

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

- Certificate (Modules 1 - 5): December 1, 8, 15, 2020, January 19\*, 26, 2021
- Managing a Healthcare Pandemic\* (Module 4 only): January 19\*, 2021
- Online

## 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.

- Managing a healthcare pandemic: risks, best practices, litigation fallout
- 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
- Manage the risky nature of critical care medicine
- Witness live demonstrations and gain practical insights into the litigation process

## Program Director

Michael B. Fraleigh  
Fogler, Rubinoff LLP

## Location

Online – Live & Interactive

*Participants will have access to the archived sessions of this program for 120 days from the date of program completion!*

Register today at:

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



Health Leadership  
& Learning Network





## Key Benefits

- Implementing effective error reduction strategies
- Risk management considerations in the link between patient safety, adverse events, incident reports, claims and investigations
- Understanding and managing critical care medicine and a team approach to mitigation
- Understanding the role and importance of quality reviews
- The impact of social media on healthcare
- Understanding clinical decision making in medicine
- The impact of being sued: dealing with the pressure of litigation
- Recognizing *Human Rights Code* claims and the implications for healthcare
- The fallout from the pandemic: litigating a Coronavirus claim
- Hands-on practice: managing a crisis group exercise
- Resilience and coping with adversity: insights from the Ontario Medical Association
- Healthcare risk: a view from the Bench
- Role of the Coroner in enhancing public and patient safety
- Understanding different perspectives to a healthcare pandemic – hospital, public health, physician and long-term care

“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 healthcare institutions
- Healthcare risk managers
- Patient safety representatives
- Healthcare organization CEOs and senior staff
- Professional association and licensing body representatives
- Healthcare professionals from all disciplines
- Lawyers practicing health law (both in-house and in private practice)
- Medical Directors of healthcare organizations and government agencies
- Health insurance industry professionals
- Ethicists
- Government and public policy advisors

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

## **NEW! Managing a Healthcare Pandemic**

A full day devoted to:

- Public health, hospital & physician perspectives
- Fallout from the Pandemic: Litigating a Coronavirus claim
- Lessons learned from SARS and COVID-19

*Don't need the Certificate?*  
*Also available as a standalone day*

*“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 healthcare professional or advisor, you know that medical malpractice cases continue to make headlines. An increasing number of claims are being brought against healthcare 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 10<sup>th</sup> year, **Osgoode's Certificate in Clinical Risk, Negligence & Claims Management in Healthcare** was developed to respond to these unique 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.

# Agenda

## MODULE 1

**December 1, 2020**  
**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, adverse events, incident reports and claims: the role of the risk manager in patient safety
- Post-incident investigations and reviews: overview of best practices
- Understanding the importance and role of quality reviews
- The role of the Coroner in enhancing public and patient safety
- The legal and regulatory context including adverse events and apologies

## Instructors:

**Lori Borovoy, Bsc.OT Reg. (Ont), MSc.**

Senior Healthcare Risk Management Specialist, Healthcare Insurance Reciprocal of Canada (HIROC)

**Katharine L. Byrick**

Borden Ladner Gervais LLP

**Dr. Trey Coffey, FAAP, FRCPC(C)**

Staff Paediatrician and Medical Safety Officer, SickKids and Associate Clinical Director, Solutions for Patient Safety

**Dr. Dirk Huyer**

Chief Coroner for Ontario, Office of the Chief Coroner

**Arlene Kraft**

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

**Brent F. Windwick, QC**

Board Chair, Health Quality Council of Alberta

## MODULE 2

**December 8, 2020**  
**9:00 a.m. – 4:45 p.m.**  
**Understanding and 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
- Social Media
- Anesthesia

**Role of the Coroner in enhancing patient safety**

## Instructors:

**Philip B. Abbink**

Cavalluzzo LLP

**Dr. Stephen Brown, BSc, MD, FRCPC**

Staff Anesthesiologist – William Osler Health System

**Dr. Peter I. Collins, CD, MD, MCA, FRCPC(C)**

Forensic Psychiatrist, Complex Mental Illness Program, CAMH, Operational Forensic Psychiatrist, Criminal Behaviour Analysis Unit, Ontario Provincial Police and Associate Professor, Division of Forensic Psychiatry, University of Toronto

**Dr. Pat Croskerry**

Continuing Professional Development and Medical Education, Faculty of Medicine, Dalhousie University

**Dr. Laura Hawryluck, MSc, MD, FRCPC**

Associate Professor, Critical Care Medicine; Physician Lead, Critical Care Rapid Response Team, Toronto Western Hospital; Corporate Chair, Acute Resuscitation Committee, University Health Network; University of Toronto

