

# THE 2017 GUIDE TO LEGAL RISK MANAGEMENT IN DOCUMENTATION AND CHARTING FOR NURSES

Practical advice on the key legal risks and dilemmas facing nurses around documentation and charting in 2017, including:

- The standards of practice around charting
- A review of your obligations surrounding electronic documents, disclosure, confidentiality & patient safety
- Charting practice in different settings: hospitals, long-term care, community health care
- Charting and documentation practices for nurse practitioners – are there different standards?
- Documentation challenges in legal forums such as inquests, labour proceedings, CNO proceedings

## Participate in a Hands-on Documentation Workshop!

Work through **case studies** with your peers – review **real charting examples** and compare good and bad documentation. You will leave with **practical tips** you can immediately put to work.

Register today at:

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

## Program Chairs

**Logan Crowell**

Borden Ladner Gervais LLP

**Nicholas DiCastrì**

Borden Ladner Gervais LLP

## Program Details

DATE AND TIME:

**November 14, 2017**

**9:00 a.m. – 4:00 p.m.**

**In Person Only**

**Online Replay: Dec. 11, 2017**

LOCATION

**Osgoode Professional  
Development**

1 Dundas St. West, 26th Floor  
Toronto, ON



Health Leadership  
& Learning Network



# THE 2017 GUIDE TO Legal Risk Management in Documentation and Charting for Nurses

The nursing profession is increasingly challenging as nurses are asked to do more with less. As frontline staff, nurses must be acutely aware of potential legal liabilities and have the tools and knowledge they need to prevent and manage issues. By equipping themselves with the necessary information, nurses will be in a better position to make sound, professional judgments and avoid the liability traps that exist in their everyday work.

This intensive course brings together a faculty of health law experts to explain the law around documentation and charting. You will learn:

- The importance of effective documentation and charting
- How to stay on top of constantly evolving charting language
- Tips and guidelines for drafting clear and accurate notes
- How to avoid documentation lapses and oversights that plaintiff lawyers look for
- Why effective communication among the health care team is an important driver in patient safety improvements
- What good and bad charting looks like – **see actual examples**
- Strategies and best practices for reducing and avoiding liability

## Who Should Attend?

- Nurses/Nurse Practitioners
- Student Nurses
- Nurse Educators
- Nursing Unit Administrators
- Nurse Managers
- Directors/VPs of Nursing
- Patient Care Managers
- Health Care Risk Managers
- Directors of Professional Practice
- Directors of Care
- In-house counsel, Lawyers in private practice

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## Agenda

9:00 a.m.

### Introduction and Opening Remarks from the Chairs

**Logan Crowell**, Borden Ladner Gervais LLP

**Nicholas DiCasteri**, Borden Ladner  
Gervais LLP

9:05 a.m.

### Best Practices and Current Trends in Documentation and Charting

**Logan Crowell**, Borden Ladner Gervais LLP

**Nicholas DiCasteri**, Borden Ladner  
Gervais LLP

Creating and dealing with documentation is an integral part of a nurse's daily procedure. Accurate charting is an important part of facilitating patient care. However, the quality of recorded information is also key in defending or prosecuting a nurse in a medical malpractice lawsuit. By attending this session you will learn:

- Why documentation is so important
- How documentation is used in legal proceedings
- The types of documents relevant in civil proceedings
- How to avoid common pitfalls in charting
- Practical tips and guidance for drafting clear and accurate notes
- The latest documentation and charting hot topics including:
  - Electronic documents
  - Disclosure
  - Confidentiality
  - Patient safety

10:15 a.m.

