



# THE OSGOODE CERTIFICATE IN HEALTH LAW

March 4 – April 8, 2020  
5 Days Over 6 Weeks  
In Person or Webcast

Confidently identify contemporary legal and regulatory issues affecting your day-to-day work.

## Now is the time to:

- Gain a comprehensive understanding of the intersection between healthcare delivery and the law
- Explore the relationship between privacy, security and risk management in healthcare
- Identify and understand the regulation of health professionals
- Expand your knowledge about current ethical challenges in healthcare including those relating to cannabis use in healthcare and physician assisted dying
- Develop your understanding of the requirements for consent, the test for capacity and the role of the substitute decision maker
- Identify what medical malpractice is – from the standard of care, causation and the assessment of damages

Register today at:

[osgoodepd.ca/healthcertificate](https://osgoodepd.ca/healthcertificate)

## Program Directors

**Daniel Girlando**

Borden Ladner Gervais LLP

**Trevor Hall**

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

## Location

**Osgoode Professional  
Development**

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

# The Osgoode Certificate in Health Law

Register today at:

[osgoodepd.ca/  
healthcertificate](https://osgoodepd.ca/healthcertificate)

## Experience live demonstrations:

Consent & Capacity  
Board hearing

&

Mock examination for  
discovery in a medical  
malpractice case

*This is a great opportunity  
to see what really happens  
and learn from the experts.*

With the increasing intersection between healthcare delivery and the law, healthcare providers and their organizations encounter a challenging array of legal and regulatory issues every day. The ability to recognize these issues has never been more important.

Osgoode's unique **Certificate in Health Law**, now in its 11<sup>th</sup> year, was developed to better prepare you and your organization to overcome the most common legal pitfalls in the healthcare arena.

Over the course of five intensive one-day modules, including **lectures, case studies, small group discussions, live simulations and demonstrations**, you will be able to identify and develop your knowledge of contemporary issues in health law.

Our diverse faculty of lawyers, healthcare 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 take the necessary steps to **minimize risk**.



## Gain the knowledge you need to fully understand the challenging area of Health Law, including:

- Framework and role of the legal system in healthcare delivery
- Healthcare 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
- Healthcare risk managers
- Privacy officers, security officers and compliance officers for healthcare institutions
- Patient representatives
- Ethicists
- In-house counsel to healthcare institutions
- Health law practitioners
- Government and public policy advisors

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

## Program Directors



**Daniel Girlando**

Borden Ladner Gervais LLP



**Trevor Hall**

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

## 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

**Valerie Armstrong**

Director, Quality and Risk,  
North Simcoe Muskoka Local  
Health Integration Network

**Dr. Dr. Kerry Bowman**

Clinical Ethicist, Mount Sinai Hospital,  
University of Toronto, Joint Centre  
for Bioethics

**Amanda Brennan**

Manager Information,  
Privacy & Legal Counsel, Ornge

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

Regional Supervising Coroner,  
Office of the Chief Coroner

**Lisa Corrente**

Torkin Manes LLP

**Kate A. Crawford**

Borden Ladner Gervais LLP

**Kate Dewhirst**

Kate Dewhirst Health Law

**Jillian Evans**

Morris + Stoltz + Evans LLP

**Daniel Girlando**

Borden Ladner Gervais LLP

**Barry Glaspell**

Barry Glaspell Class Actions

**Robyn A. Grant**

Borden Ladner Gervais LLP

**Daphne Jarvis**

Borden Ladner Gervais LLP

**Lindsay Kantor**

Torkin Manes LLP

**Emily Lawrence**

Paliare Roland Rosenberg Rothstein LLP

**Aaron Leahy**

Deputy General Counsel,  
The Hospital for Sick Children

**Pinta J. Maguire**

Neinstein LLP

**Kendra Naidoo**

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

**Joanna Noble, BScN, RN,  
MSCHQ (c), CRM, CPPS**

Lead, Clinical Risk, Healthcare  
Safety and Risk Management,  
Healthcare Insurance Reciprocal  
of Canada (HIROC)

**Lonny J. Rosen, C.S.**

Rosen Sunshine LLP

**Jessica R. Szabo**

Borden Ladner Gervais LLP

**Anita Szigeti**

Anita Szigeti Advocates

**Christopher R. Viney**

General Counsel,  
The Hospital for Sick Children

**Lydia Wakulowsky**

Borden Ladner Gervais LLP



# Agenda

## MODULE 1

March 4, 2020  
9 a.m. – 4:15 p.m.

