

A one-of-a-kind program with a faculty of over 40 leading experts

"The program offered a range of perspectives which were provided by great speakers and compelling presentations."

Naakai Garnette, Director, Regulatory Affairs
College of Midwives of Ontario



The Osgoode Certificate in Professional Regulation & Discipline in the Ontario Health Care Sector

Don't miss this unique certificate program specially designed for prosecutors, defence lawyers, regulators, adjudicators, complaint/discipline committee members, investigators and union representatives

APRIL 14 - MAY 12, 2015 | 5 Days over 5 Weeks | Toronto, Canada

Why You Should Attend

The professional regulation and discipline of health care professionals is a complex area which challenges its constituents to be fully informed of the entire process – from start to finish.

Whether you are a lawyer working in the health care sector and specializing in professional discipline or a professional working at one of the health regulatory colleges or health professionals' unions, it is crucial that you have the skills, knowledge and insight needed in this highly specialized field.

This unique, intensive 5-day certificate program, taught by *OsgoodePD's* multi-disciplinary faculty, will explore the issues by providing perspectives from all parties involved in the process. This program was created to provide those working in the field with a comprehensive overview of the professional regulation and discipline of health care professionals. An expert and diverse faculty consisting of prosecutors, defence counsel, judges, regulators, College registrars and health care professionals will guide you through the maze and will enable you to have a full appreciation of the core issues in this field.

Program Details

Dates

Module One

The Professional
Regulatory Framework
April 14, 2015

Module Two

Complaints & Investigations
April 21, 2015

Module Three

Pre-Hearing Procedures &
Fitness to Practice Proceedings
April 28, 2015

Module Four

The Discipline Hearing
May 5, 2015

Module Five

Penalty Hearing & Appeals
May 12, 2015

The program will be held at *Osgoode Professional Development's* Downtown Toronto Conference Centre.

For Further Program-Related Information

Please contact:
Stéphane McRoberts
Program Lawyer
at 416.619.4351 or email
smcroberts@osgoode.yorku.ca

Key Benefits: What You Will Learn

- How the regulatory process works
- The rights and duties of the health regulatory colleges and its members during an investigation
- Tips on how to draft a strong and comprehensive investigation report
- Strategies for dealing with various pre-hearing procedures, including motions and pre-hearing conferences
- How to draft a strong and comprehensive response to a public complaints committee
- Insight into selecting and training members of a complaints committee
- How to prepare and participate in Fitness to Practice proceedings and hearings
- Best practices and advocacy tips for prosecuting before a discipline committee as well as defending a member before a discipline committee
- The role of the independent legal counsel
- The role of the prosecutor, defence counsel and independent counsel in the drafting of reasons
- When to engage in alternative dispute resolution and mediation
- How to negotiate reasonable penalties
- How to draft an effective penalty order

Who Should Attend

- Lawyers who represent/prosecute regulated health professionals
- Regulators & Adjudicators
- Members of Complaint Committees
- Members of Discipline Committees
- Investigation Officers and Professionals
- Union Officials and Representatives (Labour Relations Officers, Professional Advocacy Officers)
- Staff at Regulatory Health Colleges



Across five intensive, one-day modules, the essential elements of the professional regulation and discipline of the health care sector will be delivered by a multi-disciplinary faculty with years of experience in a variety of workplaces. Classes are taught using a blended-delivery method that includes lectures, case studies and class discussions.

THE CURRICULUM

MODULE ONE

April 14, 2015, 9:00 a.m. - 4:30 p.m.

