

Canada's FIRST comprehensive health law program for health care providers



The Osgoode Certificate in Health Law

WINTER 2010 | Toronto, Canada | 6 Fridays over 11 weeks



Professional Development
CLE





Program Details

Dates

Module 1

Accountability in Health Care:
The Legal Framework
February 19, 2010

Module 2

Consent and Capacity
March 5, 2010

Module 3

Medical Malpractice:
Theory and Practice
March 26, 2010

Module 4

Health Information, Privacy
and Security
April 9, 2010

Module 5

Regulation of Health Care Professionals
and Other Legal Issues Affecting Health
Care Providers
April 23, 2010

Module 6

Health Care Risk Management: Current
and Emerging Issues and Practices
May 7, 2010

All modules will be held at *Osgoode
Professional Development's* Downtown
Toronto Conference Centre.

Why You Should Attend

With the increasing intersection between health care delivery and the law, health care providers encounter an ever wider range of legal issues in their day-to-day working lives. Understanding your legal responsibilities and the ability to recognize and manage legal risks have never been more important.

Osgoode's Certificate in Health Law was developed specifically for health care professionals. Over six intensive one-day modules, you will learn what you need to know about contemporary issues in health law from an accomplished faculty of health law experts. Armed with this information, you and your organization will be better positioned to assess risks, make decisions, improve patient care and safety, and take the necessary practical steps to minimize risks.

Key Benefits: What You Will Learn

- Legal obligations in health care – comprehensive overview of the legal framework
- Capacity and consent to treatment
- Refusing treatment and withdrawal of treatment
- Apology legislation and its implication for health care providers
- Malpractice in health care – mock examination for discovery and cross-examination
- Information technology, hospital information sharing agreements and privacy law
- Privacy challenges in the wider health care community
- Collaborative care – problems and pitfalls
- The regulation of health professionals
- Human rights challenges – end of life and human reproductive issues
- Ethical problems in health care – ethics and law
- Risk management – responding effectively to risk in specialty areas
- Audits and safety inspections – what to expect

Who Should Attend

- Physicians, nurses and other licensed medical professionals
- Representatives from hospitals, psychiatric facilities, long-term care facilities, CCACs, and community service provider agencies
- Privacy officers, security officers and compliance officers for health care institutions
- Health care risk managers
- In-house counsel to health care institutions
- Health law practitioners
- Patient representatives
- Ethicists
- Government and public policy advisors



Across six intensive one-day modules, the fundamental concepts of health law will be delivered by an outstanding faculty comprising lawyers, health care professionals, patient rights' advocates, ethicists, risk managers and insurance industry experts. There will be an emphasis on the practical, and classes will be taught using a blended-delivery method that includes lectures, case studies, class/group discussions, directed readings and guest speakers.

THE CURRICULUM

MODULE 1

February 19, 2010, 9:00 a.m. – 4:30 p.m.

Accountability in Health Care: The Legal Framework

- Introduction: the role of the legal system in health care delivery
- Provincial and Federal divide and its impact on the legal framework
- Types of health care providers
- Corporate status of hospitals
- Accountability and LHINS
- Directors' roles and duties
- Individual and institutional liability
- Accreditation and licensing
- The hospital as commercial contractor
- The role of the CCAC
- Other actors/agents in the community with fiduciary responsibilities
- Affiliation and partnership agreements
- A right to health care: what is covered, and what's not?

Faculty

Kristin L. Taylor, General Counsel, Centre for Addiction and Mental Health

Perry Doody, Senior Director, Technology, Intelligence and Evaluation
Central Community Care Access Centre

Lydia Wakulowsky, McMillan LLP

Maureen A. Quigley, Maureen Quigley and Associates Inc.

- End of life issues
- Reproductive choice issues
- Human subjects research and consent

Keynote Luncheon Address

The Hon. Justice Edward (Ted) F. Ormston
Chair of the Consent and Capacity Board

Faculty

Lonny J. Rosen, C.S., Gardiner Roberts LLP

Anita Szigeti, Hiltz Szigeti LLP

Dr. Michael Colleton, Staff Psychiatrist, Law and Mental Health Program
Centre for Addiction and Mental Health

Barbara Walker-Renshaw, Borden Ladner Gervais LLP

MODULE 3

March 26, 2010, 9:00 a.m. – 4:30 p.m.

