CNA Canada Medical Malpractice Wording

A modernized approach to healthcare professional liability coverage

CNA's enhanced Medical Malpractice Liability product delivers broader protection, greater flexibility, and a modernized policy structure. With clearer definitions and more specific treatment of emerging exposures, the updated form provides greater transparency, helping insureds, brokers and underwriters better understand coverage intent, claims reporting requirements, and where separate insurance may be required.

Key benefits for insureds

Broader definition of professional services
Professional services expressly include healthcare services, Good Samaritan services, proctoring services and formal review board activities.

Contractual additional insured coverage
Coverage is expressly available when required by written contract and is limited to vicarious liability arising from an insured's professional services. The wording also includes primary and non-contributory treatment for covered additional insureds.

Enhanced subsidiary protection
Automatic coverage for qualifying newly acquired or formed subsidiaries has been extended from 60 days to 90 days, providing additional time to notify CNA and arrange ongoing coverage.

Clearer claims-made framework
Defined prior knowledge, prior notice, circumstance and potential-claim concepts help insureds better understand reporting obligations and requirements.

Expanded transaction provisions
Dedicated subsidiary and change-of-control provisions provide clearer treatment of mergers, acquisitions and ownership changes.

Important changes to understand

Area	What is Changing
Defence costs	The enhanced form expressly confirms that defence costs are included within and reduce the policy limit, providing greater clarity of the expiring form's treatment. Quebec requirements and applicable endorsements should be reviewed separately.
Coverage territory	The base form is limited to Canada and requires proceedings to be pursued in Canada. An optional worldwide coverage endorsement may be available, while Canadian jurisdiction requirements remain in place.
Automatic extended reporting period (ERP)	The automatic ERP has been reduced from 90 days to 30 days. Optional ERP coverage remains available for up to five years, subject to the policy terms and conditions.
Related claims	Related claims are treated as a single claim first made when the earliest related claim was first made or deemed made, subject to the policy's notice and reporting requirements, which may affect the applicable policy period and limit.
Circumstance reporting	A circumstance must be reported in writing during the policy period with the required details, and CNA must accept it in writing as a potential claim. Incident logs or risk-control reports alone do not constitute notice.

Clearer separation of specialized exposures

The modernized form includes more detailed exclusions to distinguish medical malpractice from exposures ordinarily addressed by other specialized insurance products. Brokers should review the following areas carefully:

- Cyber, privacy, biometric and PIPEDA-related events
- Abuse and molestation, including certain negligent hiring, supervision and retention allegations
- Human clinical trials
- Professional services performed without appropriate active licensure or registration
- Employment practices and directors and officers exposures outside the rendering of covered professional services

Placement consideration: If an insured has material exposure in any of these areas, the insurance program should be reviewed to determine whether an endorsement or separate cyber, abuse, clinical-trial, management liability or employment-practices placement is appropriate.

Renewal Readiness: Client Discussion Guide

- ☐ Does the insured provide services outside Canada or face the possibility of proceedings outside Canada?
- ☐ Does the insured conduct, sponsor, manage or support human clinical trials?
- ☐ Are cyber, privacy and biometric exposures addressed under a separate policy?
- ☐ Do any contracts require additional insured status, primary coverage or non-contributory treatment?
- ☐ Have there been any acquisitions, newly formed entities or ownership changes since the last policy term?
- ☐ Are all healthcare professionals appropriately licensed, and which provider classes are intended to be insured?
- ☐ Are there known incidents or circumstances that should be formally reported prior to policy expiry?

Broker Key Message Elevator Pitch

CNA's 2026 Canadian medical malpractice wording provides a broader, clearer, and more flexible coverage framework for today's healthcare organizations.

It expands the express definition of professional services, introduces contractual additional insured coverage, and extends automatic subsidiary coverage to 90 days. It delivers more structured claims-reporting and transaction provisions.

The modernized form contains a shorter automatic reporting period and includes more detailed exclusions to distinguish medical malpractice from exposures ordinarily addressed by other specialized insurance products.

Visit CNA Healthcare for more information. Learn more