

# THE 2015 GUIDE TO LEGAL RISK MANAGEMENT FOR NURSES



Get practical advice on the key legal risks and dilemmas facing nurses on the frontline, including:

- Effective risk management in reducing malpractice claims
- If, when and how to disclose information about an adverse event – the legal consequences for you and your employer
- Patient privacy: dealing appropriately with confidential information
- Practical tips for preventing professional misconduct claims
- Understanding consent to treatment: informed consent; substitute decision makers; powers of attorney for personal care
- Protecting nurses from violence/harassment at work
- Strategies to deal with abuse by patients, clients, residents and their families
- Understanding the College's new Medication Practice Standard
- How does the College deal with professional misconduct?
- Patient relations: effective management of patient/family complaints

Over one practical day learn the legal issues and risk management strategies that you need to know in your role as a professional nurse

Don't miss the keynote talk by **Kerry W. Bowman, PhD**:  
**"The Changing Landscape of End of Life Decisions in Canada"** and the potential implications for nurses

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



Webcast Available

## Chairs

**Mary Jane Dykeman**

DDO Health Law

**Elyse Sunshine**

Rosen Sunshine LLP

## Date and Time

Wednesday, June 17, 2015  
8:30 a.m. - 4:30 p.m. EDT

## Register for both

*Legal Risk Management for Nurses and Documentation and Charting for Nurses*  
**and pay the Bundle Rate!**

## Location

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

Health Leadership  
& Learning Network

York University Faculty of Health

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PROFESSIONAL  
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## THE 2015 GUIDE TO LEGAL RISK MANAGEMENT FOR NURSES

Today's nurses work in an increasingly challenging health care system, with growing pressure to do more with less. As frontline caregivers, they must have the skills and knowledge at their fingertips to prevent and manage risk and legal liability. The consequences – both personal and professional – of not fully understanding these risks can be costly. By equipping themselves with information on their responsibilities, potential liabilities and risk management strategies, professional nurses will be better prepared to make sound, professional judgments and to avoid potential liability traps that can arise in their everyday work.

This intensive one-day OsgoodePD course, developed by the top legal and health law experts, builds on and updates successful programs offered in past years. An experienced faculty will explain, in easy to understand terms, what the law is and how it applies, from the perspective of the professional nurse.

You will learn:

- Practical tips for preventing professional misconduct claims
- Substitute decision makers: what's the ranking order?
- What can be done to reduce the risk of privacy breaches?
- The legal standard of care in a malpractice suit
- Consent and children: when is a minor capable of giving consent?
- The key elements to understand from the College's new Medication Practice Standard
- The role of parents in health care decisions
- Responsibilities and liability of employers for violence/harassment at work

**Plus!** Don't miss the Keynote Address by **Kerry W. Bowman PhD**, Assistant Professor, Family and Community Medicine, Joint Centre for Bioethics, University of Toronto; Clinical Ethicist, Mount Sinai Hospital in his talk entitled "*The Changing Landscape of End of Life Decisions in Canada*". He will shed some light on what the Supreme Court of Canada's recent decisions (including *Carter* and *Rasouli*) mean for nurses on the frontline.

**REGISTER NOW BY VISITING [WWW.OSGOODEPD.CA](http://WWW.OSGOODEPD.CA),  
CALLING 416.597.9724 OR 1.888.923.3394,  
EMAILING [OSGOODEPD@OSGOODE.YORKU.CA](mailto:OSGOODEPD@OSGOODE.YORKU.CA)  
OR FAXING 416.597.9736**

### CPD Credits



For information about program eligibility for CPD/MCLE credits, please email [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca).

### Chairs

**Mary Jane Dykeman**, DDO Health Law

**Elyse Sunshine**, Rosen Sunshine LLP

### Keynote Speaker

**Kerry W. Bowman PhD**, Assistant Professor, Family and Community Medicine, Joint Centre for Bioethics, University of Toronto; Clinical Ethicist, Mount Sinai Hospital

### Faculty

**Philip B. Abbink**, Cavalluzzo Shilton McIntyre Cornish LLP

**Janet E. Borowy**, Cavalluzzo Shilton McIntyre Cornish LLP

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

**Michael B. Fraleigh**, Fogler Rubinoff LLP

**Pam Marshall, RN, LLB, LLM**, Executive Director, Patient Relations, Risk & Legal Affairs, The Scarborough Hospital

**Angela McNabb, RN, BScN, MN, CPMHN**, Outreach Consultant, Professional Practice Department, College of Nurses of Ontario

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



# AGENDA - WEDNESDAY, JUNE 17, 2015

**8:00-8:30**

## Registration and Continental Breakfast

**8:30-8:35**

## Introduction from the Chairs

**Mary Jane Dykeman, DDO Health Law**

**Elyse Sunshine, Rosen Sunshine LLP**

**8:35-9:30**

## Understanding Medical Negligence Claims Against Nurses

**Michael B. Fraleigh, Fogler, Rubinoff LLP**

- The current legal standard of care in a malpractice suit
- Does an error in judgment mean the standard has been broken?
- What is the standard in emergency situations?
- Causation: was the harm suffered caused by a breach of the standard?
- Vicarious liability: who's on the hook and for what?
- Defences to a malpractice claim: denial of the facts; expiration of the limitation period; a missing element; contributory negligence
- The legal consequences of disclosing an adverse event
- Effective risk management in reducing malpractice claims

