

# Drawing on the expertise and experience of leading lawyers and experts, including:

## Program Directors



**Kendra Naidoo**

Centre for Addiction and Mental Health (CAMH)



**Kristin Taylor**

Centre for Addiction and Mental Health (CAMH)



**Michele Warner**

Centre for Addiction and Mental Health (CAMH)

## Advisory Board

**Janice E. Blackburn**

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DDO Health Law

**Dr. Michael Colleton**

Staff Psychiatrist, Law & Mental Health Program, Centre for Addiction & Mental Health (CAMH)

**The Hon. Justice Edward F. Ormston**

Ontario Court of Justice

## Program Faculty

**Joan Barrett**, Deputy Director, Crown Law Office - Criminal

**Janice E. Blackburn**, Bersenas Jacobsen Chouest Thomson Blackburn LLP

**Katharine Byrick**, Borden Ladner Gervais LLP

**Jennifer Chambers**, Empowerment Council, Centre for Addiction and Mental Health (CAMH)

**Dr. Ian C. Dawe, MHSc, MD, FRCP (C)**, Program Chief and Medical Director, Mental Health Service, Trillium Health Partners & Associate Professor, Department of Psychiatry, University of Toronto

**PC Henry Dyck**, Toronto Police Services

**Mary Jane Dykeman**, DDO Health Law

**Irwin Elman**, Provincial Advocate, Office of the Provincial Advocate for Children and Youth

**Christel Francis**, Barrister & Solicitor

**Dr. Jason Joannou, MD, FRCP(C)**, Staff Psychiatrist, Centre for Addiction and Mental Health; Assistant Professor, Department of Psychiatry, University of Toronto

**Jane E. Meadus**, Staff Lawyer and Institutional Advocate, Advocacy Centre for the Elderly

**Kendra Naidoo**, Legal Counsel, Centre for Addiction and Mental Health (CAMH)

**Michael D. Newman**, Vice Chair and Senior Lawyer Member, Consent and Capacity Board of Ontario

**Ann-Marie O'Brien**, Social Worker and Co-ordinator of the Women's Health Program, The Royal Ottawa Health Centre

**Dr. Kiran Patel**, Forensic Psychiatrist, Centre for Addiction & Mental Health, Consultant Psychiatrist, The Forensic Early Intervention Service

**Jane Paterson**, Director, Interprofessional Practice, Centre for Addiction and Mental Health (CAMH)

**Dr. Antonio Pignatiello, MD FRCP(C)**, Associate Psychiatrist-in-chief, The Hospital for Sick Children

**Sidney Peters**, Counsel, Office of the Public Guardian and Trustee

**Lysa Priolo**, Patient Advocate, Psychiatric Patient Advocate Office

**Lonny J. Rosen, C.S.**, Rosen Sunshine LLP

**Anna Tersigni Phelan**, Risk Manager, Health Information, Management, Privacy Officer, Canadian Mental Health Association, Waterloo Wellington Dufferin

**Kristin Taylor**, Vice-President, Legal Services, General Counsel, Centre for Addiction and Mental Health (CAMH)

**Barbara Walker-Renshaw**, Borden Ladner Gervais LLP

**Michele Warner**, Legal Counsel, Centre for Addiction and Mental Health (CAMH)

**Carla Whillier**, Barrister & Solicitor

**Dr. Vincent Woo**, University of Toronto, Assistant Professor

“Mental health issues affect all areas of society and often impact the kind of legal issues that arrive at my office in family law and estates, guardianship and power of attorney law – this course will help me be a better resource to my clients.”

A. Goulet  
Barrister & Solicitor

“Well researched, very relevant and very lively presentations.”

Dr. Jacqueline Duncan  
Psychiatrist, Mental Health Centre,  
Penetanguishene

## Registration Details

### Fee per Delegate

**\$3,195 plus HST**

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://www.osgoodepd.ca/group-discounts) for details. Please inquire about financial assistance.

### 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 is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

### For Further Program-Related Information please contact:

Reheleh Pourkhodayar, Program Lawyer at 416.619.9351  
or email [reheleh@osgoode.yorku.ca](mailto:reheleh@osgoode.yorku.ca)

## Certificate of Program Completion

You will receive a certificate upon completion of **The Osgoode Certificate in Mental Health Law Participants must attend all program modules and pass the post-program multiple choice assessment to receive a certificate.**

Register today at:

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



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSUC.



LSUC (ON): 33.0 CPD Hours (29.25 Substantive; 3.75 Professionalism)

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Osgoode Professional Development  
1 Dundas Street West, Suite 2600  
Toronto, ON Canada M5G 1Z3



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



[osgoodepd@osgoode.yorku.ca](mailto:osgoodepd@osgoode.yorku.ca)



416-597-9724



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# THE OSGOODE CERTIFICATE IN MENTAL HEALTH LAW

April 10, 19, 24, May 1 & May 8  
5 days over 5 weeks  
In Person or Live Webcast

This unique practice-based program provides an opportunity to explore and understand the complex intersection of mental health and the legal system.