Medical Malpractice: Theory and Practice

- Medical malpractice case law review: what kinds of cases are on the rise?
- The standard of care – what is the current legal standard of care in a malpractice suit?
- Breach of the standard of care
- Causation
- Assessing damages – are awards going up?
- Defences to a malpractice claim
- The importance of documentation – charting essentials
- Disclosing adverse events
- Apology legislation and its implication
- The rising spectre of class actions
- Overview of the litigation process
- Mock examination for discovery
- Mock trial – witness cross-examination

Faculty

Plaintiff Counsel: Richard C. Halpern, Thomson, Rogers

Defence Counsel: Nina Bombier, Lenczner Slaght Royce Smith Griffin LLP

Cindy D. Clarke, Borden Ladner Gervais LLP

Michael B. Fraleigh, Fogler, Rubinoff LLP

Dr. David A. Cameron, Director, Medical Affairs
Brant Community Healthcare System

MODULE 2

March 5, 2010, 9:00 a.m. – 4:30 p.m.

Consent and Capacity

- Information about and access to health care: the impact of the informed consumer
- What is valid consent?
- Informed consent
- Withdrawing consent
- Documenting consent: best practices
- Right to refuse treatment
- Assessment of capacity
- Substitute decision makers: what's the ranking order?
- Dealing with complex ethical situations
- Consent & capacity in a mental health setting
- The interplay between the civil and criminal systems
- Consent and capacity – a clinician's perspective

MODULE 4

April 9, 2010, 9:00 a.m. – 4:30 p.m.

Health Information, Privacy and Security

- Overview of the law relating to the privacy of health information
- What is the circle of care?
- Hospital information sharing agreements
- Privacy challenges in the wider health care community
- Privacy, public health and pandemic planning
- Working within the legal framework: how do you get your transactions done – what are the practical considerations?
- The challenges posed by new technology

Keynote Luncheon Address

Ken Anderson, Assistant Commissioner (Privacy), Information & Privacy Commissioner/Ontario

Faculty

Bonnie Freedman, Borden Ladner Gervais LLP

Kate Dewhirst, Dykeman Dewhirst O'Brien LLP

Jeff Curtis, Chief Privacy Officer, Sunnybrook Health Sciences Centre, Toronto

Manuela Di Re, Health Law Counsel, Information and Privacy Commissioner/Ontario

MODULE 5

April 23, 2010, 9:00 a.m. – 4:30 p.m.

Regulation of Health Care Professionals and Other Legal Issues Affecting Health Care Providers

- Role of the Colleges/ processes before the Colleges
- Health Professions Appeal and Review Board
- Health Services Appeal and Review Board
- Public Inquiries
- Coroners' Inquests
- Human rights challenges
 - end-of-life issues
 - human reproductive issues
- Collaborative care

Keynote Luncheon Address

Dr. Andrew McCallum, Chief Coroner for Ontario

Faculty

Elizabeth McIntyre, Cavalluzzo Hayes Shilton McIntyre & Cornish LLP

Cindy D. Clarke, Borden Ladner Gervais LLP

Dr. Kerry Bowman, Clinical Ethicist, Mount Sinai Hospital, Toronto

Barry Glaspell, Borden Ladner Gervais LLP

MODULE 6

May 7, 2010, 9:00 a.m. – 4:30 p.m.

Health Care Risk Management: Current and Emerging Issues and Practices

- The key fundamentals of a risk management system
- Operational Risk Management and Enterprise Risk Management
- Community health care and risk management: special considerations
- Responding to risk in specialty areas
 - Obstetrics
 - Acute/Critical Care
 - Occupational Health and Safety
 - Health Records
 - Pharmacy
 - Infection Control and Pandemic Planning
 - Food Services
 - Environmental
- Staff safety and patient safety
- Audits and safety inspections – what you should expect
- Health care insurance – what is available?
- Post-incident reviews
- Pandemic planning
- Emerging issues: what's new, and what's coming next?

Keynote Luncheon Address

Anne Matlow MD, Medical Director of Patient Safety, Director of Infection Prevention and Control, SickKids Hospital, Toronto

Faculty

Mary Jane Dykeman, Dykeman Dewhirst O'Brien LLP

Janice Campbell, Risk Manager/Privacy Officer, Department of Quality and Risk Management, SickKids Hospital, Toronto

Mary Gavel, Chief Privacy/Patient Affairs Officer, Women's College Hospital, Toronto

Eleanor Morton, Vice President, Risk Management, Healthcare Insurance Reciprocal of Canada (HIROC)

Lori Borovoy, Risk Management Specialist, Central Community Care Access Centre

Note: There will be a take-home assignment at the end of this module.