The Professional Regulatory Framework

- The role of the colleges
- Perspectives on the public interest and how the colleges can ensure public confidence in the system
- New colleges and the road to regulation
- Injunctions against/prosecutions of unlicensed practitioners
- The role of the prosecutor and defence counsel in dealing with illegal practice
- Dealing with unrepresented members in an illegal practice context
- New directions in professional regulation
- Spousal Treatment under the *RHPA*

Faculty

Richard Steinecke, Steinecke Maciura LeBlanc
 Dr. Rocco Gerace, Registrar, College of Physicians and Surgeons of Ontario
 Irwin Fefergard, Registrar, Royal College of Dental Surgeons of Ontario
 Elyse Sunshine, Rosen Sunshine LLP
 Brenda Kritzer, Registrar, College of Kinesiologists of Ontario
 Rebecca Durcan, Steinecke Maciura LeBlanc
 Lydia Wakulowsky, C.S., Borden Ladner Gervais LLP
 Melisse Willems, Director, Professional Conduct, College of Audiologists and Speech-Language Pathologists of Ontario
 Valerie Wise, Wise Health Law
 Cristina De Caprio, Registrar & CEO, College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario

MODULE TWO

April 21, 2015, 9:00 a.m. - 4:30 p.m.

Complaints & Investigations

- How to effectively screen complaints and run a timely complaints process
- Section 75 investigations:
 - the rights of the investigator and the health professional
 - what gives rise to section 75 investigations
 - the scope of a section 75 investigation
 - what are the colleges permitted to do?
 - how to best respond to an investigation
 - the disclosure obligations for both sides
 - the investigators' duties
 - the health professional's duty to cooperate

MODULE TWO (Cont'd)

- How to select and train members of a complaints committee
- How to draft a strong and comprehensive response to a complaints committee
- Crucial issues in college investigations:
 - managing third party complaints
 - disclosing expert reports and the names of experts during the investigations phase
 - developments post-*Gore*
- Overview of the Health Professions Appeal and Review Board

Faculty

Anita Ashton, Director, Professional Conduct, College of Physiotherapists of Ontario
 Pauline Walters, Director, Professional Conduct, College of Massage Therapists of Ontario
 Lisa Brownstone, Co-Director, Legal Department, College of Physicians and Surgeons of Ontario
 Carolyn Brandow, Lerner LLP
 Dayna Simon, Counsel, Regulatory Affairs, Royal College of Dental Surgeons of Ontario
 Lonny J. Rosen, C.S., Rosen Sunshine LLP
 Elyse Sunshine, Rosen Sunshine LLP
 David Jacobs, Watson Jacobs McCreary LLP
 Anne Resnick, Deputy Registrar, Ontario College of Pharmacists
 Barry Gang, Director, Investigations & Hearings, College of Psychologists of Ontario
 Dean Benard, Benard + Associates

MODULE THREE

April 28, 2015, 9:00 a.m. 4:45 p.m.

Pre-Hearing Procedures & Fitness to Practice Proceedings

- The factors that determine whether a matter goes to a Fitness to Practice proceeding or before a discipline committee
- What are the post-investigation privacy and disclosure obligations for both sides?
- Typical disciplinary offences (incompetence, misconduct, incapacity)
- Tips on how to best approach a pre-hearing conference
- The intersection between health and criminal law
- Fitness to Practice proceedings and hearings

MODULE THREE (Cont'd)

- Alternative dispute resolution and mediation – when to engage
- Pre-hearing motions and conferences

Faculty

Jenny Stephenson, McCarthy Tétrault LLP

Marc H. Spector, C.S., Steinecke Maciura LeBlanc

Gerald Chan, Ruby Shiller Chan Hasan Barristers

Bonni Ellis, Leners LLP

Jaan Lilles, Lenczner Slaght Royce Smith Griffin LLP

Michelle Gibbs, Gibbs & Associates

Farah Ismail, Manager, Prosecutions & Monitoring, College of Nurses of Ontario

Vicki White, Co-Director, Legal Department, College of Physicians and Surgeons of Ontario

Julie Maciura, Steinecke Maciura LeBlanc

Maisie Robinson, Mediator

Jennifer L. Hunter, Leners LLP

Christopher Hubbard, McCarthy Tétrault LLP

MODULE FOUR

May 5, 2015, 9:00 a.m. – 4:00 p.m.