### Accountability in Health Law: The Legal Framework

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

## Faculty

### Amanda Brennan

Manager Information,  
Privacy & Legal Counsel, Ornge

### Daniel Girlando

Borden Ladner Gervais LLP

### Lindsay Kantor

Torkin Manes LLP

### Aaron Leahy

Deputy General Counsel,  
The Hospital for Sick Children

### Christopher R. Viney

General Counsel, The Hospital for  
Sick Children

### Lydia Wakulowsky

Borden Ladner Gervais LLP

## MODULE 2

March 11, 2020  
9 a.m. – 4:30 p.m.

### Consent, Capacity and Mental Health

- Introduction to mental health law
- Legal requirements for valid consent
- Informed consent
- The legal test for capacity
- Case studies: applying the test
- 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

### Daniel Girlando

Borden Ladner Gervais LLP

### Kendra Naidoo

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

### Lonny J. Rosen, C.S.

Rosen Sunshine LLP

### Jessica R. Szabo

Borden Ladner Gervais LLP

## MODULE 3

March 25, 2020  
9 a.m. – 4:30 p.m.

### 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?
- AI and Big Data in Healthcare
- 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
- Care and Risk in Community Health Care
- Retirement Homes in the Continuum of Care

## Faculty

### Valerie Armstrong

Director, Quality and Risk, North Simcoe  
Muskoka Local Health Integration Network

### Kate Dewhirst

Kate Dewhirst Health Law

### Joanna Noble

Lead, Clinical Risk, Healthcare Safety and  
Risk Management, Healthcare Insurance  
Reciprocal of Canada (HIROC)

Register today at:

[osgoodepd.ca/  
healthcertificate](https://osgoodepd.ca/healthcertificate)

## MODULE 4

March 30, 2020  
9 a.m. – 4:00 p.m.

### 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?  
What are the 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
- Critical incident investigations: learning from adverse events and near misses
- Using malpractice claims data to improve patient care
- Human Rights Code Complaints

## Faculty

### Dr. David Cameron

Regional Supervising Coroner,  
Office of the Chief Coroner

### Jillian Evans

Morris + Stoltz + Evans LLP

### Daniel Girlando

Borden Ladner Gervais LLP

### Pinta J. Maguire

Neinstein LLP

## MODULE 5

April 8, 2020  
9 a.m. – 4:30 p.m.

### Regulation of Health Care Professionals, Class Actions, and Public Inquiries in Health Care and Ethical Issues Including MAID and Cannabis

- Regulatory Colleges and the Health Professionals Appeal and Review Board
- Class actions and public inquiries in healthcare
- Long Term Care Inquiry
- Coroners' Inquests
- Cannabis in healthcare: understanding the ethics
- Ethical issues in healthcare with a focus on physician assisted dying

## Faculty

### Dr. Dr. Kerry Bowman

Clinical Ethicist, Mount Sinai Hospital,  
University of Toronto, Joint Centre  
for Bioethics

### Lisa Corrente

Torkin Manes LLP

### Kate A. Crawford

Borden Ladner Gervais LLP

### Daniel Girlando

Borden Ladner Gervais LLP

### Barry Glaspell

Barry Glaspell Class Actions

### Daphne Jarvis

Borden Ladner Gervais LLP

### Emily Lawrence

Paliare Roland Rosenberg Rothstein LLP

### Lydia Wakulowsky

Borden Ladner Gervais LLP

### David P. Jacobs

Watson Jacobs McCreary LLP

**NOTE:** Participants will receive information and access to the online exam at the conclusion of this module.

### Certificate of Program Completion

Participants must attend all 5 modules and successfully complete an online post-program assessment to receive the Osgoode Certificate in Health Law.



# Registration Details

## Fee per Delegate

**\$3,395 plus HST**

Fees include attendance, program materials, lunch and break refreshments. Visit [www.osgoodepd.ca/financial-assistance](http://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:

Bernard Sandler, Program Lawyer at 416-619-8930  
or email [bsandler@osgoode.yorku.ca](mailto:bsandler@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.

*"The information in this course should be mandatory in all health care training programs."*

Janice Janz, RN  
University Health Network –  
Toronto Western Hospital

*"This phenomenal course stimulates and encourages me to go back to my hospital to review and determine if we have the right policies and procedures in place."*

Barbara Guidolin  
Vice-President, Patient Services  
and Chief Nursing Executive,  
Georgian Bay General

## 4 Convenient Ways to Register



Mail



Online



Fax



Call

Register today at:

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



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



Eligible CPD Hours – LSO (ON): 32h 10m (29h 10m Substantive, 2h 45m Professionalism, 15m EDI).

### MAINTENANCE OF CERTIFICATION

Attendance at this program entitles certified Canadian College of Health Leaders members (CHE/Fellow) to **15 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](mailto:cpd@osgoode.yorku.ca).