**Jessica Lepore**

Digital Communications Specialist, Sunnybrook Health Sciences Centre

## MODULE 3

**December 15, 2020**  
**9:00 a.m. – 4:00 p.m.**  
**Clinical Negligence, Liability Claims and Litigation**

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

**The rise of *Human Rights Code* claims and their implications for healthcare administrators**

- 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

**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 (healthcare organization and staff, physicians)
- Learning from past claims, audits, self-assessments, inspections

## Instructors:

### Kate Dewhirst

Kate Dewhirst Health Law

### Michael B. Fraleigh

Fogler, Rubino LLP

### Risa Kirshblum

Lenczner Slaght Royce Smith Griffin LLP

### J. Mark Jackson, QC

Field Law

### Stephanie Young

Borden Ladner Gervais LLP

## MODULE 4\*

January 19, 2021

9:00 a.m. – 4:15 p.m.

### Managing a Healthcare Pandemic\*

(\*also available as a 1-day program)

- What is the role and perspective of public health?
- What are the most pressing challenges?
- Working with different stakeholders
- Communication with the public in this ever-changing environment
- From a hospital perspective – operational challenges, HR issues including staffing/resources, procurement of necessary supplies such as PPE
- Perspectives from a physician – procuring PPE, staffing/labour concerns, virtual visits
- Long-Term Care perspective
- Fallout from pandemic – litigating a coronavirus claim

- Is a class action possible?
- What is the appropriate standard of care?
- Understanding causation and damages in the current environment

## Instructors:

### Dr. Eileen de Villa

Medical Officer of Health, Toronto Public Health

### Dr. Dan Cass

Executive Vice President and Chief Medical Executive, Sunnybrook Health Sciences Centre

### Lisa Corrente

Torkin Manes LLP

### Catherine Rosebrugh

Vice President, Pharmacy, Risk and General Counsel, Sunnybrook Health Sciences Centre

### Ru Taggar, RN, MSc.N

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

### Dr. Andrew Baker

Scientist, Keenan Research Centre for Biomedical Science, St. Michael's Hospital

## MODULE 5

January 26, 2021

8:30 a.m. – 3:00 p.m.

### Understanding and Dealing with the Litigation Process

## Morning Session

It is very likely that healthcare 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. Hear first hand the Judicial perspective of these claims. Then, 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.

## Pre-Filmed Demonstrations

- Examination and cross-examination of an expert witness

- Examination and cross-examination of a defendant doctor
- Examination and cross-examination of a defendant 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, Office of the Chief Coroner

### Michael B. Fraleigh

Fogler, Rubino 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 at the end of Day 5. Students must attend all 5 days (live or watch via archive) and achieve an 80% pass rate on the exam in order to receive the Osgoode Certificate in Clinical Risk, Negligence and Claims Management in Healthcare.

# 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, CitiCall 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 F. Windwick, QC**

Board Chair, Health Quality Council of Alberta

## Program Faculty

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Cavalluzzo LLP

**Dr. Joy Albuquerque**

Medical Director, Physician Health Program, Ontario Medical Association

**Dr. Andrew Baker**

Scientist, Keenan Research Centre for Biomedical Science, St. Michael's Hospital

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**Brent F. Windwick, QC**

Board Chair, Health Quality Council of Alberta

**Stephanie Young**

Borden Ladner Gervais LLP

# Registration Details

## Fee Per Delegate

**Certificate Program (Modules 1 - 5): \$3,395 plus HST**

**Managing a Healthcare Pandemic (Module 4 only): \$545 plus HST**

**Newly Licensed (2017 - Present): 50% off regular rate**

Fees include online attendance and electronic copies of program materials. Participants will have access to the archived sessions of this program for 120 days from the date of program completion. Visit [www.osgoodepd.ca/](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:

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 & Claims Management in Healthcare**.

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/clinical](http://osgoodepd.ca/clinical)**



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

### Eligible CPD Hours

Module 4 – LSO (ON): 6h 25m CPD (5h 55m Substantive; 15m Professionalism; 15m EDI)

Certificate (Modules 1-5) – LSO (ON): 33h 25m CPD (29h 10m Substantive; 3h 30m Professionalism; 45m EDI)

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).

### MAINTENANCE OF CERTIFICATION: Module 4 only

Attendance at this program entitles certified Canadian College of Health Leaders members (CHE/Fellow) to 3.5 Category II credits towards their maintenance of certification requirement.

### MAINTENANCE OF CERTIFICATION: Certificate Program

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.

*“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