The *Osgoode* Certificate in Health Law draws on the expertise and experience of leading health and legal experts, including:

Ken Anderson, Assistant Commissioner (Privacy), Information & Privacy Commissioner/Ontario

Nina Bombier, Lenczner Slaght Royce Smith Griffin LLP

Lori Borovoy, Risk Management Specialist
Central Community Care Access Centre

Dr. Kerry Bowman, Clinical Ethicist
Mount Sinai Hospital, Toronto

Dr. David A. Cameron, Director, Medical Affairs
Brant Community Healthcare System

Janice Campbell, Risk Manager/Privacy Officer
Department of Quality and Risk Management
SickKids Hospital, Toronto

Cindy D. Clarke, Borden Ladner Gervais LLP

Dr. Michael Colleton, Staff Psychiatrist, Law and
Mental Health Program, Centre for Addiction and
Mental Health

Jeff Curtis, Chief Privacy Officer
Sunnybrook Health Sciences Centre, Toronto

Kate Dewhirst, Dykeman Dewhirst O'Brien LLP

Manuela Di Re, Health Law Counsel, Information
and Privacy Commissioner/Ontario

Perry Doody, Senior Director, Technology
Intelligence and Evaluation, Central Community
Care Access Centre

Mary Jane Dykeman
Dykeman Dewhirst O'Brien LLP

Michael B. Fraleigh, Fogler, Rubinoff LLP

Bonnie Freedman, Borden Ladner Gervais LLP

Mary Gavel, Chief Privacy/Patient Affairs Officer
Women's College Hospital, Toronto

Barry Glaspell, Borden Ladner Gervais LLP

Richard C. Halpern, Thomson, Rogers

Anne Matlow MD, Medical Director of Patient
Safety, Director of Infection Prevention and
Control, SickKids Hospital, Toronto

Dr. Andrew McCallum
Chief Coroner for Ontario

Elizabeth McIntyre, Cavalluzzo Hayes Shilton
McIntyre & Cornish LLP

Eleanor Morton, Vice President
Risk Management, Healthcare Insurance
Reciprocal of Canada (HIROC)

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Kristin L. Taylor, General Counsel, Centre for
Addiction and Mental Health

Lydia Wakulowsky, McMillan LLP

Barbara Walker-Renshaw
Borden Ladner Gervais LLP

Advisory Board

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Cindy D. Clarke
Borden Ladner Gervais LLP

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Healthcare System

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Osgoode Hall Law School, York University

Cathy Szabo, CEO
Central Community Care Access Centre

Kristin L. Taylor
General Counsel, Centre for Addiction and
Mental Health

Osgoode Hall Law School's *Osgoode Professional Development* offers both credit and non-credit programming to meet the life-long learning needs of lawyers and other professionals who need legal information. Osgoode Hall Law School is one of the world's pre-eminent law schools, and was recently recognized as the #1 ranked law school in the annual Canadian Lawyer survey of Canadian law schools. *Osgoode Professional Development* embodies the law school's commitment to meeting the educational needs of the broader community and has offered many continuing legal education programs for health care, law enforcement and other professionals.

Register online today at www.osgoodepd.ca

THE OSGOODE CERTIFICATE IN HEALTH LAW WINTER 2010 REGISTRATION

Professional Development
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Name: _____ Title: _____
Firm/Company: _____ Practice Area: _____
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**Payment Plan
available**

Fee Per Delegate

\$2,995 plus 5% GST for a total of \$3144.75

Fees include attendance, program materials, continental breakfast, lunch and refreshments for each of the 6 days of the program. Please inquire about group discounts and financial assistance. Payment plan details below. Dress is business casual.

Payment Options

- Cheque enclosed (payable to York University – GST# R119306736)
- Bill my credit card: VISA Mastercard
- Payment plan: Bill my credit card in six equal monthly payments of \$524.13 commencing the date of registration. VISA Mastercard

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Program Changes

We will make every effort to present the certificate program as advertised, but it may be necessary to change the dates, location, speakers or content with little or no notice. In the event of program cancellation, York University and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations/Rainchecks/Substitutions

If you are unable to attend the program your organization may name a replacement. A full refund will be issued for cancellations received a minimum of 21 days before the program start date. Written cancellations received after January 29, 2010 will include an administration charge of \$700.

Location

Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON, M5G 1Z3

Certificate of Program Completion

You will receive a certificate upon completion of The Osgoode Certificate in Health Law. Participants must attend all program modules and complete the take home assignment satisfactorily to receive a certificate.

For Further Program-Related Information

Please contact: David Thomas, Program Lawyer
at 416.673.4672 or email dthomas@osgoode.yorku.ca.

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4 Convenient Ways to Register

1. **MAIL** your registration form to:
Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3
2. **ONLINE** at www.osgoodepd.ca
3. **FAX** your registration to 416.597.9736
4. **CALL US** at 416.597.9725 or 1.888.923.3394

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