#### Key Benefits:

- Gain comprehensive understanding of Mental Health Law
- Explore Consent & Capacity issues and the role of the substitute decision maker
- Mental Health in Geriatric and Pediatric Context
- Privacy, Confidentiality and Risk Assessment
- Mental Health and the Criminal Justice System

Register today at:

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

## Certificate Details

#### PROGRAM DIRECTORS

**Kendra Naidoo**, Centre for Addiction and Mental Health (CAMH)

**Kristin Taylor**, Centre for Addiction and Mental Health (CAMH)

**Michele Warner**, Centre for Addiction and Mental Health (CAMH)

#### LOCATION

**Osgoode Professional Development**  
1 Dundas St. West, 26th Floor,  
Toronto, ON



# Tap into the expertise of our multidisciplinary faculty of experts

One of the many challenges in dealing with mental health law issues is understanding the relevant law and its application. Often decisions must be made quickly, with inadequate information or consultation. Failure to adequately assess risk, to properly address the rights of individuals and their families, or to provide proper patient care, can compromise essential rights of an individual and his or her family, landing you and your organization in investigation, inquiries and even litigation.

Over five intensive one-day modules you will learn what you need to know about Mental Health Law and acquire best practice tips from some of the most knowledgeable and experienced experts in Canada. You will come away from this program with knowledge, tools, strategies and tactics that you can put to use immediately!

Mental Health is a challenging and sensitive subject with far-reaching effects. The complex legal system that serves to regulate the rights and obligations of patients and care providers amplifies the challenge of dealing with mental health issues.

The Osgoode Certificate in Mental Health Law developed and taught by acknowledged experts in the field, will provide you with the information you need to handle such challenges with confidence.

## Key Benefits

- Overview of Mental Health Law
- Consent & Capacity
- The Role of the Substitute Decision Maker
- Rules with respect to Emergency Treatment
- Admission to long term care homes
- Youth mental health issues
- Privacy, Confidentiality and Risk Assessment
- Systemic issues linking mental health and the criminal justice system
- Legal and ethical issues with respect to mental health in the federal correctional system

## Who Should Attend?

- Psychiatrists, physicians nurses and other licensed medical professionals
- Representatives from hospitals, psychiatric facilities, long-term care homes and community care agencies
- Health care and social service professionals
- Social Workers
- Representatives from hospitals, psychiatric facilities, long-term care facilities, CCAC's and community service provider agencies
- Law enforcement officers
- Corrections and rehabilitation services representatives
- Crown lawyers, Defence Counsel, Duty Counsel
- Mental health patient advocates
- Health law practitioners
- Health care risk managers
- Government and public policy advisors



# Agenda

## Module 1

**April 10, 2017**

**8:45 a.m. – 4:30 p.m.**

### Overview of Mental Health Law

- An overview of the civil and forensic systems, as well as the systemic issues/themes in mental health
- Civil commitment under the *Mental Health Act*
- Admission to hospital and procedures
- Psychiatric assessment criteria
- The role of the patient advocate and patient rights
- Advising a client under care in a health care facility
- Ethno-cultural diversity and mental health
- Access, stigma and cultural competency
- Barriers to care in diverse populations
- Strategies for promoting health equity

### Providing Care in a Legalized Environment

- Understanding the system under which Mental Health Hospitals operate and the care that is provided under the current system

### Perspectives: A Panel Presentation by Patient Side Counsel, Hospital Counsel and PPAO

- Mental health law through various lenses
- This session includes presentations from panel members followed by a group discussion of the topics touched upon

### Medical Assistance in Dying (MAID): Ethical issues post Carter

#### Instructors:

**Kristin Taylor**, Centre for Addiction and Mental Health (CAMH)

**Kendra Naidoo**, Centre for Addiction and Mental Health (CAMH)

**Dr. Ian Dawe**, Program Chief and Medical Director of Mental Health, Trillium Health Partners

**Barbara Walker-Renshaw**, Borden Ladner Gervais LLP

**Christel Francis**, Barrister & Solicitor

**Lysa Priolo**, Patient Advocate, Psychiatric Patient Advocate Office

**Michele Warner**, Centre for Addiction and Mental Health (CAMH)

## Module 2

**April 19, 2017**

**8:45 a.m. – 4:00 p.m.**

### Special Issues in the Geriatric and Pediatric Contexts

- Clinical issues in the treatment of elderly patients
- Assessment and management of older people with psychiatric disorders
- Working with older people with primary neurological disorders, including dementia, that have complex psychiatric manifestations
- The role of the Public Guardian and Trustee in investigations and treatment decisions
- Issues in admission to long-term care homes – both the patient advocate and institutional representative perspectives
- Challenges and limits in providing family centered care
- Pediatric and youth mental health issues, including addiction, concurrent disorders, emergency department visits, readmission, continuity of care and the role of family members
  - Clinical considerations
  - Legal considerations

