

THE 2015 GUIDE TO LEGAL RISK MANAGEMENT IN LONG-TERM CARE



In one information-packed day, get current and practical advice on managing the key risks and challenges facing long-term care operations. Topics include:

- *Carter* and physician-assisted suicide - what are the implications?
- Best practices in managing challenges in admissions and discharges
- Strategies for dealing with responsive behaviours and intentional resident-to-resident abuse
- Video camera surveillance and social media - what's appropriate and what's not
- Responding to end of life requests - how to manage risk and avoid liability
- Ministry of Health summative RQI results: the top 10 areas of non-compliance to avoid
- Critical update on the use of restraints, detention and locked units

Plus! Don't miss the optional Workshop and an opportunity to expand and reinforce your understanding of ***Consent, Capacity and Substitute Decision Making: Beyond the Basics***

Top legal, medical and long-term care management experts will take you through the critical issues, and provide you with strategies which you can immediately apply in your workplace

"I FOUND BOTH THE SPEAKERS AND THEIR PRESENTATIONS TO BE VERY INFORMATIVE AND USEFUL REGARDING THE LEGAL CHALLENGES FACING LONG-TERM CARE."

Shelley Sheedy
Administrator, Miramichi Lodge

REGISTER NOW AT
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Chair

Joshua Liswood
Miller Thomson LLP

Location

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

Dates and Times

September 28, 2015
8:30 a.m. - 5:00 p.m. EDT

Optional *Consent and Capacity* Workshop

September 29, 2015
9:00 a.m. - 12:30 p.m. (*in-person only*)

Webcast Available

THE 2015 GUIDE TO LEGAL RISK MANAGEMENT IN LONG-TERM CARE

In 2015, long-term care operations continue to face increasing scrutiny by regulators and the public alike. Issues of if and how to accommodate end of life requests, use of restraints, video surveillance, and navigating the intricate regulatory regime of long-term care are complex challenges for professionals working in and for long-term care facilities.

This program, designed and delivered by some of Canada's top experts in this field, will provide you with the critical information and practical strategies you need to confidently manage risk.

Topics include:

- Advance care planning and informed consent to treatment - why you can't have one without the other
- Negotiating with Community Care Access Centers on admission and discharge issues
- Distinguishing between chemical restraints and medical treatment
- Developing and implementing end of life policies and procedures
- What to do when a residents' care needs exceed the capabilities of the long-term care facility
- Differentiating responsive and predatory/targeted behaviors: What and why you need to know
- Best practices for preventing and responding to privacy breaches

**REGISTER NOW BY VISITING WWW.OSGOODEPD.CA,
CALLING 416.597.9724 OR 1.888.923.3394,
EMAILING OSGOODEPD@OSGOODE.YORKU.CA
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WHO SHOULD ATTEND

- Managers, Administrators and Operators of Long-Term Care operations
- Directors of Resident Care
- Medical Professionals
- Long-Term Care Consultants
- Risk Managers
- Social Workers
- In-House Counsel in Long-Term Care
- Patient Care Advocates
- Counsel working in Health and Elder Law

Chair

Joshua Liswood, *Miller Thomson LLP*

Faculty

Frank Cerrone, *Senior Vice President, General Counsel and Secretary, Revera Inc.*

Ruth Chalmers, *Vice President Operations, Sienna Senior Living*

Kathryn M. Frelick, *Miller Thomson LLP*

David M. Golden, *Torkin Manes LLP*

Shelley M. Hobbs, *Counsel, Intake and Guardianship Services Office of the Public Guardian and Trustee*

Dr. Nadia Incardona, *Hospitalist and Emergency Physician Toronto East General Hospital*

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

Dr. Andrea Moser, *Associate Medical Director, Apotex Centre Baycrest Health Sciences*

Mary Nestor, *Senior Manager, Compliance & Enforcement Performance Improvement and Compliance Branch Ministry of Health and Long-Term Care*

Susan Nickle, *General Counsel, London Health Sciences Centre*

Debbie Taciuk, *Supervisor, Client Services - Placement Central Community Care Access Centre*

Marc Toppings, *General Counsel, Sinai Health System*

Judith A. Wahl, *Executive Director, Advocacy Centre For the Elderly*



AGENDA - SEPTEMBER 28, 2015

8:00-8:30

Registration and Continental Breakfast

8:30-8:35

Introduction from the Chair

8:35-9:25

Regulatory Compliance and the RQI: Where we are in 2015

Mary Nestor, *Senior Manager, Compliance & Enforcement Performance Improvement and Compliance Branch Ministry of Health and Long-Term Care*

David M. Golden, *Torkin Manes LLP*

- Resident Quality Inspections
 - overall results and top 10 areas of non-compliance
- Critical incidents and follow-up inspections
 - how many? What types of critical incidents have been reported?
- Trends of non-compliance and critical incidents in Ontario
- Appeal process - licensees' rights of appeal and review of a compliance order

9:25-10:15

Managing Challenges in Admissions, Discharges and Appropriate Placements

David M. Golden, *Torkin Manes LLP*

Debbie Taciuk, *Supervisor, Client Services - Placement Central Community Care Access Centre*