The Discipline Hearing

- Prosecuting at the discipline committee
 - best practices and advocacy tips for appearing before a discipline committee
- Defending the member at the disciplinary hearing
 - strategies for advancing an effective defence
 - disclosure issues
 - ethical and professional responsibility issues
- The role of the independent legal counsel
- How to conduct witness interviews
- Disclosure issues for the prosecutor, defence counsel and independent legal counsel
- Dealing with the self-represented
- The proper role of the prosecutor
- Independent legal counsel - how to avoid being in a conflict of interest
- The role of the adjudicator at the disciplinary hearing

Faculty

Bernard C. LeBlanc, C.S., Steinecke Maciura LeBlanc

Dr. Marc Gabel, President, College of Physicians and Surgeons of Ontario

Karen Redgers, BSc, RMT, Horseshoe Hill Massage Therapy

Brian Gover, Stockwoods LLP

Dr. Peter Trainor, President, Royal College of Dental Surgeons of Ontario

Michael Fraleigh, Fogler, Rubinoff LLP

Michael Paré, B.Sc., M.Sc., M.Ed., M.D., Coordinator, The Medical Clinic for Person-Centred Psychotherapy

Luisa Ritacca, Stockwoods LLP

Hanno Weinberger, Council Member, College of Denturists of Ontario

Nina Bombier, Lenczner Slaght Royce Smith Griffin LLP

MODULE FIVE

May 12, 2015, 9:00 a.m. – 3:45 p.m.

Penalty Hearing And Appeals

- How to negotiate reasonable penalties
- How to deal effectively with concurrent criminal and/or civil proceedings
 - member's rights and obligations when there are concurrent proceedings
 - ethical limits on the use of Crown disclosure in civil cases
- Appeals
 - when to appeal (and time limits)
 - how to deal with prematurity and other issues
 - stays
 - adequacy of reasons
- Judicial Review
 - the standard of review
 - deference and judicial review
- Penalties and Costs
 - assessing the appropriate penalty
- Reinstatement
- What makes a convincing appeal or judicial review application
- Advocacy in health law appeals and judicial reviews
- Distribution of take home assessment

Faculty

The Hon. Justice Harriet Sachs, Superior Court of Justice (Ontario)

Lad Kucis, Gardiner Roberts LLP

Christopher A. Wayland, McCarthy Tétrault LLP

Morgana Kellythorne, Counsel, College of Physicians and Surgeons of Ontario

Aaron Dantowitz, Stockwoods LLP

A take-home examination will be distributed to all participants at the end of the program. You will have 3-4 weeks to complete the examination (due date to be confirmed). In order to receive the *Osgoode Certificate*, you must attend all program days and successfully complete the take-home examination.

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. *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.



The *Osgoode* Certificate in Professional Regulation & Discipline in the Ontario Health Care Sector draws on the expertise of over 40 leading health and legal experts, including:

Anita Ashton, Director, Professional Conduct
College of Physiotherapists of Ontario

Dean Benard, Benard + Associates

Nina Bombier, Lenczner Slaght Royce
Smith Griffin LLP

Carolyn Brandow, Lerner LLP

Lisa Brownstone, Co-Director, Legal Office
College of Physicians and Surgeons of Ontario

Gerald Chan, Ruby Shiller Chan Hasan Barristers

Aaron Dantowitz, Stockwoods LLP

Cristina De Caprio, Registrar & CEO, College
of Traditional Chinese Medicine Practitioners
and Acupuncturists of Ontario

Rebecca Durcan, Steinecke Maciura LeBlanc

Bonni Ellis, Lerner LLP

Irwin Fefergard, Registrar, Royal College
of Dental Surgeons of Ontario

Michael B. Fraleigh, Fogler, Rubinoff LLP

Dr. Marc Gabel, President, College of
Physicians and Surgeons of Ontario

Barry Gang, Director, Investigations &
Hearings, College of Psychologists of Ontario