#### Instructors:

**Dr. Vincent Woo**, Centre for Addiction and Mental Health (CAMH)

**Jane Meadus**, Advocacy Centre for the Elderly

**Katharine Byrick**, Borden Ladner Gervais LLP

**Dr. Antonio Pignatiello, MD, FRCP (C)**, Associate Psychiatrist-in-Chief, The Hospital for Sick Children

**Michele Warner**, Centre for Addiction and Mental Health (CAMH)

**Irwin Elman**, Provincial Advocate, Office of the Provincial Advocate for Children and Youth

## Module 3

**April 24, 2017**

**8:45 a.m. – 4:30 p.m.**

### Consent, Capacity and Substitute Decision Making

- Consent to treatment under the *Health Care Consent Act*
- Patients' rights to refuse treatment
- Capacity to make decisions (respecting treatment, admission to a care facility, personal assistance services and management of property)
- Overview of the *Substitute Decisions Act*
- Rules with respect to emergency treatment
- Summary of case law relating to capacity assessments
- The roles and responsibilities of the substitute decision-maker
- Difference between attorneys and guardians under the *Substitute Decisions Act*
- Explanation of "best interest" under the law
- Rules relating to community treatment orders
- Issues related to property

### NEW: Mock Consent and Capacity Board (CCB) hearing and panel discussion on the CCB's process and practice

#### Moderator:

**Kendra Naidoo**, Legal Counsel, Centre for Addiction and Mental Health (CAMH)

#### Panelists:

**Dr. Jason Joannou, MD, FRCP(C)**, Staff Psychiatrist, Centre for Addiction and Mental Health; Assistant Professor, Department of Psychiatry, University of Toronto

# Agenda

**Michael Newman**, Vice Chair, Senior Lawyer Member, Consent and Capacity Board of Ontario

**Carla Whillier**, Barrister & Solicitor

## Instructors:

**Lonny J. Rosen, C.S.**, Rosen Sunshine LLP

**Sidney Peters**, Counsel, Office of the Public Guardian and Trustee

**Ann-Marie O'Brien**, Social Worker, Project Manager, Women's Health, The Royal Ottawa Health Centre

**Kendra Naidoo**, Legal Counsel, Centre for Addiction and Mental Health (CAMH)

**Dr. Jason Joannou**, Psychiatrist and Director of Resident Education, Centre for Addiction and Mental Health (CAMH)

**Michael Newman**, Vice Chair, Senior Lawyer Member, Consent and Capacity Board of Ontario

**Carla Whillier**, Barrister & Solicitor

## Module 4

**May 1, 2017**

**8:45 a.m. – 4:15 p.m.**

## Privacy, Confidentiality and Risk Assessment

- Privacy, confidentiality and mental health care
- Who is in the circle of care, and who is not
- Best practices for sharing information with families, disclosing information to the police and lockbox/corrections requests
- Duty to inform and violence risk assessment
- Practical strategies to minimize risk and maintain reliable documentation
- How to respond in a crisis; how to run the "huddle"
- Clinical risk management in mental health care settings

- Legal aspects of search and seizure in mental health settings and intersecting privacy issues
- Advocacy and mental health

## Interactions with the police in the mental health context

**Det. Henry Dyck**, Toronto Police Services

**Kristin Taylor**, Centre for Addiction and Mental Health (CAMH)

## Instructors:

**Jennifer Chambers**, Empowerment Council, Centre for Addiction and Mental Health (CAMH)

**Mary Jane Dykeman**, DDO Health Law

**Anna Tersigni Phelan**, Risk Manager, Health Information, Management, Privacy Officer, Canadian Mental Health Association, Waterloo Wellington Dufferin

**Jane Paterson**, Director of Interprofessional Practice, Centre for Addiction and Mental Health (CAMH)

**Kristin Taylor**, Centre for Addiction and Mental Health (CAMH)

**Det. Henry Dyck**, Toronto Police Services

## Module 5

**May 8, 2017**

**8:45 a.m. – 4:30 p.m.**

## The Forensic System

- First interactions with the justice system: mobile crisis, mental health diversion, jails, corrections and the police
- Systemic issues linking mental health and the criminal justice system
- Essential components of the defence of "not criminally responsible"
- Forensic mental health and the *Criminal Code*
- Ontario Review Board hearings
- Challenges and tools for assessing violent and sexual offenders
- Treatment of the mentally disordered accused
- Mental health issues and youth criminal justice

- Legal and ethical issues with respect to mental health in the federal correctional system

## NEW: Treatment of the Mentally Disordered Accused and Assessment of Risk of Violence

## Instructors:

**Dr. Kiran Patel**, Forensic Psychiatrist, Centre for Addiction and Mental Health (CAMH), Consultant Psychiatrist, The Forensic Early Intervention Service

**Janice Blackburn**, Bersenas Jacobsen Chouest Thomson Blackburn LLP

**Michele Warner**, Centre for Addiction and Mental Health (CAMH)

**Joan Barrett**, Deputy Director, Crown Law Office - Criminal

First Responder Members of the Mobile Crisis Intervention Team ("MCIT") at St. Joseph's Health Centre, Toronto

“Phenomenal lineup of passionate experts and speakers. Bravo!”

**Shelly Pasher**  
Registered Nurse, Unit Leader, Regional Mental Health Centre, London, Ontario

“Very informative, useful information both law and experience.”

**Anne Voth**  
Manager, City of Toronto, Employment and Social Services