**9:30-11:00**

## Ensuring Patient Privacy: How to Deal Appropriately with Confidential Information

**Mary Jane Dykeman, DDO Health Law**

**Manuela Di Re, Director of Legal Services**

*Information and Privacy Commissioner of Ontario*

- *Personal Health Information Protection Act (PHIPA)*: what it means for nurses
- Nurses as "agents" of health information custodians
- Common causes of privacy breaches (e.g. unencrypted devices and unauthorized access)
- How to reduce the risk of privacy breaches
- The latest orders from the IPC: what do they mean for nurses on frontline?
- Update on the latest privacy litigation case law

**Note:** A 15 minute break will be taken during this session.

**11:00-12:15**

## Consent to Treatment and Informing the Patient: The Nurse's Perspective

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

- What is "informed consent"? What information needs to be disclosed?
- Update on recent cases on consent to treatment
- The role of causation in informed consent
- The patient's rights to refuse treatment and the assessment of capacity to do so
- Prior expressed wishes of the patient (written or oral): what weight do they carry?
- Substitute decision makers: what's the ranking order?

- What factors are taken into consideration to determine a patient's "best interests"?
- Understanding Powers of Attorney for personal care
- Consent and children: when is a minor capable of giving consent?
- The role of parents in health care decisions: when can a parent provide consent? What if the child is adopted or the parents are separated or divorced?
- Applications to the Consent and Capacity Board: what you need to know

**12:15-1:15**

## Luncheon & Keynote Address

**"The Changing Landscape of End of Life Decisions in Canada"**

**Kerry W. Bowman PhD, Assistant Professor, Family and Community Medicine, Joint Centre for Bioethics, University of Toronto; Clinical Ethicist, Mount Sinai Hospital**

**1:15-2:00**

## Protecting Nurses from Violence & Harassment at Work

**Philip B. Abbink, Cavalluzzo Shilton McIntyre Cornish LLP**

**Janet E. Borowy, Cavalluzzo Shilton McIntyre Cornish LLP**

- What is harassment and workplace violence? What are the legal issues?
- Understanding the *Occupational Health and Safety Act*: what does it mean for nurses?
- Responsibilities and liability of employers, managers and the Board of Directors
- Risk Assessments: what, how, when - a tool box
- Policies, procedures, processes: what you need to know
- Strategies to deal with abuse by patients, clients, residents and their families

**2:00-2:45**

## Professional Misconduct Update: What Every Nurse Should Know

**Elyse Sunshine, Rosen Sunshine LLP**

- What are the sources of professional standards for nurses?
- What is professional misconduct? What are the most common types of professional misconduct occurring today?
- How does the College deal with professional misconduct? An overview of the College's complaints process, disciplinary proceedings and sanctions
- Understanding the appeals process
- The nurse as witness: what you need to know
- Reporting obligations on findings of professional misconduct under the *Nursing Act*
- Incapacity and incompetence: what role do they play?
- Practical tips for preventing professional misconduct claims

**2:45-3:00**

## Refreshment Break

**3:00-3:45**

## Patient Relations: Building Relationships to Help Nurses Manage Risk

**Pam Marshall, RN, LLB, LLM, Executive Director, Patient Relations, Risk & Legal Affairs, The Scarborough Hospital**

- The importance of early intervention to prevent matters from escalating
- Effective management of patient/family complaints
- How to manage difficult behaviour
- Tips for effective communication
- Protect yourself: ensuring accurate record keeping and documentation

**3:45-4:30**

## An Overview of the College of Nurses New Medication Standard

**Angela McNabb, RN, BScN, MN, CPMHN, Outreach Consultant, Professional Practice Department, College of Nurses of Ontario**

Nurses in Ontario will be accountable to a new Medication Practice Standard as of May 5, 2015. This session will provide an overview of the new Medication standard and:

- The importance of regularly reviewing the College's standards
- The key points to understand and remember from the new standard
- College resources to support application of the new standard
- Scenarios that demonstrate the application of the document

**4:30**

## Program Concludes

### Another program of interest

You may also be interested in our *Legal Risk Management in Documentation and Charting for Nurses* program on June 18, 2015.

This intensive one-day program explains the law around charting and documentation, including: tips on drafting clear and accurate notes, strategies and best practices for reducing/avoiding liability, disclosure, confidentiality, patient safety and electronic charting.

**Bundle Pricing Available.**

# REGISTRATION

Please complete all registrant information.

### The 2015 Guide to Legal Risk Management for Nurses

I will attend:  On site  Via webcast (single viewer)  Online Replay

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

Title: \_\_\_\_\_

Firm/Company: \_\_\_\_\_

Practice Area: \_\_\_\_\_

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### Fee Per Delegate

\$525 plus HST

**BUNDLE RATE for both Legal Risk Management for Nurses and Documentation and Charting for Nurses: \$945 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.

### Date & Time

Wednesday, June 17, 2015  
8:30 a.m. - 4:30 p.m. EDT  
(Online Replay: September 17, 2015)

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

### 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.

### Location

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

### 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:  
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Downtown Toronto Conference Centre  
1 Dundas St. W., 26th Floor  
Toronto, ON M5G 1Z3
2. **ONLINE** at  
[www.osgoodepd.ca](http://www.osgoodepd.ca)
3. **FAX** your registration  
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4. **CALL US** at 416.597.9724  
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