

RE: Provision to allow for an exemption from Professional Liability Insurance Requirements for APGO's Certificate of Authorization Holders

[Amended Regulation (O. Reg. 573/06)]

The APGO Media Release of January 5, 2007 advised that APGO's Registration Regulation has been amended to allow for an exemption from professional liability insurance requirements for holders of an APGO-issued certificate of authorization. The amended regulation is presented below for your information. **Sub-section 25 (3) details the actions required to invoke the provision.**

Professional liability insurance

25. (1) It is a condition of every certificate of authorization that,

(a) before December 20, 2006, the certificate holder be insured against professional liability under a policy of professional liability insurance that meets or exceeds the requirements set out in subsection (2); and,

(b) on and after December 20, 2006,

- (i) the certificate holder be insured against professional liability under a policy of professional liability insurance that meets or exceeds the requirements set out in subsection (2),
- (ii) the certificate holder be insured against professional liability under a policy of professional liability insurance that substantially complies with the requirements set out in subsection (2) and, before the certificate holder enters into any agreement to provide professional geoscientific services to any person, the certificate holder provide documentation of the insurance to the person and to the Registrar, or
- (iii) if the certificate holder is not insured against professional liability, the requirements listed in subsection (3) be met before the certificate holder enters into an agreement to provide professional geoscientific services to any person.

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(2) The requirements referred to in clause (1) (a) and in sub-clause (1) (b) (i) are as follows:

1. A policy limit for each single claim of not less than \$250,000 and either an aggregate policy limit for all claims of not less than \$500,000 per year or an automatic policy reinstatement feature.
2. Coverage for liability for errors, omissions and negligent acts arising out of the performance of all services within the practice of professional geoscience offered or provided to the public by the insured subject to such exclusions and conditions and otherwise on such terms as are consistent with normal insurance industry practice from time to time.

(3) For the purposes of sub-clause (1) (b) (iii), the following requirements must be met before a certificate holder who is not insured against professional liability enters into an agreement to provide professional geoscientific services to any person:

1. The certificate holder provides to the person a copy of the certificate holder's identification and a copy of his or her certificate of authorization.
2. The certificate holder provides the following written statement to the person:

The regulation respecting registration requirements under the *Professional Geoscientists Act, 2000* (Ontario Regulation 59/01 (Registration) made under the Act), requires a holder of a certificate of registration who is not insured against professional liability to inform a person with whom he or she intends to enter into an agreement for professional geoscientific services, that he or she is not so insured.

I, (*name of certificate holder*), as the holder of a certificate of authorization issued by the Association of Professional Geoscientists of Ontario, inform you with this statement that I am not insured against professional liability.

3. The person provides to the certificate holder a signed statement that the person has read the statement set out in paragraph 2 and acknowledges that the certificate holder is not insured against professional liability.
4. The certificate holder provides the following to the Registrar:
 - i. The documents described in paragraph 1.
 - ii. A copy of the statements described in paragraphs 2 and 3.