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OSGOODE HALL LAW SCHOOL  
YORK UNIVERSITY

Professional Development  
LLM



PROFESSIONAL LLM in  
**health law**

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via distance learning.

**DIRECTOR**

**Joan Gilmour**

Professor  
Osgoode Hall Law School

**ASSOCIATE DIRECTOR**

**Wendy Sutton**

Principal  
Just Associates

[www.osgoodepd.ca](http://www.osgoodepd.ca)

**YORK**  
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**redefine THE POSSIBLE.**

## DIRECTOR

**Joan Gilmour**, Professor  
Osgoode Hall Law School



Joan Gilmour joined Osgoode Hall Law School's faculty in 1990, teaching Health Law, Legal Governance of Health Care, Torts, and Disability and the Law in the LLB program. She developed and is Director of *Osgoode's* Professional LLM specializing in Health Law, and teaches graduate courses on Professional Governance, and Legal Frameworks of the Healthcare System. Professor

Gilmour's research and publications in health law span some of the most debated issues in contemporary society.

"Osgoode's Health LLM was accessible and engaging. The quality of the instructors was matched by the quality of the students - both groups were motivated professionals from different sectors who brought different perspectives to bear on practice issues. Because of Osgoode, I now think differently about my practice."

Kirsten Thompson, LLM (Health)  
Thornton Grout Finnigan LLP

## ASSOCIATE DIRECTOR

**Wendy Sutton**, Principal, Just Associates

Wendy Sutton is a Toronto lawyer and President of WM Sutton Consulting Inc., which specializes in consulting, research, writing and education in health law. She is also Principal at Just Associates, which specializes in consulting on issues of sexual abuse and harassment prevention. She is an Affiliate Member of the York University Centre for Health Studies.

"I thoroughly enjoyed my LLM experience at OPD. The faculty are top-notch and the support team very helpful."

Jane Fahey-Walsh  
LLM (Health)



## DEGREE REQUIREMENTS

The degree requirements will be satisfied upon the completion of 36 credits. The 36 credits can be obtained by either coursework or a blend of coursework and a Major Research Paper. Please visit [www.osgoodepd.ca](http://www.osgoodepd.ca) for required and elective course information.

## PROGRAM FORMAT

Courses will be offered in a combination of weekly and intensive formats. Videoconferencing is available for most courses, although occasional attendance in person in Toronto is required (refer to website for specific details on each course). Note: Faculty, curriculum, course descriptions and degree requirements are subject to change without notice. Visit [www.osgoodepd.ca](http://www.osgoodepd.ca) for complete details.

**H**ealth law is a dynamic and rapidly growing field, presenting a wide range of practice opportunities and intellectual challenges. The legal issues are increasingly numerous and complex, as the regulation of health professionals, institutions and the health care system as a whole continues to intensify and expand. This cutting-edge program examines major areas where law and health intersect, including: the organization of the Canadian health care system, bioethics, mental health law, professional governance, malpractice issues, intellectual property, information technology and privacy in health law, human rights and globalization, health facilities law, pharmaceutical regulation, biotechnology and comparative health law.

## COURSE DESCRIPTIONS

### Required Courses

#### **The Canadian Health Care System: Legal Frameworks [3 credits]**

Health care in Canada is governed by multiple legal regimes that continue to increase rapidly in both number and complexity. The purpose of this course is to provide an overview of the legal frameworks within which health care systems, providers and funding regimes operate and patients receive care.

#### **The Canadian Health Care System: Bioethics and the Law [3 credits]**

This course is concerned with ethical problems or issues that are associated with the practice of the health care professions. Both normative bioethical theories and law must respond to these health care ethical problems. The emphasis is on the analysis and critique of some of the major bioethical theories, and their application to some of the major health care problems and issues found at the intersection of law and bioethics.

### Elective Courses

#### **Mental Health Law [3 credits]**

This course introduces a legal framework for the delivery of mental health services in Canada. The course provides an historical introduction to mental health law, its policy underpinnings and a review of the major mental disorders. It also considers the differences and interplay between the civil and forensic mental health systems. It then covers key current issues at a more advanced level.

#### **Comparative Health Law [3 credits]**

This course examines the role of the legal system and of legal institutions in overseeing health care professionals, organizations, systems, and in protecting the rights of patients in various countries. It provides an international and comparative context for the study of Canadian health care law, considering the law of both common and civil law jurisdictions. It will focus primarily on the law of European and English-speaking countries, but will also touch on the law of countries from other legal traditions.

#### **Human Rights, Globalization and Health Law [3 credits]**

The intersection between human rights and disability is an area of health law that is expanding exponentially as globalization progresses. The purpose of this course is to introduce a human rights framework to the concept of disability from both domestic and international perspectives.

