

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

February 4 – 8, 2019 • 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.

- Gain a comprehensive understanding of risk management and patient safety concepts
- Explore the link between patient safety, adverse events, incident reports, claims and investigations
- Understand the litigation process: the steps, parties, defence best practices, mitigation strategies, the importance of documentation and tips and tools regarding the preservation of evidence
- Witness live demonstrations and gain practical insights into the litigation process

Register today at:

osgoodepd.ca/clinicalrisk

Program Director:

Michael B. Fraleigh
Fogler, Rubinoff LLP

Location:

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



**Health Leadership
& Learning Network**





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

“All very knowledgeable and engaging speakers that understand what is important to help us in our jobs.”

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 practicing health law (both in-house and in private practice)
- Medical Directors of health care organizations and government agencies
- Health insurance industry professionals
- Ethicists
- Government and public policy advisors

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

“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

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 9th year, **Osgoode's Certificate in Clinical Risk, Negligence & 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.

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

Program Director



Michael B. Fraleigh

Fogler, Rubinoff LLP

Advisory Board

Lesley Beagrie

Associate Dean, Professional & Global Programs, Faculty of Health, York University

Mary Gavel

Privacy Lead, CritiCall Ontario, Hamilton Health Sciences

Leonard H. Kunka

Thomson, Rogers

Hugh MacLeod

Chief Executive Officer, Canadian Patient Safety Institute Edmonton, Alberta

Polly Stevens

Vice President, Healthcare Risk Management, Healthcare Insurance Reciprocal of Canada (HIROC)

Penny A. Washington

Bull, Housser & Tupper LLP, Vancouver, British Columbia

Brent Windwick, Q.C.

Chair, Legal and Regulatory Advisory Committee, Canadian Patient Safety Institute, and Field LLP, Edmonton, Alberta

Program Faculty

Philip B. Abbink

Cavalluzzo LLP

Dr. Joy Albuquerque

Medical Director, Physician Health Program, Ontario Medical Association

Allyson Booth, RM

Director, Quality and Risk Management, Association of Ontario Midwives

Nina Bombier

Lenczner Slaght Royce Smith Griffin LLP

Dr. Stephen Brown

Staff Anesthesiologist, William Osler Health System, Assistant Professor, University of Toronto

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

Dr. Christopher Feindel, MD

Professor of Surgery, University of Toronto, Cardiac Surgeon, University Health Network

Michael B. Fraleigh

Fogler, Rubinoff LLP

Mary Gavel

Privacy Lead, CritiCall Ontario, Hamilton Health Sciences

Maria Gergin

Borden Ladner Gervais LLP

Risa Kirshblum

Lenczner Slaght Royce Smith Griffin LLP

Arlene Kraft

Manager, Healthcare Risk Management, Healthcare Insurance Reciprocal of Canada (HIROC)

Anna L. Marrison

Partner, 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 LLP

Ru Taggar, RN, MSc.N

Executive Vice President, Chief Nursing and Health Professions Executive, Sunnybrook Health Sciences Centre

Vicki Van Wagner, RM, PhD

Associate Professor, Midwifery, Ryerson University

The Hon. Justice Darla A. Wilson

Ontario Superior Court of Justice

Brent F. Windwick, QC

Field Law LLP

Dr. Ari Zaretsky, MD, FRCPC

Psychiatrist-in-Chief, Sunnybrook Health Sciences Centre

Agenda

MODULE 1

February 4, 2019
9:00 a.m. – 4:30 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 ethical and legal 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

Instructors:

Philip B. Abbink, Cavalluzzo LLP

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

Arlene Kraft, Manager, Healthcare Risk Management, Healthcare Insurance Reciprocal of Canada (HIROC)

Mary Gavel, Privacy Lead, CritiCall Ontario, Hamilton Health Sciences

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

Brent F. Windwick, QC, Field Law LLP

MODULE 2

February 5, 2019
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 Long-Term Care Homes Public Inquiry: The Investigative, hearing & recommendation process

Instructors:

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 LLP

MODULE 3

February 6, 2019
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”

Instructors:

Dr. Stephen Brown, Staff Anesthesiologist, William Osler Health System, Assistant Professor, University of Toronto

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

MODULE 4

February 7, 2019

9:00 a.m. – 4:30 p.m.

Managing Risks in Maternity Care

The disruptive professional – implications for risk management

- 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

Instructors:

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

Ru Taggar, RN, MSc.N, Executive Vice President, Chief Nursing and Health Professions Executive, Sunnybrook Health Sciences Centre

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

Dr. Ari Zaretsky, MD, FRCPC, Psychiatrist-in-Chief, Sunnybrook Health Sciences Centre

MODULE 5

February 8, 2019

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.

Instructors:

Dr. Joy Albuquerque, Medical Director, Physician Health Program, Ontario Medical Association

Kate Cahill, Thomson, Rogers

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

Michael B. Fraleigh, Fogler, Rubinoff LLP

Anna L. Marrison, Borden Ladner Gervais LLP

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

Nina Bombier, Lenczner Slaght Royce Smith Griffin LLP

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

NOTE: There will be a multiple-choice exam circulated following the end of Day 5. Students must attend all 5 days and achieve an 80% pass rate on the exam in order to receive the Osgoode Certificate in Clinical Risk, Negligence & Claims Management in Health Care.

Registration Details

Fee per Delegate

\$3,395 plus HST

Fees include attendance, program materials, lunch and break refreshments. Visit www.osgoodepd.ca/financial-assistance for details 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

Certificate of Program Completion

You will receive a certificate upon completion of **The Osgoode Certificate in Clinical Risk, Negligence & 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



Mail



Online



Fax



Call

Register today at:

osgoodepd.ca/clinicalrisk



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO. Eligible CPD Hours – LSO (ON): 32h 55m CPD (29h 25m Substantive; 3h 30m Professionalism).



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.



This program is approved for LAWPRO Risk Management Credit. OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.

“Excellent choice of issues regarding clinical risk, negligence and claims management in healthcare.”

Fabien Gagnon, Université Laval

“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