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## Claim/Incident Reporting Form Canadian Pharmacists Benefits Association

**Please fax this form along with all other pertinent documentation to:**

Steve Johnson, Claims Analyst; ENCON Group Inc. fax (613) 238 7180

Copy: Maria G. Colasante, CAIB, CIP; CPBA c/o Moore-McLean. fax (416) 364 5708 tel (416) 364 4000 x241

### Pharmacist's Details

Name of Pharmacist involved in incident: \_\_\_\_\_

Business: \_\_\_\_\_  
(area code) xxx - xxxx

Residence: \_\_\_\_\_  
(area code) xxx - xxxx

Individual Professional Liability (Malpractice) Insurance Certificate Number: \_\_\_\_\_

### Details of Incident

Date of error or incident: (dd/mm/yyyy) \_\_\_\_\_

Date of first knowledge of incident: (dd/mm/yyyy) \_\_\_\_\_

Name of patient: (first / middle / last) \_\_\_\_\_

Details of error or incident: (Please attach any additional information)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has treating physician been notified of error or incident? Yes  No

Outline steps taken to rectify error or incident: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Are you aware of any verbal or written complaint or demand made by patient? Yes  No

If yes, please attach copy of complaint or demand.

Have any ill effects been reported by patient? Yes  No

If yes, please describe: \_\_\_\_\_

\_\_\_\_\_

**PLEASE DO NOT ATTEMPT TO SETTLE OR RESOLVE ANY CLAIMS OR POTENTIAL  
CLAIMS WITHOUT FIRST SPEAKING WITH ENCON AS YOU MAY JEOPARDIZE  
COVERAGE UNDER YOUR PROFESSIONAL LIABILITY INSURANCE POLICY**

\_\_\_\_\_  
*Pharmacist Signature*

\_\_\_\_\_  
*Date*



## PHARMACISTS' INDIVIDUAL PROFESSIONAL LIABILITY (MALPRACTICE) INSURANCE

### CLARIFICATION OF REPORTING PROCEDURES

In an effort to clarify the Incident Reporting procedures as required by the terms and conditions of the ENCON policy, the CPBA and ENCON have jointly produced the following information which will serve to clarify questions and concerns raised by the members.

For reference, we draw your attention to the following section of your ENCON policy, which speaks to the conditions for which a claim is to be reported.

**Part V Conditions 8. Notice of Claim** reads in part:

*“If during the policy period the INSURED becomes aware of a circumstance which could reasonably give rise to a CLAIM, the INSURED shall give written notice thereof to the INSURANCE MANAGER as soon as practicable and prior to the date of the termination of the policy. Any such CLAIM received by the INSURED resulting from such circumstances shall be treated as a CLAIM made during the policy period in which such notice was given”*

To simplify, any Incident that results from an error, omission or negligent act in the rendering of professional services that could give rise to a claim and of which you have knowledge is to be reported. Common sense of the Pharmacist should be used in examining any occurrence. It is the responsibility of the Pharmacist to ensure administrative errors are corrected and proper follow-up with the client done, to ensure physical harm has not occurred. In other words, if a patient has not taken any medication that has been deemed to be administered in error, there is no loss or damage that could lead to a claim.

**\*\* It is advisable however to err on the side of caution and report any Incidents that the Pharmacist feels might be a potential problem \*\***

The following are the most frequently asked questions with respect to these reporting procedures:

**Q - Why is the reporting different than before?**

*A - The policy wording is no different than that of the previous insurer and it is a common practice for any professional liability policy to have the insured report any error, omission or negligent act that could give rise to a claim or of which to insured has knowledge. Encon practices a very pro-active approach to claims handling. It is this pro-active approach that will protect the members from potentially large claims by flagging them at an early stage and mitigating the loss.*

**Q - What does the insurer do with the reporting notice upon receipt?**

*A - The claims examiner reviews and acknowledges the reporting notice and will be kept on file in the event a claim should arise.*



## CLARIFICATION OF REPORTING PROCEDURES CONTINUED...

### **Q - What about the confidentiality of patient information?**

*A – Encon, the CPBA and the broker, have a fiduciary relationship with their insureds not to disclose confidential information. In addition, Encon has had its legal counsel review the Registered Health Professions Act, which governs health professionals, The Privacy Act and the Personal Information Protection and Electronic Documents Act. Nothing in these Acts specifically prohibits the release of this information to an insurance, insurance management or insurance related company for investigation purposes.*

### **Q - If I report an error, omission or a negligent act that could give rise to a claim, how will this affect my personal record or ultimately my premium?**

*A - A condition of any professional liability policy is to report any known error, omission or negligent act that could give rise to a claim. However, unless an actual claim is reported by a plaintiff and an actual amount is paid to the plaintiff, it will not likely affect the personal record of the pharmacist or the individual premium paid.*

### **Q - If I neglect to fully counsel a patient or omit any information or details with respect to the product, do I need to report to the insurer?**

*A - Using the common sense approach, in determining if this error or omission should be reported to Encon, the pharmacist should decide whether or not this error or omission is likely to result in a complaint or an action based on the product, the patient, and the severity of the failure to advise.*

**A Claim Reporting Form** is required and must be completed in full.

Please fax the form with all other pertinent documentation such as handwritten notes, complaint letters, court documents etc. to ENCON Group Inc. and CPBA c/o Moore-McLean