived breach of the Standards of Practice. These can include medication errors, communication issues, verbal, physical or sexual abuse, and substance abuse. Penalties can range from taking no action, issuing advice or an oral caution, to suspension or revocation of your license. Members have been accused criminally for matters ranging from theft to sexual assault or murder.

The cost of resolving a complaint from a member of the public or a report from an employer could range anywhere from \$1,000 to \$30,000, but if the matter is referred to the Discipline Committee, the cost of representation in a hearing could exceed \$100,000.

The cost of legal representation in a coroner's matter could exceed \$300,000 to represent a group of nurses with substantial and direct interest in a lengthy inquest.

Important note about malpractice lawsuits:

- › ONA has a separate professional excess liability insurance that provides assistance regarding malpractice lawsuits.
- › The Professional Liability Plan is provided to all members as part of their union dues.

*For more information,
please visit ona.org.*