

THE 2018 LEGAL GUIDE TO PRIVACY & INFORMATION MANAGEMENT IN HEALTHCARE

Spend a day with Canada's leading health and privacy law experts and gain a clear understanding of the potential risks you face including regulatory investigations, litigation and reputational risk...

- What steps do you take to contain and investigate a breach?
- The benefits and risks posed by shared electronic health systems
- Use of big data and quality analytics: what *PHIPA* does and doesn't permit
- Unique privacy challenges for the community health organization

Keynote Address: "Update from the IPC"

Brian Beamish, Commissioner
Office of the Information and Privacy Commissioner of Ontario

Register today at:

osgoodepd.ca/privacy-healthcare

Program Chair

Mary Jane Dykeman
DDO Health Law

Date and Time

April 10, 2018
9:00 a.m. – 4:15 p.m. EDT
In Person or Webcast

Online Replay:
April 27, 2018

Location

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



THE 2018 LEGAL GUIDE TO Privacy & Information Management in Healthcare

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, allied health professional or other healthcare worker, you must have a current understanding of the key issues and how to deal with them.

It has never been more critical to be on top of the latest developments, including:

- The rules respecting the collection, use and disclosure of personal health information
- Procedures for responding to requests for access and correction
- What questions do you ask upon discovering a privacy breach has occurred?
- Addressing the risks in shared electronic health systems
- The role of big data/artificial intelligence in healthcare decision-making
- Substitute decision-maker disputes – who really has the authority? How far does it extend?

Who Should Attend?

- Privacy officers and other privacy professionals working in a healthcare settings
- Family health teams
- Nurses; Nurse Educators; Unit administrators; Managers
- Directors/VPs of Nursing
- Patient Care Managers
- Health Care Risk Managers
- Directors of Professional Practice
- Directors of Care
- In-house counsel
- Lawyers advising on privacy issues and information technology
- Human resources professionals in healthcare
- Marketing and communications executives in healthcare
- Privacy officers in healthcare

“Online experience was excellent - speakers always mindful of our online presence to repeat audience questions/answers. Clear picture, option to ask questions and quick replies, great sound - marvelous program! Thx.”

Ruth Servos, Niagara Health Privacy & Freedom of Information Specialist (2017)

Agenda

8:30 a.m.

Registration and Continental Breakfast

9:00 a.m.

Welcome and Case Study Introduction from the Chair

Mary Jane Dykeman, DDO Health Law

To prepare you for the day's sessions, Mary Jane Dykeman will present a complex fact scenario that will be woven throughout the day's presentations. This will bring the issues to life and give you an opportunity to see how privacy might actually play out in your organizations.

This case study will get you thinking about some of the key issues that will be discussed throughout the day, including:

- What risks do health care providers face regarding privacy?
- What preventative steps should all providers be taking?
- What steps should be taken upon notification of a breach?
- When can personal health information be shared to prevent a risk of harm, and what information should be shared in these circumstances?
- When can personal health information be used or disclosed in a proceeding? What rules apply?

9:15 a.m.

Implementing a Privacy Framework in Shared Electronic Health Systems

Manuela Di Re, Director of Legal Services and General Counsel, Office of the Information and Privacy Commissioner of Ontario

In Ontario, no health information custodian has sole custody or control of personal health information in shared electronic health systems. Custody or control, just like accountability for ensuring compliance with the *Personal Health Information Protection Act (PHIPA)*, is shared. This poses unique challenges to protecting the privacy of Ontarians and the confidentiality of their health information. This presentation will discuss:

- The benefits and unique risks posed by shared electronic health systems
- How these risks can be addressed
- Examples related to governance, consent and privacy breach management
- Procedures for responding to requests for access and correction

10:00 a.m.

The Use of Big Data and Quality Analytics in Healthcare

David Weinkauf, PhD, Senior Policy and Technology Advisor, Office of the Information and Privacy Commissioner of Ontario

Mary Jane Dykeman, DDO Health Law

- The push for broader analytics in health information
- What *PHIPA* does and doesn't permit
- Ensuring fairness, accountability and transparency
- The shifting landscape of privacy
- De-identification: Can you do that and still have the same richness of information?
- The role of big data/artificial intelligence in healthcare decision-making
- Future Developments: where do we go from here?

10:45 a.m.

Refreshment Break

11:00 a.m.

