



MAR 11 2021

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Via email: christinesorensen@bcnu.org

Ms. Christine Sorensen
President
BC Nurses' Union
4060 Regent St
Burnaby BC V5C 6P5

Dear Ms. Sorensen: *CHRISTINE*

Thank you for your letter of January 25, 2021, regarding professional liability protection for registered nurses (RNs) and registered psychiatric nurses (RPNs) in British Columbia.

I want to first express my profound appreciation for nurses and acknowledge the significant contribution nurses continue to make in the health care system – particularly in the current context of dual public health emergencies and the additional demands on nurses in the system.

As you are aware, all nursing designations including RNs and RPNs are regulated by the BC College of Nurses and Midwives (BCCNM), under the authority of the *Health Professions Act* (HPA) and the BCCNM has been delegated the authority under the HPA to oversee the practice of nurses in the public interest. The BCCNM operates at arm's length from government and is responsible for governing its registrants in accordance with the HPA, the profession's Regulation, and the BCCNM bylaws. The responsibilities of the BCCNM include establishing, monitoring and enforcing standards of practice for the profession, registration, and having a process in place for responding appropriately to complaints from the public about the conduct of individual practitioners.

Under the HPA, college registration fees and professional liability insurance requirements are set out in college bylaws, for which the college is responsible. The Ministry of Health (the Ministry) does not approve the content of bylaws. Most regulatory college bylaw provisions are subject to a three-month notice period during which interested parties have an opportunity to provide feedback. The bylaws related to professional liability insurance were posted for three months from August 2, 2019, to November 2, 2019.

The role of the Ministry is to monitor the general functioning of health profession regulatory colleges to ensure they are complying with all applicable legislative requirements and have mechanisms in place to carry out their mandate to protect the public from incompetent, impaired or unethical practice.

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Professional liability protection for regulated health professionals is critical for patient and practitioner protection and is a registrant requirement for practice in BC.

To enable focus on regulatory work, BCCNM is transferring administration of Canadian Nurses Protective Society (CNPS) professional liability protection/insurance to the Nurses and Nurse Practitioners of BC (NNPBC), the provincial nursing association, effective March 1, 2021.

As you know, the CNPS is a non-profit legal support system created for and by nurses that provides “legal advice, risk management services, legal assistance and professional liability protection related to nursing practice” (refer to: <https://cnps.ca/about/who-we-are/>) and includes many nursing associations as member organizations. As such, this shift in BC to NNPBC administration of professional liability protection/insurance as a nursing association aligns with the model for professional liability protection/insurance for nurses in many jurisdictions across the country.

BC nurses can now purchase professional liability protection as part of their membership with their professional association, which enables them to access a lower CNPS group insurance rate. An RN or RPN who chooses not to be a member of the provincial nursing association can obtain liability protection as an independent CNPS beneficiary at the individual rate, or in certain very limited specific situations from another provider, if the provider is approved by BCCNM’s board and meets the requirements set out in BCCNM bylaws.

In 2020-21, RNs and RPNs paid \$500.05 in BCCNM registration fees, \$50.40 for liability protection accessed through BCCNM, and optionally \$129.83 for professional association membership, for a total cost of \$680.28 with association membership, or \$550.45 without association membership.

For 2021-22, RNs and RPNs pay \$558.36 for BCCNM practising registration (13 months), \$54.60 for CNPS liability protection and \$54.60 for professional association membership for a total cost of \$667.56. RNs and RPNs who had professional association membership in 2020-21 will now pay slightly less in total costs for 2021-22. For RNs and RPNs without professional association membership, CNPS liability protection will cost \$164.85 at the individual rate for 2021-22.

Further, as your letter notes, the BC Nurses’ Union (BCNU) secured a partial reimbursement of nurses’ licensing fees in its previous provincial collective agreement. Nurses who are members of the BCNU and are covered by the Nurses’ Bargaining Association collective agreement may be eligible for a \$215 reimbursement of their college registration renewal fee.

The cost of registration fees for nurses and midwives are among the lowest of regulated health professionals in BC and reflect the cost of regulation. In recent years public expectations of health profession regulators have increased, as have the volume and complexity of matters requiring the attention of regulators. Most recently, many regulators, including BCCNM, have taken on additional work in response to the dual public health emergencies, (the COVID-19 pandemic and opioid overdose crisis) in addition to the response to the independent review into Indigenous-specific racism in BC's health care system.

Thank you for sharing your concerns about challenges faced by your union members. Nurses are a critical part of BC's health care system and we are grateful for the work they do in hospitals, clinics, and communities across the province. I hope this response provides additional clarity regarding the rationale for the transition to NNPBC as the administrator for professional liability protection and insurance of nurses in BC; the ministry's role in this matter; and the thoughtful due diligence that was undertaken to support this decision.

I appreciate the opportunity to respond.

Sincerely,



Adrian Dix
Minister