

# THE OSGOODE CERTIFICATE IN CLINICAL RISK, NEGLIGENCE & CLAIMS MANAGEMENT IN HEALTH CARE

February 5 - 9, 2018  
5 Consecutive Days  
In Person or Webcast

Protect yourself and your patients – this *Osgoode* Certificate will provide you with the critical knowledge you need to avoid claims and defend them if they happen.

#### Key Benefits:

- Gain a comprehensive understanding of risk management and patient safety concepts
- Explore the link between patient safety, adverse events, incident reports, claims and investigations
- Defence best practices/mitigation strategies: the importance of documentation and tips and tools regarding the preservation of evidence

Register today at:

[osgoodepd.ca/clinicalrisk](http://osgoodepd.ca/clinicalrisk)

#### PROGRAM DIRECTOR

Michael B. Fraleigh  
Fogler, Rubinoff LLP

#### LOCATION

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



# Drawing on the expertise and experience of leading legal and medical experts including:

## Program Director



**Michael B. Fraleigh**

Fogler, Rubinoff LLP

## Advisory Board

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**Brent F. Windwick, Q.C.**, Field Law, Edmonton, Alberta

## Program Faculty

**Ted Bober**, Associate Director, Clinical Services, Physician Health Program, Ontario Medical Association

**Allyson Booth, RM**, Director, Quality and Risk Management, Association of Ontario Midwives

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

**Dr. Stephen Brown BSc, MD, FRCPC** Staff Anesthesiologist – WOHs Assistant Professor – U of T Department of Anesthesia, Past Chair – OMA Section on Anesthesiology

**Kate Cahill**, Thomson, Rogers

**Dr. David A. Cameron, MD, LLB, CCFP** Regional Supervising Coroner, North Region - Sudbury Office

**Dr. Paula Chidwick**, Director, Research and Corporate Ethics, Ethicist, William Osler Health System

**Dr. Peter I. Collins, CD, MD, MCA** FRCP(C), Forensic Psychiatrist, Complex Mental Illness Program, CAMH, Forensic Psychiatrist, Criminal Behaviour Analysis Unit, Ontario Provincial Police and Associate Professor, Division of Forensic Psychiatry, University of Toronto

**Dr. Pat Croskerry**, Department of Emergency Medicine, Faculty of Medicine, Dalhousie University

**Kate Dewhirst**, Kate Dewhirst Health Law

**Annette Down**, Sr. Risk Management Specialist, Healthcare Risk Management, Healthcare Insurance Reciprocal of Canada (HIROC)

**Dr. Christopher Feindel, MD**, Professor of Surgery, University of Toronto, Cardiac Surgeon, University Health Network

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

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**Maria Gergin**, Borden Ladner Gervais LLP

**Risa Kirshblum**, Lenczner Slaght Royce Smith Griffin LLP

**Dr. Guylaine Lefebvre, MD, FRCSC, FRCOG**, Director, Safe Medical Care, Practice Improvement, The Canadian Medical Protective Association (CMPA)

**Anna L. Marrison**, Borden Ladner Gervais LLP

**Dr. Anne Matlow**, Faculty Lead, Strategic Initiatives, Post Graduate Medical Education, University of Toronto

**The Hon. Justice Michael McKelvey** Ontario Superior Court of Justice

**Dr. Ken Milne**, Professor Emeritus, Western University, Department of Obstetrics and Gynaecology; President, KENEIR Corporation

**J. Mark Raven-Jackson**, Field Law

**Dr. Roger P. Skinner**, Regional Supervising Coroner, Central Region - Toronto West, Office of the Chief Coroner for Ontario

**Ru Taggar, RN, MSc.N**, Interim Executive Vice President, Programs; Vice President, Quality and Patient Safety; Chief Nursing and Health Professions Executive, Sunnybrook Health Sciences Centre

