

Eastern Canada Symposium Legal Risk Management for Nurses

Get the latest information on the common legal risks faced by nurses on the frontlines, and practical ways to reduce exposure. With a focus on Eastern Canada legislation, topics include:

- Understanding risk management
- Privacy in risk management situations
- The latest medical malpractice cases involving nurses
- What legal standard of care applies in emergencies?
- Consent, capacity and substitute decision-making
- Understanding the recently enacted *Personal Directives Act*
- What are the most common allegations of professional misconduct made against nurses?
- Is there a duty to disclose to the police?
- Violence and harassment in the workplace
- Strategies to deal with abuse by patients and their families
- Charting and documentation - your legal requirements

Chairs

Mary Jane Dykeman & Kate Dewhirst, Dykeman Dewhirst O'Brien LLP
Editors, Risk Management in Canadian Health Care (LexisNexis)

Local Faculty (Confirmed to Date)

L. Martina Munden, Patterson Law

"One of the best development days I have attended!"

Mary Novak, Director, Residential and Professional Services, Sunbeam Residential Development Centre (2007)



DATE & TIME

September 23, 2010
8:30 a.m. - 5:00 p.m.

LOCATION

Halifax World Trade & Convention Centre
1800 Argyle Street
Halifax, NS

"Should be mandatory for all nurses."

Linda Nusdorfer, RN
University Health Network (2008)



Eastern Canada Symposium Legal Risk Management for Nurses

“Excellent, informative, current, empowering and interesting - every nurse needs to know and hear again and again.”

Lillian Canadic
Nurse Manager, Palliative Care/Oncology, Joseph Brant Memorial Hospital
(2008)

“Extremely applicable to the nursing profession. Very useful and informative conference.”

Stacey Johnson, RN
ER Education Coordinator
St. Joseph’s Health Centre
(2008)

Over the past few years, cutbacks and legislative reforms have significantly impacted the nurse’s role.

Today, more and more nurses find themselves responsible for monitoring complex physiological data, using sophisticated medical equipment, and exercising independent judgment when caring for their patients. Health care systems will continue to ask nurses to do more with less and burden them with increased autonomy, which brings with it a greater legal responsibility. As a nurse or professional involved in frontline health care, it is imperative that you are aware of your potential legal liabilities and strategies to minimize them.

This intensive one-day *Osgoode Professional Development* course was developed to provide you with a comprehensive understanding of your legal responsibilities and risks and how to manage them. Given recent legislative reforms, it is even more critical that you’re equipped with the information to make sound, professional judgments, and know how to avoid the potential liability traps that exist in your everyday work. The course will further explain what the law is and how it applies from the special perspective of the professional nurse.

Topics covered include: medical malpractice, professional misconduct, consent to treatment, privacy and tackling harassment and violence in the workplace. The program ends with a mini-workshop on Charting and Documentation.

Don’t miss this opportunity to be better informed and have your questions answered by the leading health law experts.

Register now by visiting www.osgoodepd.ca, calling 416.597.9724 or 1.888.923.3394, emailing opd-registration@osgoode.yorku.ca or faxing 416.597.9736.

Chairs

Mary Jane Dykeman & Kate Dewhirst
Dykeman Dewhirst O’Brien LLP
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Who Should Attend?

- Nurses
- Student Nurses
- Nurse Educators
- Nursing Unit Administrators
- Nurse Managers
- Directors/VPs of Nursing
- Patient Care Managers
- Health Care Risk Managers
- Directors of Professional Practice
- Directors of Care
- In-house Counsel
- Lawyers in private practice

8:00 Registration and Continental Breakfast

8:30 Introduction from the Chairs

Mary Jane Dykeman & Kate Dewhirst
Dykeman Dewhirst O'Brien LLP
Editors, *Risk Management in Canadian Health Care*
(LexisNexis)

8:35 Interactive Session: Assuming a Risk Management Approach

- Everyone is a risk manager
- Canadian inquests – lessons learned
 - long-term care
 - mental health settings
 - acute care
- Practical tips for addressing challenging situations involving patients, families and staff
- Privacy in risk management situations

9:30 Part 1: Consent, Capacity and Substitute Decision-making

- Unpacking the recently enacted *Personal Directives Act*
- Capacity at common law
- When to seek a capacity assessment
- Personal care decisions
- Who is the appropriate statutory decision-maker?

