

A photograph of three healthcare professionals (two men and one woman) sitting around a table in a meeting. The man on the left is wearing a white lab coat and gesturing with his hands while speaking. The man in the middle is wearing blue scrubs and glasses, listening attentively. The woman on the right is wearing a white lab coat and is also listening. There are water glasses and a laptop on the table.

# THE OSGOODE CERTIFICATE IN HEALTH LAW

March 20 – April 30, 2018  
5 Days Over 6 Weeks  
In Person or Webcast

This unique program will give you the insights and knowledge you need to ensure you can handle the key legal issues affecting health care providers and their organizations today.

## Key Benefits:

- Gain a comprehensive understanding of the intersection between health care delivery and the law
- Explore privacy, security and risk management in health care
- Understand the regulation of health professionals
- Learn about current ethical challenges in health care
- Recognize the requirements for consent, the test for capacity and the role of the substitute decision maker

Register today at:  
[osgoodepd.ca/health-cert](http://osgoodepd.ca/health-cert)

## Program Director

Wendy Whelan  
Borden Ladner Gervais LLP

## Location

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

# You will learn and gain tremendous insight from a faculty of leading health and legal experts including:

## Program Director



**Wendy Whelan**

Borden Ladner Gervais LLP

## Advisory Board

**Dr. David A. Cameron**, Regional Supervising Coroner, North Region – Sudbury Office, Office of the Chief Coroner

**Kate Dewhirst**, Kate Dewhirst Health Law

**Professor Joan M. Gilmour**, Osgoode Hall Law School, York University

**Cathy Szabo**, President & CEO, Providence Care

**Kristin L. Taylor**, VP legal Services and General Counsel, Centre for Addiction and Mental Health (CAMH)

## Program Faculty

**Neil M. Abramson**, Torkin Manes LLP

**Valerie Armstrong**, Director, Quality & Risk, North Simcoe Muskoka Local Health Integration Network

**Dr. Robert S. Bell, MDCM, MSc, FRCSC, FACS**, Deputy Minister of Health and Long-Term Care (Ontario)

**Dr. Kerry Bowman**, Clinical Ethicist, Mount Sinai Hospital and University of Toronto Centre for Bioethics and the Centre for Environment

**Amanda Brennan**, Manager Information, Privacy & Legal Counsel, Ornge

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

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**Kate Hunt**, Legal Counsel, Centre for Addiction and Mental Health (CAMH)

**Daphne Jarvis**, Borden Ladner Gervais LLP

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

**Christopher W. Parkes**, General Counsel, Legal & Enterprise Risk Services, William Osler Health System

**Meghan Payne**, Borden Ladner Gervais LLP

**Lonny J. Rosen, CS**, Rosen Sunshine LLP

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

**Anita Szigeti**, Barrister, Anita Szigeti Advocates

**Kristin L. Taylor**, Vice-President, Legal Services and General Counsel, Centre for Addiction and Mental Health (CAMH)

**Janice Vauthier**, Chair, Health Professions and Health Services Appeal and Review Boards (HPARB & HSARB) and the Ontario Hepatitis C Assistance Plan Review Committee (OHCAP)

**Michele Warner**, Legal Counsel, Centre for Addiction and Mental Health (CAMH)

**Wendy Whelan**, Borden Ladner Gervais LLP

# The Osgoode Certificate in Health Law

With the increasing intersection between health care delivery and the law, health care providers encounter a challenging array of legal and regulatory issues in their day to day working lives. The ability to recognize these issues has never been more important.

Osgoode's Certificate in Health Law, now in its 9th year, was developed to better prepare individuals and their organizations to overcome the most common legal pitfalls in the health care arena. Over five intensive one-day modules, which include **lectures, case studies, small group discussions, live simulations and demonstrations**, you will learn what you need to know about contemporary issues in health law. Our diverse faculty of lawyers, health care professionals, patients' rights advocates, ethicists, risk managers and insurance industry experts will equip you with the **practical knowledge and strategies** you and your organization need to be better positioned to make sound, professional judgments, improve patient care and safety, and to take the necessary steps to minimize risk.

## Topics Include

- The role of the legal system in health care delivery: the framework
- Live demonstration: mock Consent & Capacity Board hearing
- Health care in the community
- First contact: the law relating to ambulance services and operators
- Malpractice in healthcare: standard of care, causation and assessing damages
- Live simulation: Examination for Discovery
- Privacy and health law: the key principles
- Disclosure obligations and the *Quality of Care Information Protection Act*
- Collaborative care: problems and pitfalls
- The regulation of health professionals
- Ethical challenges, including the most current information on medical assistance in dying
- Risk management: responding effectively to risk in specialty areas
- Coroners' inquests: what to expect if you are involved in the process

## Who Should Attend?

- Physicians, nurses, nurse practitioners and other licensed medical professionals
- Representatives from hospitals, psychiatric facilities, long term care facilities, CCACs, and community service provider agencies
- Health care risk managers
- Privacy officers, security officers and compliance officers for health care institutions
- Patient representatives
- Ethicists
- In-house counsel to health care institutions
- Health law practitioners
- Government and public policy advisors



# Agenda

**Module 1**  
**March 20, 2018**  
**9:00am – 4:30pm**

## Accountability in Health Care: The Legal Framework

- Introduction: the role of the legal system in health care delivery
- Overview of provincial health care legislation
- Types of health care providers
- Corporate status of hospitals
- The relationship between hospitals and the people who work there
- Health care in the community, including important changes to the community care regime
- First contact: the law relating to ambulance services and operators
- Introduction to mental health law