**Vicki Van Wagner, RM, PhD**, Associate Professor, Midwifery, Ryerson University

**Mark Veneziano**, Lenczner Slaght Royce Smith Griffin LLP

**The Hon. Justice Darla A. Wilson** Ontario Superior Court of Justice

**Brent F. Windwick, QC**, Field Law

**Dr. Ari Zaretsky, MD, FRCPC**, Interim Executive Vice President and Chief Medical Executive and Vice President Education, Sunnybrook Health Sciences Centre, Professor, Department of Psychiatry, University of Toronto

# The Osgoode Certificate in Clinical Risk, Negligence & Claims Management in Health Care

As a health care professional or advisor, you know that medical malpractice cases continue to make headlines. More and more claims are being brought against health care organizations and people like you, who work within them. Being on the receiving end of a lawsuit can be challenging in the extreme and cause you and your organization great stress. You need to know your legal responsibilities and be able to effectively reduce and manage these legal risks.

Now in its 8th year, Osgoode's Certificate in Clinical Risk, Negligence and Claims Management in Health Care has been developed for you to respond to these challenges. An accomplished faculty of lawyers, risk managers, patient safety experts, judges, doctors and insurance industry experts will discuss the risks and best practices for reducing and managing them. The format for this intensive five-day program provides ample opportunity for you to ask the questions you want answered, discuss your concerns and engage in healthy debate with your colleagues.

## Key Benefits

- How to conduct post-incident investigations and what disclosure should be made, by whom and when?
- How to deal with adverse events that can lead to organizational crisis
- The rising spectre of class actions in health care: how should your organization respond?
- The impact of being sued: dealing with the pressure of litigation
- Responding to risk in specialty areas including obstetrics, diagnosis, medication and mental health, and a practical overview of current litigation trends in these areas
- Role of the Coroner in enhancing patient safety
- Managing risk in end-of-life care
- Health care risk: a view from the Bench
- The disruptive professional – implications for risk management
- Anesthesia – areas of concern, claims and risk management

## Who Should Attend?

- Quality leaders
- Compliance officers from health care institutions
- Health care risk managers
- Patient safety representatives
- Health care organization CEOs and senior staff
- Professional association and licensing body representatives
- Health care professionals from all disciplines
- Lawyers practising health law (both in-house and from private practice)
- Medical directors of health care organizations and government agencies
- Health insurance industry professionals
- Ethicists
- Government and public policy advisors



# Agenda

**Module 1: February 5, 2018**  
9:00 a.m. - 5:00 p.m.

## Patient Safety and Risk Management

- Overview of key patient safety concepts
- Effective error reduction strategies; challenges and best practices for improving patient safety
- The link/association between patient safety, preventable adverse events, incident reports and claims: the role of the risk manager in patient safety
- Post-incident investigations and reviews: overview of best practices
- Preventing errors in the consent process: Checklist to meet legal and ethical obligations (ChLEO) in critical care
- The legal and regulatory context
- Dealing with non-patient related adverse events that might give rise to a claim: staff assaults; property loss

### Faculty

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

**Dr. Paula Chidwick**, Director, Research and Corporate Ethics, Ethicist, William Osler Health System

**Annette Down**, Sr. Risk Management Specialist, Healthcare Risk Management, Healthcare Insurance Reciprocal of Canada (HIROC)

**Mary Gavel**, eHealth Privacy Specialist, Health Information Technology Services (HITS), a division of Hamilton Health Sciences

**Dr. Anne Matlow**, Faculty Lead, Strategic Initiatives, Post Graduate Medical Education, University of Toronto

**Brent F. Windwick, QC**, Field Law

**Module 2: February 6, 2018**  
9:00 a.m. - 4:30 p.m.

## Clinical Negligence, Liability Claims and Litigation

- Tests for clinical negligence – duty of care, breach of the duty of care, causation and damages