#### **Malpractice in Health Care [3 credits]**

This course examines the potential civil liability of health care providers and institutions when patients have been injured as a result of health care. It will explore the manner in which legal principles, and in particular, those in tort, are applied to claims of medical malpractice. It addresses the liability of individual practitioners as well as institutional and government liability.

#### **Information Technology in Health Law [3 credits]**

This course examines the use of information technology in health law and how regulation affects the use of technology in health care. Today's health care systems, in Canada and around the world, depend increasingly on information technology as an essential part of the efficient delivery of health care. This delivery is undergoing changes that have not been experienced in decades. The challenge continues to be how to apply existing legal concepts and norms to meet the issues associated with the widespread use of information and communication technologies in health care.

#### **Professional Governance [3 credits]**

In all provinces and territories, governments have delegated a large measure of power over, and responsibility for governance to, accepted health professions. Many thousands of health care providers are members of self-regulating professions, making them subject to a legal regime with broad powers over their professional lives. These self-regulatory regimes represent a significant interpenetration of public and private institutions, an approach that characterizes a growing number of areas of administration in the modern state. This course explores how these legal regimes operate, and critically analyzes the implications of the policy choice to delegate professional governance to members of the profession themselves.

## Health Facilities Law [3 credits]

This course studies the organization of public and private health facilities in Canada and the specific legal issues that challenge them. There are a number of statutes that regulate the governance and management of health facilities such as public hospitals, long-term care facilities, nursing homes, chronic care facilities, community care organizations and independent clinics. In some provinces, the governance and management of public hospitals takes place on a regional basis; in others the focus is still on individual hospitals for which a board of trustees exercises control and authority. The course examines the initiatives being undertaken to improve patient safety and the issues of privacy and legal liability to which these initiatives give rise.

## Biotechnology and Issues in Health Law [3 Credits]

This course enables students to consider some of the recent scientific and technological innovations in the area of health and the implications of these new technologies for legal regulatory frameworks. It is divided into five broad areas: (1) reproductive technologies; (2) body rights and integrity; (3) death and dying; (4) research, where issues of health law that arise as a result of human research are analyzed; and (5) regulation – how science and regulation of health interact. The course explores many of the themes in a comparative way, looking at approaches adopted in other countries around the world.

## Intellectual Property in Health Law [3 credits]

This course explores the nature of and interrelationship between intellectual property rights and the remedies available to give effect to these rights. The course examines these matters from

the perspectives of the holder of the rights, the persons alleged to be infringing those rights and the public. The remedies examined will include traditional litigation remedies, including injunctive and monetary relief; administrative law remedies, including judicial review of decisions that affect the grant of monopoly power; and non-litigious approaches to resolution of intellectual property disputes. The course also examines the competing interests inherent in the vindication of intellectual property rights, and specifically, the right to carry on free market competitive activities in the face of the competitive restrictions inherent in intellectual property rights.

## Pharmaceutical Regulation [3 credits]

This course explores pharmaceutical regulation and legal and policy responses to issues raised in the context of global diseases such as HIV/AIDS. The role and regulation of alternative medicines and therapies is also explored. The course gives students a foundation for understanding these issues in the current context from a legal regulation and jurisprudential perspective, also taking into account political, social and economic issues.

## Major Research Paper [6 credits]

A Major Research Paper (MRP) of approximately 70 pages may be completed on an approved topic in Health Law, provided appropriate supervision is available.

The MRP should go beyond merely describing legal developments to include independent critical analysis of its subject matter. It should be work of publishable quality. You will be required, at a minimum, to submit to your supervisor an outline and bibliography for approval. The final paper is marked on a pass/fail basis.

## TUITION AND FEES

Tuition and fees for the Professional LLM are currently \$20,153, payable in six equal installments throughout the program. In addition, a \$15 administrative charge is levied by the Faculty of Graduate Studies each term. Fees include the required course materials, provided in a balance of hard and electronic formats. Some materials may only be available in electronic format. An additional charge will apply to any shipping of materials outside of Canada. Students participating by videoconference are required to purchase the necessary hardware and software. Light meals are provided for students attending classes in person in Toronto.

Tuition fees are set by the York University Board of Governors and are subject to change at any time. Students who take longer than six terms to complete their program may be subject to additional tuition charges.



OPD is an accredited provider with law societies across Canada and the New York Bar Association. Email us at [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca) with your request or question for specific CPD information and credit allocations.

### FOR MORE INFORMATION

[admissions-opd@osgoode.yorku.ca](mailto:admissions-opd@osgoode.yorku.ca)

416.673.4670 or toll free within  
Canada at 1.888.923.3394



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ENROLLMENT IS LIMITED.**