10:15 Refreshment Break

10:30 Part 2: Consent, Capacity and Substitute Decision-making

- Case studies
 - addressing difficult behaviours by patients and staff
 - tips for early intervention
 - setting boundaries for staff
- When to involve the Office of the Public Trustee

11:15 Medical Negligence Claims Against Nurses

- The standard of care
- Errors in judgment
- Emergency situations
- Causation
- Vicarious liability – who is on the hook, and for what?
- Case studies
- Defences to a malpractice claim

12:00 Luncheon

1:00 Nurses and Professional Misconduct

- Civil liability versus professional misconduct
- The College's complaints process and disciplinary proceedings

- Reporting obligations
- Incapacity and incompetence
- The nurse as a witness
- Practical tips for preventing professional misconduct claims

1:45 Harassment and Violence in the Workplace

Harassment and violence occur in all organizations, but the incidences of such behaviour appear to be high in health care organizations. This not only causes obvious injury and distress to health care staff, it also leads to increased sickness, absence and poor morale. It also decreases the quality of care for patients/clients/residents.

- Definitions of harassment and violence
- Responsibilities and liabilities of employers and Boards of Directors
- Requirements of the *Occupational Health and Safety Act*, including the issue of "unsafe work" in health care organizations
- Conducting an effective Risk Assessment for Violence – tips & tools
- Drafting and implementing harassment and violence policies in both unionized and non-unionized environments
- Effective strategies to deal with potentially violent patients

2:30 Refreshment Break

2:45 Mini-Workshop: Documentation and Charting

Creating and dealing with documentation is an integral part of nursing procedure. Accurate charting is a key to facilitating patient care. However, the quality of recorded information can be used to defend or prosecute a nurse in disciplinary hearings or it may be used as evidence in civil or criminal proceedings. Good documentation is often a key factor in responding effectively to allegations of negligence and/or professional misconduct.

- Why is documentation so important?
- Use of documentation in a proceeding
- The health care organization's duty to ensure proper charting is completed – the need to develop policies and clear standards of acceptable practice
- The need to provide training in documentation and developing effective documentation tools
- The types of documents that are relevant: full charts; medication records; schedules; appointment papers; employment files/reviews; hospital policies and procedures; notes and other memoranda regarding a particular event
- How to record information accurately and effectively
- Practical tips and guidance for drafting clear and accurate notes

Agenda [Cont'd]

- What are the typical problem areas in charting?
- The importance of recording at the time of the event
- Recording only what you saw or did
- Avoiding subjective conclusions and assumptions
- Why should you avoid recording the actions of other health care providers?
- The benefits of recording chronologically
- Blanks in the chart – what should you do?
- Late entries – dos and don'ts
- Making corrections to the chart – what to avoid
- “Severing” incorrect information from the chart
- Preparing hospital incident reports – what should you bear in mind?
- Staff's personal notes – legal status, and perils and pitfalls to avoid
- Charting by exception
- Electronic charting – what are the general requirements?
- The latest cases on documentation – case studies

5:00 Program Concludes

Registration

Please complete all registrant information.

Register me for: Eastern Canada Symposium - Legal Risk Management for Nurses

Name: _____

Title: _____

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Fee Per Delegate

\$495 plus 13% HST for a total of \$559.35. Fees include attendance, program materials, continental breakfast, lunch and break refreshments.

Group discounts are available. Visit www.osgoodepd.ca for details. Please inquire about financial assistance and CLE credits.

Payment Options

- Cheque enclosed (payable to York University — GST# R119306736)
 Bill my credit card: VISA Mastercard

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Interested in Custom and In-house Programs?

Osgoode Professional Development also offers many of its programs in-house and can customize some programs to your specific needs. If you would like further information, please contact Heather Gore, Program & Business Development Lawyer, at 416.597.8847 or custom@osgoode.yorku.ca or visit www.osgoodepd.ca.

Program Changes

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

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$50 administration fee) is available if a cancellation request is received in writing 14 days prior to the program date. No other refund is available.

Date & Time

**Thursday, September 23, 2010
8:30 a.m. - 5:00 p.m.**

Please arrive a half hour early for sign-in and material pick-up.

Dress is business casual.

Location

**Halifax World Trade
& Convention Centre**

1800 Argyle Street
Halifax, NS

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Toronto, ON M5G 1Z3
2. **ONLINE** at
www.osgoodepd.ca
3. **FAX** your registration to
416.597.9736
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or **1.888.923.3394**