

chapter O-6, r. 2

Regulation respecting professional liability insurance of dispensing opticians

Dispensing Opticians Act
(chapter O-6, s. 3).

Professional Code
(chapter C-26, s. 93 par. *d*).

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DIVISION I

GENERAL PROVISIONS

1.01. In this Regulation, unless the context indicates otherwise,

- (a) “Order” means the Ordre des opticiens d’ordonnances du Québec;
- (b) “dispensing optician” means any person whose name is entered on the roll of the Order;
- (c) “secretary” means the secretary of the Order.

Decision 83-02-09, s. 1.01.

1.02. The Interpretation Act (chapter I-16) applies to this Regulation.

Decision 83-02-09, s. 1.02.

DIVISION II

LIABILITY INSURANCE

2.01. A dispensing optician must have an insurance contract providing coverage against any liability that he may incur as a result of fault or negligence committed in the exercise of his profession.

Decision 83-02-09, s. 2.01.

2.02. The insurance contract must provide that:

(a) the minimum coverage is \$1,000,000 per claim and \$2,000,000 for the aggregate of the claims with respect to the coverage period;

(b) the coverage applies to services rendered and to the failure to render services during the 3 years immediately preceding the coming into force of the insurance contract;

(c) the insurer undertakes to pay in the place and stead of the insured, within the limits of the coverage, any amount in damages that the insured may be legally bound to pay to a third party with respect to services rendered or to the failure to provide certain services on the part of the insured or his employees during the coverage period;

(d) the coverage applies to claims made after the expiry of the insurance contract if they concern services rendered or the failure to render services during the life of the contract, until the expiry of the prescription period;

(e) the insurer undertakes to take up the interest of the insured and to assume his defence in any action brought against him. The expenses and legal costs of suits against the insured, including those of the defence and interest upon judgment, are borne by the insurer over and above the amounts referred to in paragraph *a*;

(f) the insurer undertakes to give notice to the Order or to the insured, as the case may be, within 30 days prior to the modification, the cancellation or the non-renewal of the insurance contract;

(g) the insurer undertakes to advise the Order where a sum of money is paid as a result of the fault or negligence of a dispensing optician committed in the practice of his profession.

Decision 83-02-09, s. 2.02; I.N. 2016-01-01 (NCCP).

2.03. The exceptions which may be contained in an insurance contract do not apply to a third party referred to in paragraph *c* of section 2.02 to whom the insured is legally bound to pay damages.

Decision 83-02-09, s. 2.03.

2.04. Where the Order has contracted a liability insurance policy in accordance with this Division for some or all of its members, a dispensing optician may, for the purposes of section 2.01, join that group insurance policy.

An insurance certificate must be issued to each dispensing optician who joins the insurance policy contracted by the Order, and a copy of the insurance policy must be sent to him upon his written request.

Decision 83-02-09, s. 2.04.

2.05. Unless he is insured pursuant to section 2.04, a dispensing optician must furnish the secretary of the Order, before 1 November of each year, proof that he has an insurance policy in force for a period of 12 months from that date and that it is in accordance with this Regulation.

However, where a dispensing optician's name is entered or re-entered on the roll on a date other than 1 November, he must furnish the secretary proof that he has an insurance policy in force at least until the following 1 November and that it is in accordance with this Regulation.

Decision 83-02-09, s. 2.05.

DIVISION III

FINAL PROVISION

3.01. *(Omitted).*

Decision 83-02-09, s. 3.01.

UPDATES

Decision 83-02-09, 1983 G.O. 2, 1710