- Problems and pitfalls when transferring a patient from a hospital to a long-term care facility
- Grounds for denying an application of admission to long-term care - how to negotiate effectively with Community Care Access Centers
- Mechanisms for discharging a resident when care needs or behavioral issues become unmanageable

10:15-10:30

Refreshment Break

10:30-11:30

Dealing with Responsive Behaviors and Intentional Resident-to-Resident Abuse

Joanne Dykeman, *Executive Vice President Operations, Sienna Senior Living (formerly Leisureworld Senior Care Corporation)*

Marc Toppings, *General Counsel, Sinai Health System*

- Criminal versus non-criminal behaviors and assaults - where is the line and who decides?
- When do you need to call the police? When and how to engage justice partners

11:30-12:30

Critical Issues in the use of Restraints, Detention and Locked Units

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

Dr. Andrea Moser, *Associate Medical Director, Apotex Centre Baycrest Health Sciences*

- What is a restraint?
- Chemical restraints versus medical treatment - where is the line?
- Identifying and implementing the least restrictive restraint to manage behavioral issues

12:30-1:30

Networking Luncheon

1:30-2:15

Current and Emerging Privacy Issues in LTC - Video Surveillance, Social Media and Email

Kathryn M. Frelick, *Miller Thomson LLP*

- Managing social media - how to develop, enforce and audit policies and procedures to maintain confidentiality
- Surviving a breach - how to respond and protect your facility from liability

2:15-3:15

Conducting and Managing Investigations

Joshua Liswood, *Miller Thomson LLP*

Frank Cerrone, *Senior Vice President, General Counsel and Secretary, Revera Inc.*

- Post-incident response: preventing and responding to potential legal issues
- Best practices for internal investigation processes and strategies, including creating a participatory environment

3:15-3:30

Refreshment Break

3:30-5:00

Health Care Consent, Advance Care Planning and End of Life Decisions in the Wake of Carter

Judith A. Wahl, *Executive Director, Advocacy Centre for the Elderly*

Susan Nickle, *General Counsel, London Health Sciences Centre*

Dr. Nadia Incardona, *Hospitalist and Emergency Physician, Toronto East General Hospital*

- Best practices in informed consent and advance care planning
 - threshold issues - assessment of capacity and consent
 - who should consent and why?
 - can facilities require residents to execute a POA or other advance care plans?
 - advance care plan "wishes"
- Discharging end of life wishes - who is responsible if a physician is not present?

5:00

Program Concludes

Consent, Capacity and Substitute Decision Making: Beyond the Basics

Tuesday, September 29, 2015 (9:00 a.m. - 12:30 p.m.)
(In-person attendance only)

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

Shelley M. Hobbs, Counsel, Intake and Guardianship Services
Office of the Public Guardian and Trustee

Consent, capacity and substitute decision making are fundamental concepts for every professional involved in the long-term care sector. This interactive workshop will provide an opportunity to delve deep into complex fact scenarios and case studies designed to facilitate a new level of understanding.

Topics include:

- The definition of "capacity": what, how, when and by whom?
- The role and authority of substitute decision makers
- Guardianship applications before the court
 - what evidence is the applicant required to submit?
 - role of the LTC facility in complying with disclosure obligations
- POAs for personal care and property
- High conflict families in the long-term care setting - managing capacity related disagreements
- Refusal or lack of cooperation with treatment - is it due to incapacity or a capable objection? How to tell the difference
- Working with the Office of the Public Guardian and Trustee: how to make a referral to OPGT investigations



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

Program: Eligible CPD/MCLE hours: LSUC (ON): 7.5 CPD Hours (1.0 Professionalism; 6.5 Substantive); NY CLE (on-site participants only): 8.0 credit hours in the Area of Professional Practice for Transitional and Non-Transitional Lawyers.

Workshop: Eligible CPD/MCLE hours: LSUC (ON): 3.5 CPD Hours (0.5 Professionalism; 3.0 Substantive); NY CLE (on-site participants only): 3.5 credit hours in the Area of Professional Practice for Transitional and Non-Transitional Lawyers.

Program & Workshop: Eligible CPD/MCLE hours: LSUC (ON): 11.0 CPD Hours (1.5 Professionalism; 9.5 Substantive); NY CLE (on-site participants only): 12.0 credit hours in the Area of Professional Practice for Transitional and Non-Transitional Lawyers.

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



2015 Guide to Legal Risk Management in Long-Term Care

I will attend: On site Via webcast (single viewer - conference only)

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Fee Per Delegate

Early Bird Price (until June 30, 2015): Conference Only: \$475 plus HST;
Conference Plus Workshop: \$655 plus HST; Workshop Only: \$295 plus HST

Regular Price: Conference Only: \$525 plus HST;
Conference Plus Workshop: \$725 plus HST; Workshop Only: \$325 plus HST

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

Dates & Times

September 28, 2015
8:30 a.m. - 5:00 p.m. EDT

Optional Workshop:
September 29, 2015
9:00 a.m. - 12:30 p.m.

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

Location

Osgoode Professional Development
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:
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2. **ONLINE** at
www.osgoodepd.ca
3. **FAX** your registration to 416.597.9736
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