PHIPA's Unexpected Twists

Mary Jane Dykeman, DDO Health Law

Many health information custodians will experience a range of quite similar privacy cases under *PHIPA*. Using a case study approach, we will adopt a risk management lens to show the complexity of what you may also need to deal with including:

- Discretion to warn under s. 40(1) and when do people get to make poor choices
- What if the team is divided on what should be shared and the consequences?
- Substitute decision-maker disputes – who really has the authority? How far does it extend?
- Collection of information, the duty to document and a request for correction

12:00 p.m.

Luncheon and Keynote Address

Brian Beamish, Commissioner, Office of the Information and Privacy Commissioner of Ontario

"Update from the IPC"

1:00 p.m.

Privacy & Protection of Personal Health Information in Community Health Settings

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

Kavita Mehta, CEO, Association of Family Health Teams of Ontario (AFHTO)

Anna Tersigni-Phelan, BA, CHIM, Chief Privacy Officer, Risk/HIM Manager, CMHA Waterloo Wellington

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

- What do recent development and recent changes to *PHIPA* mean for privacy protection in the community setting?
- Management of PHI: unique challenges and strategies for the community health team
- The impact of LHIN-sponsored integration of programs within primary care and hospital outpatient care
- The challenges to the sharing of PHI with so many systems in place
- Lack of integration between sectors as an ongoing challenge
- Is there an appetite for setting up electronic shared care solutions? Why? Why not?
- Strategies and tools for detecting and deterring privacy breaches
- What lies ahead? Areas of focus for change

2:00 p.m.

Practical Strategies for Developing a Proactive Approach to Privacy: One Hospital's Journey

Nyranne Martin, General Counsel and Chief Privacy Officer, The Ottawa Hospital, Adjunct Professor, University of Ottawa, Faculty of Common Law

- Assessing a privacy program
- Enhancing governance and increasing engagement
- Innovating an auditing tool
- Developing a breach management framework

2:45 p.m.

Refreshment Break

3:00 p.m.

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

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

- Review of *PHIPA* provisions that permit disclosure of PHI in proceedings: when and under what circumstances?
- Obligations and limitations of the parties in various proceedings to disclose PHI including in civil litigation and 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 counsel may face in disclosing PHI
- Review of recent case law where PHI records were sought & the outcomes: professional regulation, medical malpractice, tort law, labour law, class actions

3:45 p.m.

Case Study Wrap-Up/Q&A

In this interactive afternoon session we will close out the day by analyzing the case study introduced at the outset of the program. We will identify the issues that have been highlighted and discuss best strategies. The group discussion will reinforce your understanding of the issues and provide you with the best practices and tools needed to address the issues.

4:15 p.m.

Program Concludes

Chair

Mary Jane Dykeman,
DDO Health Law

Keynote

Brian Beamish, Commissioner,
Office of the Information and
Privacy Commissioner of Ontario

Faculty Includes

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

Manuela Di Re, Director
of Legal Services and
General Counsel, Office of
the Information & Privacy
Commissioner of Ontario

Nyranne Martin, General
Counsel and Chief Privacy
Officer, The Ottawa Hospital,
Adjunct Professor, University
of Ottawa, Faculty of
Common Law

Kavita Mehta, CEO,
Association of Family Health
Teams of Ontario (AFHTO)

Anna Tersigni-Phelan, BA,
CHIM, Chief Privacy Officer,
Risk/HIM Manager, CMHA
Waterloo Wellington

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

David Weinkauff,
PhD, Senior Policy and
Technology Advisor, Office
of the Information & Privacy
Commissioner of Ontario

Registration Details

Fee per Delegate

\$545 plus HST

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit 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 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



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



Eligible CPD Hours LSUC (ON): 6h 45m CPD
(6h Substantive; 45m Professionalism)

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca



CANADIAN COLLEGE OF
HEALTH LEADERS
COLLÈGE CANADIEN DES
LEADERS EN SANTÉ

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.



The presentation, The 2018 Legal Guide to Privacy and Information Management in Healthcare, is eligible for **7.0 CHIMA CPE credits**.

“Extremely engaging overview of what’s new and not so new in privacy information management in healthcare. In some ways provided validation that my knowledge base was on track while providing new insights!”

Mary Gavel, eHealth Privacy Specialist, HITS eHealth Office, Hamilton Health Sciences (2017)



osgoodepd.ca

Osgoode Professional Development



416.597.9724

1 Dundas Street West, Suite 2600



@OsgoodePD

Toronto, ON Canada M5G 1Z3



The 2018 Legal Guide to Privacy & Information Management in Healthcare

Register today at:

osgoodepd.ca/privacy-healthcare