

# THE 2016 LEGAL GUIDE TO PRIVACY & INFORMATION MANAGEMENT IN HEALTHCARE



Spend a day with Canada's leading health and privacy law experts for the most current information on the key risks and how to manage them. This year's topics include:

- The new **PHIPA Amendments**: what you need to know
- Risk management concerns surrounding the use of cloud services to host PHI
- Preventing and responding to **unauthorized access** to personal health information
- Identifying, containing, investigating & remediating **privacy breaches**
- Disclosing personal health information? When? Who? How?
- Unique privacy challenges for the **community health** organization: what do *PHIPA* changes mean for them?
- Managing privacy breaches in an era of intense **media scrutiny**

Get the knowledge and tools your organization needs to avoid and respond to privacy breaches

A unique program designed specifically for professionals who work in healthcare and their advisors.

REGISTER NOW AT  
[OSGOODEPD.CA/PIMH](http://OSGOODEPD.CA/PIMH)



See reverse for details.

Webcast Available

#### Chair

**Mary Jane Dykeman**  
*DDO Health Law*

**Lonny J. Rosen**  
*Rosen Sunshine LLP*

#### Date and Time

April 13, 2016  
9:00 a.m. - 4:00 p.m. EDT  
*Online Replay: May 26, 2016*

#### Location

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

## THE 2016 LEGAL GUIDE TO PRIVACY AND INFORMATION MANAGEMENT IN HEALTHCARE

Privacy breaches can result in significant reputational risk, regulatory investigations and costly litigation. **Recent high profile cases dealing with personal health information highlight how critical this issue has become for healthcare professionals and organizations.** If you are a healthcare risk manager, privacy officer, director of care/professional practice, lawyer advising on privacy and information management issues, nurse or nurse educator, you must have a current understanding of the key issues and how to deal with them.

Healthcare systems, large and small, are in the midst of increasingly demanding privacy challenges. In this constantly evolving arena, it has never been more critical to be on top of the latest developments. These include:

- The new *PHIPA* amendments (mandatory reporting & expanded IPC inspection powers)
- Prioritizing and evaluating risks with a privacy impact assessment
- Health information custodians and the permitted exceptions allowing for disclosure of PHI
- Organizational concerns around using the cloud to store PHI

This timely *OsgoodePD* program, designed and delivered by a top faculty of leading legal, privacy and health experts, will provide those working in and advising in the healthcare arena with a comprehensive understanding of the pressing issues and practical strategies so that you and your organization are equipped to prevent and effectively manage privacy breaches.

**REGISTER NOW BY VISITING [OSGOODEPD.CA/PIMH](http://OSGOODEPD.CA/PIMH),  
CALLING 416.597.9724  
EMAILING [OSGOODEPD@OSGOODE.YORKU.CA](mailto:OSGOODEPD@OSGOODE.YORKU.CA)  
OR FAXING 416.597.9736**



### Chairs

**Mary Jane Dykeman**, *DDO Health Law*

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

### Faculty

**Rodney Burns**, *Chief Information Officer,  
Association of Ontario Health Centres*

**Bosco Chan**, *Chief Privacy Officer & Director of Privacy,  
Risk and Information Security Management, Ontario  
Association of Community Care Access Centres*

**Manuela Di Re**, *Director of Legal Services,  
Information & Privacy Commissioner of Ontario*

**Anita Fineberg**, *CIPP/C, Barrister & Solicitor*

**Robin Gould-Soil**, *Chief Privacy Officer,  
University Health Network*

**Lad Kucis**, *Gardiner Roberts LLP*

**Samara Starkman**, *JD, LL.M, CIPP/C, CIPM,  
Drawbridge Consulting Inc.*

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

## WHO SHOULD ATTEND

- Privacy officers and other privacy professionals working in healthcare settings
- Family health teams
- Healthcare risk managers
- Directors of professional practice
- Directors of care
- Nurses; nurse educators; unit administrators; managers
- Directors/VPs of nursing
- In-house counsel
- Lawyers advising on privacy issues and information technology
- Marketing and communications executives in healthcare

Learn from an experienced faculty of legal, health and privacy experts about how to protect against and effectively respond to privacy breaches in the healthcare environment



## AGENDA

**8:30**

### Registration and Continental Breakfast

**9:00**

### Welcome and Introduction from the Chairs

MARY JANE DYKEMAN, *DDO Health Law*

LONNY J. ROSEN, *Rosen Sunshine LLP*

**9:05**

### The Legal Update: The New *PHIPA* Changes and Lessons Learned from Recent Cases

MARY JANE DYKEMAN, *DDO Health Law*

- Critical update on *PHIPA* amendments: mandatory reporting; expanded IPC inspection powers; doubling of fines; removal of 6 month limitation period to commence an Attorney General prosecution
- Tools & strategies to prepare yourself and your organization to be in compliance
- Recent high profile privacy breach cases: what went wrong and what they can teach us