**Refreshment Break**

**10:30 a.m.**

## Meeting the CNO Standards

**Farah Ismail, RN, LL.B, MSc.N, FRE,**  
Director, Practice Quality, College of  
Nurses of Ontario

Using case studies & examples to lead the discussion, the College of Nurses of Ontario will provide guidance on the following:

- Why it is important to regularly review the College's standards
- How accountability is demonstrated through documentation
- The key points to understand and remember from the standard
- College resources to support application of the standard
- Current challenges in documentation that the College is seeing
- Case studies that demonstrate the application of the standard

**11:15 a.m.**

## What Every Good Plaintiff's Lawyer Looks For: Patient's Perspective

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

While no nurse ever wants to see their documentation or charting form the basis for a claim of negligence or professional misconduct, it is a reality you need to be aware of. This session will focus on documentation and charting from the perspective of the patient. You will hear directly from a plaintiff's lawyer about:

- How a case is assessed: what plaintiffs' lawyers look for
- The most common errors: documentation lapses and oversights
- The inferences and conclusions that can be drawn from these lapses and oversights
- What can be learned from past cases? A case law review

**12:15 p.m.**

**Luncheon**

**1:00 p.m.**

## Documentation Challenges in Inquests, CNO and Labour Proceedings

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

Charting and documentation issues often feature prominently in other types of proceedings. Knowing what those procedures are and how your documentation plays a role is important. Philip B. Abbink will walk you through:

- A lesson in procedure: the event determines the forum
- The common documentation challenges found in forums such as:
  - Inquests
  - Labour proceedings (including human rights complaints)
  - College of Nurses proceedings
- The inquest: mandatory vs. discretionary; seeking answers to 5 key questions
- The labour proceeding: disciplinary; accommodation
- The CNO proceeding: disciplinary; incapacity/fitness to practice
- Examples of documentation gone wrong
- Best practice takeaways and recommendations
- A case analysis – what can we learn from past cases?

**2:00 p.m.**

**Break**

**2:15 p.m.**

## Hands-On Documentation Workshop: Exploring Strengths and Weaknesses in Documentation and the Legal Implications

**Logan Crowell,** Borden Ladner Gervais LLP

**Nicholas DiCasteri,** Borden Ladner  
Gervais LLP

Good documentation is often a key factor in responding effectively to allegations of negligence and/or professional misconduct.

Using workbooks filled with actual case examples and working in small groups, you will:

- Discuss why documentation is so important
- Review the types of documents where errors are most often seen
- Learn how to record information accurately and effectively
- Walk through examples of real-life charting: compare and contrast the good vs. the bad
- Gain practical tips and guidance for drafting clear and accurate notes
- Learn the typical problem areas in charting by reviewing case examples and discuss best practices to avoid those problems

**3:15 p.m.**

## Workshop De-Brief and Wrap-Up Panel

**Logan Crowell,** Borden Ladner Gervais LLP

**Nicholas DiCasteri,** Borden Ladner  
Gervais LLP

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

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

In this wrap-up session, you will review the key issues and questions that arose throughout the day and what lessons can be taken away. You will leave the day with a fistful of strategies and best practices on how to tackle these issues in your specific organization. There will be plenty of opportunity for questions.

**4:00 p.m.**

**Course Concludes**

## Chairs

Logan Crowell

Borden Ladner Gervais LLP

Nicholas DiCastrì

Borden Ladner Gervais LLP

## Faculty Includes

Philip B. Abbink, Cavalluzzo Shilton McIntyre Cornish LLP

Michael B. Fraleigh, Fogler Rubinoff LLP

Farah Ismail RN, LL.B, MSc.N, FRE, Director, Practice Quality,  
College of Nurses of Ontario

### Our participants say it best:

*Should be mandatory.*

Marieta Tranguilig, Toronto Western Hospital

*I learned a lot today. I thought this program was very thorough and now I can feel confident in applying what I learned in my practice.*

*Very informative session. All pertinent areas addressed. Raised lots of issues, concerns, things to think about.*

*Very pertinent to nursing. Speakers very knowledgeable and offered excellent scenarios/examples.*

## Registration Details

### Fee per Delegate

**\$525 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 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



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