Dr. Rocco Gerace, Registrar, College of
Physicians and Surgeons of Ontario

Michelle Gibbs, Gibbs & Associates

Brian Gover, Stockwoods LLP

Christopher Hubbard, McCarthy Tétrault LLP

Jennifer L. Hunter, Lerner LLP

Farah Ismail, Manager, Prosecutions &
Monitoring, College of Nurses of Ontario

David Jacobs, Watson Jacobs McCreary LLP

Morgana Kellythorne, Counsel, College
of Physicians and Surgeons of Ontario

Brenda Kritzer, Registrar, College of
Kinesiologists of Ontario

Lad Kucis, Gardiner Roberts LLP

Bernard C. LeBlanc, C.S., Steinecke
Maciura LeBlanc

Jaan Lilles, Lenczner Slaght Royce
Smith Griffin LLP

Julie Maciura, Steinecke Maciura LeBlanc

Michael Paré, B.Sc., M.Sc., M.Ed., M.D.,
Coordinator, The Medical Clinic for Person-
Centred Psychotherapy

Karen Redgers, BSc, RMT, Horeshoe Hill
Massage Therapy

Anne Resnick, Deputy Registrar, Ontario
College of Pharmacists

Luisa Ritacca, Stockwoods LLP

Maisie Robinson, Mediator

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

The Hon. Justice Harriet Sachs
Superior Court of Justice (Ontario)

Dayna Simon, Counsel, Regulatory Affairs
Royal College of Dental Surgeons of Ontario

Marc H. Spector, C.S., Steinecke Maciura LeBlanc

Richard Steinecke, Steinecke Maciura LeBlanc

Jenny Stephenson, McCarthy Tétrault LLP

Elyse Sunshine, Rosen Sunshine LLP

Dr. Peter Trainor, President, Royal College
of Dental Surgeons of Ontario

Lydia Wakulowsky, C.S., Borden Ladner
Gervais LLP

Pauline Walters, Director, Professional Conduct
College of Massage Therapists of Ontario

Christopher A. Wayland, McCarthy Tétrault LLP

Hanno Weinberger, Council Member, College
of Denturists of Ontario

Vicki White, Co-Director, Legal Department
College of Physicians and Surgeons of Ontario

Melisse Willems, Director, Professional Conduct
College of Audiologists and Speech-Language
Pathologists of Ontario

Valerie Wise, Wise Health Law

"Well rounded and excellent presenters."

Tom Wiley, Barrister & Solicitor

*"Topics and presenters very knowledgeable
and able to discuss current arena of
regulated health professions."*

ADVISORY BOARD

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Fee Per Delegate

\$3295 plus 13% HST for a total of \$3723.35

Fees include attendance, program materials, continental breakfast, lunch and refreshments for each of the 5 days of the program. The price does not include accommodations. Please inquire about group discounts and financial assistance. Fees paid by individuals are eligible for a tuition tax credit. Dress is business casual.

Payment Options – Payment must be made prior to the program

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

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Expiry: _____

Signature: _____

Payment Amount: _____

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 March 24, 2015 will include an administration charge of \$700. No refunds will be issued after the program commences. Non-attendance or withdrawal after the program start date will incur a full program fee. Payment must be received by April 7, 2015.

Location

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

For Further Program-Related Information

Please contact: Stéphane McRoberts, Program Lawyer
at 416.619.4351 or email smcroberts@osgoode.yorku.ca



Osgoode Professional Development has been approved as an Accredited Provider of Professionalism Content by The Law Society of Upper Canada.

Eligible CPD/MCLE hours:

LSUC (ON): 32.5 CPD Hours (29.5 Substantive, 3.0 Professionalism); NT/YK/QC/NB/NU/SK/PEI: 30.0 credit hours; BC: 26.0 credit hours; NS/MB: 32.5 credit hours; NY CLE Board (on-site participants only): 36.0 credit hours in the Area of Professional Practice for Transitional and Non-transitional lawyers. Also eligible for CLE/Insurance Premium Credits Program offered by the Law Society of PEI and for Alberta CPD credit with the Law Society of Alberta. Questions? E-mail: cpd@osgoode.yorku.ca or refer to your respective regulatory body to ensure compliance.

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.

Certificate of Program Completion

A take-home examination will be distributed to all participants at the end of the program. You will have 3-4 weeks to complete the examination (due date to be confirmed). In order to receive the *Osgoode Certificate*, you must attend all program days and successfully complete the take-home examination.

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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 416.597.9724 or 1.888.923.3394