**10:00**

### Strategies for Using Privacy Impact Assessments to Identify and Reduce Organizational Risks

SAMARA STARKMAN, JD, LLM, CIPP/C, CIPM, *Drawbridge Consulting Inc.*

- What is a privacy impact assessment and when is one needed?
- When is a full PIA required vs. a "delta" or amendment?
- The impact of legislative authorities for collections, uses and disclosures
- The PIA process: identifying the data flow, the actors and the potential privacy risks to an organization
- Prioritizing and evaluating risks
- Risk management and best practices

**10:45**

### Refreshment Break

**11:00**

### What You Need to Know About Using Cloud Services for the Storage of Personal Health Information (PHI)

ANITA FINEBERG, CIPP/C, *Barrister & Solicitor*

ROBIN GOULD-SOIL, *Chief Privacy Officer, University Health Network*

- Public, hybrid or private: assessing which cloud service to use
- Risk management concerns surrounding the use of cloud services to host PHI
- How confident should you be about storing PHI in the cloud?
- The benefits and potential pitfalls of using the cloud
- Organizational concerns: understanding data segregation and encryption

- Is the geo location of the data important? Why? Why not?
- Questions to ask when selecting a cloud service provider
- Best practices in selecting a cloud service and storing PHI

**12:00**

### Luncheon

**1:00**

### Disclosing Personal Health Information in Proceedings: If, How and When?

LONNY J. ROSEN, *Rosen Sunshine LLP*

Under *PHIPA* a patient's PHI may be used in different types of proceedings. Health information custodians and their advisors must have a clear understanding of what their rights and obligations are. This session will provide you with the most current information about the need to know details, including:

- When and in what circumstances is disclosure permitted?
- Obligations and limitations of the parties in various proceedings to disclose PHI including in civil litigation, family law matters and WSIB complaints
- Interplay of the *Mental Health Act* and *PHIPA* with respect to proceedings involving a patient in a psychiatric facility
- Analysis of issues individuals, organizations and counsel may face in disclosing PHI
- Disclosure case law update: cases where PHI records were sought & the outcomes

**1:45**

### Analyzing The Risk of Harm Exception Permitting Disclosure of PHI

LAD KUCIS, *Gardiner Roberts LLP*

The *PHIPA* exception that permits a health information custodian to disclose PHI when there is a risk of harm can create many challenges for health care providers. In this session, our expert faculty will drill down on some of the key issues, including:

- Understanding the *PHIPA* exception that permits disclosure under these circumstances
- Is there a duty to warn?
- Knowing your obligations: what should you disclose? To whom? When? How?
- Is there a separate common law standard?

**2:15**

### Refreshment Break

**2:30**

### 2016 Update on Strategies and Best Practices for Responding to and Managing Privacy Breaches in Healthcare

MANUELA DI RE, *Director of Legal Services, Information & Privacy Commissioner of Ontario*

- What You Need To Watch Out For: the most common causes of PHI privacy breaches in healthcare

# AGENDA (Cont'd)

- Guide to identifying, containing, investigating and remediating privacy breaches
- Not just a hospital issue: a wake-up call for all healthcare organizations

**3:15**

## Privacy & Protection of PHI in Community Health Settings

BOSCO CHAN, *Chief Privacy Officer & Director of Privacy, Risk and Information Security Management, Ontario Association of Community Care Access Centres*

RODNEY BURNS, *Chief Information Officer, Association of Ontario Health Centres*

ANNA TERSIGNI PHELAN, *Risk Manager, Health Information Management, Privacy Officer, Canadian Mental Health Association, Waterloo Wellington Dufferin*

This session will review privacy and information management concerns specific to community health organizations including:

- What do recent developments and changes to PHIPA mean for privacy protection in the community setting?
- Management of PHI: unique challenges and strategies for the community health team
- Strategies and tools for detecting and deterring privacy breaches
- Managing a privacy breach in an era of intense media scrutiny (and potentially enhanced reporting obligations)
- The impact of developing standards in privacy protection
- Privacy lessons learned from the trenches
- What lies ahead? Areas of focus for change

**4:00**

## Program Concludes

# REGISTRATION

Please complete all registrant information.

## The 2016 Legal Guide to Privacy and Information Management in Healthcare

I will attend:  On site  Via webcast (single viewer)  
 Online Replay - May 26, 2016

Name: \_\_\_\_\_

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### Fee Per Delegate

**\$525 plus HST**

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



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

### CPD Credits



Eligible CPD/MCLE hours: LSUC (ON): 6.0 CPD Hours (1.25 Professionalism; 4.75 Substantive)

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions.

To inquire about credit eligibility, please contact [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca).



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### Maintenance of Certification

Attendance at this program entitles certified Canadian College of Health

Leaders members (CHE / Fellow) to **2.75 Category II credits** towards their maintenance of certification requirement.

### Date & Time

April 13, 2016  
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**Online Replay: May 26, 2016**

Please arrive a half hour early for sign-in and material pick-up. Dress is business casual.

### Location

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

### 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 \$75 administration fee) is available if a cancellation request is received in writing 5 days prior to the program date. No other refund is available.



## 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 [osgoodepd.ca/pimh](http://osgoodepd.ca/pimh)
3. **FAX** your registration to 416.597.9736
4. **CALL US** at 416.597.9724