### Overview of a medical malpractice/liability claim

- Content
- Limitation periods
- Class actions claims

### Overview of the litigation process

- Roles of claims examiners, adjustors, risk managers, defendants (named and not known), and expert witnesses
- Steps involved – statement of claim; accepting service; notifying insurer; statement of defence; investigation; oral and documentary discoveries; trial
- Role played by contingency fees
- Settlement decisions; assessing damages; actuarial assessments
- Total costs including legal fees, awards and settlements

### Defence best practices/mitigation strategies

- The importance of consent
- The importance of documentation: the health record
- Preservation of evidence
- Insurance (health care organization and staff, physicians)
- Learning from past claims, audits, self-assessments, inspections

### Risk management issues with health records, privacy and new health information technology

### The rise of *Human Rights Code* claims and their implications for health care administrators

## The disruptive professional – implications for risk management

### Faculty

**Kate Dewhirst**, Kate Dewhirst Health Law

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

**Maria Gergin**, Borden Ladner Gervais LLP

**Risa Kirshblum**, Lenczner Slaght Royce Smith Griffin LLP

**J. Mark Raven-Jackson**, Field Law

**Ru Taggar, RN, MSc.N**, Interim Executive Vice President, Programs; Vice President, Quality and Patient Safety; Chief Nursing and Health Professions Executive, Sunnybrook Health Sciences Centre

**Dr. Ari Zaretsky, MD, FRCPC**, Interim Executive Vice President and Chief Medical Executive and Vice President Education, Sunnybrook Health Sciences Centre, Professor, Department of Psychiatry, University of Toronto

**Module 3: February 7, 2018**  
9:00 a.m. - 4:30 p.m.

## Responding to Categories of Risk

### An overview of medical-legal claims in Canada and promoting quality improvement

### Clinical decision making in medicine

### Best practices for reducing and managing risk in the following areas:

- Emergency
- Medical treatment/monitoring
- Diagnosis
- Surgery
- Intensive Care
- Mental Health
- Suicide Risk
- Health information/health records
- End-of-Life
- Anesthesia

## Role of the Coroner in enhancing patient safety

### Keynote Address:

**Dr. David A. Cameron, MD, LLB, CCFP**

Regional Supervising Coroner, North Region - Sudbury Office

*“Body Disposition After Death: When Families Can’t Agree”*

### Faculty

**Dr. Stephen Brown BSc, MD, FRCPC**, Staff Anesthesiologist – WOHS Assistant Professor – U of T Department of Anesthesia Past Chair – OMA Section on Anesthesiology

**Dr. Peter I. Collins, CD, MD, MCA, FRCP(C)**, Forensic Psychiatrist, Complex Mental Illness Program, CAMH, Forensic Psychiatrist, Criminal Behaviour Analysis Unit, Ontario Provincial Police and Associate Professor, Division of Forensic Psychiatry, University of Toronto

**Dr. Pat Croskerry**, Department of Emergency Medicine, Faculty of Medicine, Dalhousie University

**Dr. Roger P. Skinner**, Regional Supervising Coroner, Central Region - Toronto West, Office of the Chief Coroner for Ontario

**Dr. Guylaine Lefebvre, MD, FRCSC, FRCOG**, Director, Safe Medical Care, Practice Improvement, The Canadian Medical Protective Association (CMPA)

**Module 4: February 8, 2018**

**9:00 a.m. - 4:00 p.m.**

## Managing Risks in Maternity Care

- Setting the stage: current litigation trends in obstetric claims
- What types of claims are being filed?
- The impact of new technology
- Prenatal surveillance: estimated placental volume (EPV)
- Brain injury and perinatal asphyxia
- Fetal monitoring and surveillance

- Perinatal infections
- Shoulder dystocia/Erbs palsy
- Obesity in pregnancy
- Births outside hospitals
- SOGC guidelines
- Association of Ontario Midwives guidelines
- Collaboration between midwives and other professionals
- Expert witnesses in cardiac surgery cases

