

# A Mutual Benefit Assistance Program versus Legal Expense Insurance.

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The Canadian Dental Protective Association (CDPA) is not an insurance company but a non-for-profit association which operates a discretionary Mutual Benefit Assistance program. It is funded by its members, created and managed by dentists to help you protect your right to practice both pro actively even before, as well as after, College proceedings have been threatened or commenced. The Association is more than ten years old and has created a solid financial base that supports its long term operations. There is no legal expense insurance policy or third party underwriter providing any funding or involved in providing any assistance to our members.

On the other hand, legal expense insurance typically pays the legal costs incurred by a dentist only when a matter has reached the College level. It is contractually based as defined by its master contract, and usually only applies "after the fact". The text in the master contract defines the finite liability of the policy and creates the need to limit the circumstances under which such an obligation exists... *One insurer covers legal expenses at the College discipline hearing only if you are successful, so if you lose, on even on allegation (the least serious) but win on all of the other more serious ones, they pay nothing for your legal expenses. CDPA does not impose such a limitation on its assistance.*

As a corporate member of Dental Protection Limited (DPL) of the United Kingdom, CDPA has raised the bar in the arena of protective practice rights. DPL was created more than a century ago by dentists and physicians, also to help protect its member's right to practice. Each year DPL handles 600-800 dental claims. It is this extensive long term experience, which we as corporate members can draw upon to develop our risk management protocols. CDPA in membership with DPL has learned that risk management needs to be proactive, preventive and most importantly repetitive. The new paradigm includes seminars presented by highly respected dentists and lawyers. These seminars are free to members and when combined with on line risk management modules, which will

soon be eligible for continuing education points, complete the new paradigm. Learning from the mistakes of others and implementing appropriate risk management safeguards are paramount in a prevention orientated program. *Legal expense insurance is typically a reactive approach to regulatory complaints, whereas CDPA is a proactive preventive one.*

We utilize a cadre of wet fingered dentists as dental advisors which is unique to our association, a number of seasoned layers who are skilled and experienced in defending dentists.

Some suggest that a discretionary assistance program means you can be refused assistance just because someone feels that way on the day you make your request. In fact, CDPA's assistance approval process includes adjudication committee and an appeals committee if a members is not satisfied with CDPA's decision on the request for assistance. These committees are ultimately accountable to the board of directors which is itself accountable to the members who are dentists like you, not shareholders worrying about the size of their next dividend.

The ideal arrangement when a dentist's right to practice is threatened is the removal of the profit motive of external parties. Profit should not clash with the needs and interests of a member. *We at CDPA believe that protecting your right to practice should not be in the hands of profit driven third party commercial insurers.* Because commercial (profit-making) insurers must always consider the interests of their shareholders, they may raise premiums significantly, add administration fees or not renew the legal expense policy if these markets are not delivering the anticipated profits.

*Which organization do you want helping you to protect your right to practice?*

*\*Communications editor CDPA*



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