### Keynote Luncheon Address

**Dr. Robert S. Bell, MDCM, MSc, FRCSC, FACS**, Deputy Minister of Health and Long-Term Care (Ontario)

### Faculty

**Amanda Brennan**, Manager Information, Privacy & Legal Counsel, Ornge

**Kate Hunt**, Legal Counsel, Centre for Addiction and Mental Health (CAMH)

**Meghan Payne**, Borden Ladner Gervais LLP

**Kristin L. Taylor**, Vice-President, Legal Services and General Counsel, Centre for Addiction and Mental Health (CAMH)

**Michele Warner**, Legal Counsel, Centre for Addiction and Mental Health (CAMH)

**Wendy Whelan**, Borden Ladner Gervais LLP

**Module 2**  
**March 26, 2018**  
**9:00am – 4:30pm**

## Consent and Capacity

- Legal requirements for valid consent
- Informed consent
- The legal test for capacity
- Case studies on how the test has been applied
- Elements of a good capacity assessment
- Best practices for documenting consent
- Right to refuse treatment
- Withdrawing consent
- Substitute decision makers: what's the ranking order?
- Dealing with complex ethical situations
- Consent & capacity in a mental health setting
- Treatment capacity from a clinician's perspective
- **Live Demonstration: Mock Consent and Capacity Board hearing**

### Faculty

**Cindy D. Clarke**, Borden Ladner Gervais LLP

**Lonny J. Rosen, CS**, Rosen Sunshine LLP

**Anita Szigeti**, Barrister, Anita Szigeti Advocates

**Wendy Whelan**, Borden Ladner Gervais LLP

**Module 3**  
**April 3, 2018**  
**9:00am – 4:00pm**

## Medical Malpractice: Theory and Practice

This module introduces the law of medical malpractice. In addition to providing a clear overview of the substantive law, there will be a mock examination for discovery. This practical demonstration by experienced counsel will provide a key insight into the adversarial process in malpractice litigation.

- What is medical malpractice
  - Possible causes of action
- Elements of a negligence claim and the litigation process
- The standard of care: what is the current legal standard of care in a malpractice suit?
- Breach of the standard of care
- Determining causation
- Assessing damages
- Defences to a malpractice claim
- Effects of litigation on behavior of HCP's and patient safety
- **Live Demonstration: Mock Examination for Discovery**



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

**Duncan Embury**, Neinstein & Associates

**Jillian Evans**, Morris + Stoltz + Evans LLP

**Rebecca Jones**, Lenczner Slaght Royce Smith Griffin LLP

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

**Wendy Whelan**, Borden Ladner Gervais LLP

**Module 4**  
**April 24, 2018**  
**9:00am – 4:30pm**

## Privacy, Security and Risk Management in Health Care

- Overview of the law relating to the privacy of health information
- What is the circle of care?
- Privacy breach case studies and tips for handling breaches
- Responding appropriately to freedom of information requests
- Disclosure obligations and the *Quality of Care Information Protection Act*
- Risk management and patient safety in hospital settings: an in-house counsel's perspective
- Community health care and risk management: special considerations

- Critical incident investigations: learning from adverse events and near misses
- Using malpractice claims data to improve patient care

## Faculty

**Valerie Armstrong**, Director, Quality & Risk, North Simcoe Muskoka Local Health Integration Network

**Logan Crowell**, Borden Ladner Gervais LLP

**Kate Dewhirst**, Kate Dewhirst Health Law

**Christopher W. Parkes**, General Counsel, Legal & Enterprise Risk Services, William Osler Health System

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

**Module 5**  
**April 30, 2018**  
**9:00am – 4:00pm**

## Regulation of Health Care Professionals, Health Care at the Macro Level and Ethical Issues

- Regulatory Colleges and the Health Professionals Appeal and Review Board
- Health care at the macro level: public inquiries and health care class actions
- Coroners' Inquests
- Current ethical challenges in health care, with a focus on medically assisted dying

## Keynote Luncheon Address

**David S. Eden, M.D.**, Regional Supervising Coroner – Inquests, Office of the Chief Coroner of Ontario

## Faculty

**Neil M. Abramson**, Torkin Manes LLP

**Dr. Kerry Bowman**, Clinical Ethicist, Mount Sinai Hospital and University of Toronto Centre for Bioethics and the Centre for Environment

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**Janice Vauthier**, Chair, Health Professions and Health Services Appeal and Review Boards (HPARB & HSARB) and the Ontario Hepatitis C Assistance Plan Review Committee (OHCAP)

## Certificate of Program Completion

Participants must attend all 5 modules and complete a take-home exam to receive the Osgoode Certificate in Health Law.



Our participants say it best:

“As someone who is new to the role of risk manager in a hospital, this could not be more relevant and useful. This course is very high quality. I am consistently impressed after each session.”

Jessica Fry  
Manager, Risk, Legal and Corporate  
Affairs, St. Joseph's Healthcare, Hamilton

“This session was so useful and relevant to anyone in hospital risk or in the legal departments. Very high quality content, discussion and speakers.”



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.

## Registration Details

### Fee per Delegate

**\$3395 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 Health Law*. 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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