### Faculty

**Allyson Booth, RM**, Director, Quality and Risk Management, Association of Ontario Midwives

**Kate Cahill**, Thomson, Rogers

**Dr. Christopher Feindel, MD**, Professor of Surgery, University of Toronto, Cardiac Surgeon, University Health Network

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

**Dr. Ken Milne**, Professor Emeritus, Western University, Department of Obstetrics and Gynaecology; President, KENEIR Corporation

**Vicki Van Wagner, RM, PhD**, Associate Professor, Midwifery, Ryerson University

**Module 5: February 9, 2018**

**8:30 a.m. – 4:00 p.m.**

## Understanding and Dealing with the Litigation Process

### Morning Session

It is very likely that health care professionals will, at one time in their career, be sued or be involved in the legal process as a witness when their organization and/or one of their colleagues find themselves involved in a lawsuit. Using a case study, this interactive session is designed to give you practical insights into the litigation process and highlight the issues that come into play.

### Live Demonstrations

- Examination and cross-examination of an expert witness
- Examination and cross-examination of a doctor and a nurse

### Afternoon Session

## Individual, Team and Organizational Strategies for Managing the Stress of Litigation

There is no doubt that working under the cloud of litigation causes significant individual, team and organizational stress. In this interactive session, participants and faculty will discuss how they manage to deal with the pressure of risk and litigation and still function effectively. Individual and team strategies will be discussed.

### Faculty

**Ted Bober**, Associate Director, Clinical Services, Physician Health Program, Ontario Medical Association

**Kate Cahill**, Thomson, Rogers

**Dr. David A. Cameron, MD, LLB, CCFP**, Regional Supervising Coroner, North Region - Sudbury Office

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**The Hon. Justice Michael McKelvey**, Ontario Superior Court of Justice

**Mark Veneziano**, Lenczner Slaght Royce Smith Griffin LLP

**The Hon. Justice Darla A. Wilson**, Ontario Superior Court of Justice

**NOTE:** There will be a take-home assignment circulated following the end of Day 5. Students must attend all 5 days and pass the assignment in order to receive the *Osgoode* Certificate in Clinical Risk, Negligence and Claims Management in Health Care.



*“This was an amazing program. I’m not a risk manager but was able to take many things away from this course as someone who works in patient safety for a nursing union. Michael was an incredible facilitator. Speakers were incredible.”*

Joshua Bergman, Professional Responsibility Advisor, United Nurses of Alberta

*“Course directly applicable to my role. Should be mandatory for risk managers & patient relations roles. Highly recommend.”*

Catherine Nicol, Director, Quality, Patient Safety & Interprofessional Practice, Quinte Health Care (2016)

*“Great program. Amazing line-up of speakers, great balance of theory & practice. Highly recommend.”*

Sean Molloy, Director, Quality, Safety and Enterprise Risk and Interim Director, Medical Affairs, St. Joseph’s Health Centre, Toronto (2016)

*“Everything was amazing. I loved this program. Thanks for the awesome education. I will be talking about this course with so many people.”*

Christopher Axtell, Professional Responsibility/Labour Relations Officer, United Nurses of Alberta (2016)

## Registration Details

### Fee per Delegate

**\$3,395 plus HST**

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://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 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

### For Further Program-Related Information please contact:

Myrsini Zacharakis, Program Lawyer at 416.278.7721 or email [mzacharakis@osgoode.yorku.ca](mailto:mzacharakis@osgoode.yorku.ca)

## Certificate of Program Completion

You will receive a certificate upon completion of **The Osgoode Certificate in Clinical Risk, Negligence and Claims Management in Health Care**. Participants must attend all program modules and pass the post-program multiple choice assessment to receive a certificate.

## 4 Convenient Ways to Register



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Online



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Register today at:

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**MAINTENANCE OF CERTIFICATION:** Attendance at this program entitles certified Canadian College of Health Leaders members (CHE / Fellow) to **10 Category II** credits towards their maintenance of certification requirement.



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