



# THE OSGOODE CERTIFICATE IN HEALTH LAW

February 25, March 5, 11, 26 & April 8, 2021  
5 days Over 6 Weeks  
Online – Live & Interactive

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

**With COVID-19 as the backdrop, 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 ethical challenges in healthcare including those relating to LTC, BIPOC 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

**ONLINE – Live & Interactive**

*You will have online access to  
the program for 120 days.*



Health Leadership  
& Learning Network

**afhto** association of family  
health teams of ontario



# The Osgoode Certificate in Health Law

Register today at:

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

COVID-19 has changed how we look at health law.

With the pandemic as the backdrop, this course will provide critical information on how the current situation has impacted healthcare delivery and your legal obligations.

Can't make a live session?

All delegates will have 120-day access to the captured program modules.

Today more than ever, healthcare providers and their organizations encounter a challenging array of legal and regulatory issues every day. The ability to recognize these issues and know how to respond has never been more important.

Osgoode's unique **Certificate in Health Law**, now in its 12<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, simulations, and demonstrations**, you will be able to identify and develop your knowledge of pressing issues in health law.

Our diverse faculty of lawyers, healthcare professionals, patients' rights advocates, ethicist, 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
- Key legal issues raised by COVID-19
- Ontario Health Teams
- Healthcare in the community
- Long-Term Care COVID-19 Commission
- First contact: the law relating to ambulance services and operators
- Privacy and health law: the key principles
- Treatment capacity from a clinical perspective
- Demonstration: Consent and Capacity Board hearing
- The regulation of health professionals
- Disclosure obligations and the *Quality of Care Information Protection Act*
- Collaborative care: problems and pitfalls
- Ethical challenges, including the most current information around medical assistance in dying
- Retirement homes in the continuum of care
- Class actions and public inquiries
- Healthcare for BIPOC and other marginalized communities
- Risk management: responding effectively to risk in specialty areas

## Who Should Attend

- Physicians, nurses, nurse practitioners and other licensed medical professionals
- Representatives from hospitals, psychiatric facilities, long-term care facilities, CCAC's 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**

Vice President, Chief Legal and Risk Officer, Centre for Addiction and Mental Health (CAMH)

Register today at:

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

## Program Faculty

**Dr. Kerry Bowman**

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

**Amanda Brennan**

Manager Information, Senior Legal Counsel, Ornge

**Dr. David Cameron**

Regional Supervising Coroner, Office of the Chief Coroner

**Dorothy Charach**

McCarthy Tétrault LLP

**Lisa Corrente**

Torkin Manes LLP

**Kate A. Crawford**

Borden Ladner Gervais LLP

**Kate Dewhirst**

Kate Dewhirst Health Law

**Catherine Gaulton**

CEO, Healthcare Insurance Reciprocal of Canada (HIROC)

**Tina Giesbrecht**

General Counsel, Alberta Health Services, Legal & Privacy

**Daniel Girlando**

Borden Ladner Gervais LLP

**Barry Glaspell**

Barry Glaspell Class Actions

**Robyn A. Grant**

Borden Ladner Gervais LLP

**Dr. Misha Hartfeil**

Forensic Psychiatrist, Ontario Shores Centre for Mental Health Sciences; Lecturer in Forensic Psychiatry, University of Toronto

**Madeeha Hashmi**

Borden Ladner Gervais LLP

**Daphne Jarvis**

Borden Ladner Gervais LLP

**Lindsay Kantor**

Torkin Manes LLP

**Morgana Kellythorne**

Senior Counsel and Investigation Counsel Lead, The College of Physicians and Surgeons of Ontario

**Emily Lawrence**

Paliare Roland Rosenberg Rothstein LLP

**Aaron Leahy**

Deputy General Counsel, The Hospital for Sick Children

**Melissa McCrackden, PhD, MHSc**

Bioethicist, The Hospital for Sick Children; Assistant Professor, University of Toronto; Project Investigator, Genetics & Genome Biology, Peter Gilgan Centre for Research and Learning

**Pinta J. Maguire**

Tyr LLP

**Muhammad Mamdani, PharmD, MA, MPH**

Vice President, Data Science and Advanced Analytics, Unity Health Toronto; Director, University of Toronto Faculty of Medicine Centre for Machine Learning in Medicine; Professor, University of Toronto

**Kendra Naidoo**

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

**Joanna Noble**

Lead, Clinical Risk, Healthcare Safety and Risk Management, HIROC

**Melissa Prokopy**

Director, Legal, Policy and Professional Issues, Ontario Hospital Association

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

Rosen Sunshine LLP

**Gordon Slemko**

Director and General Counsel, HIROC

**Lori Stoltz**

Morris + Stoltz + Evans LLP

**Jessica R. Szabo**

Borden Ladner Gervais LLP

**Anita Szigeti**

Anita Szigeti Advocates

**Lydia Wakulowsky**

Borden Ladner Gervais LLP



# Agenda

## MODULE 1

February 25, 2021  
9:00 a.m. – 4:15 p.m.

### Accountability in Health Law: The Legal Framework

- The Legal Framework
- The role of the legal system in healthcare delivery
- Overview of provincial healthcare legislation
- Types of healthcare providers
- Corporate status of hospitals
- Key legal issues raised by COVID-19
- Ontario health teams
- First contact: the law relating to ambulance services and operators

## Faculty

### Amanda Brennan

Manager Information, Senior Legal Counsel, Ornge

### Catherine Gaulton

CEO, Healthcare Insurance Reciprocal of Canada (HIROC)

### Lindsay Kantor

Torkin Manes LLP

### Aaron Leahy

Deputy General Counsel, The Hospital for Sick Children

### Melissa Prokopy

Director, Legal, Policy and Professional Issues, Ontario Hospital Association

### Tina Giesbrecht

General Counsel, Alberta Health Services, Legal & Privacy

### Lydia Wakulowsky

Borden Ladner Gervais LLP

## MODULE 2

March 5, 2021  
9:00 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

*Demonstration: Consent & Capacity Board hearing*

## Faculty

### Dr. Misha Hartfeil

Forensic Psychiatrist, Ontario Shores Centre for Mental Health Sciences; Lecturer in Forensic Psychiatry, University of Toronto

### 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

### Anita Szigeti

Anita Szigeti Advocates

## MODULE 3

March 11, 2021  
9:00 a.m. – 4:15 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
- Critical incident analysis and using malpractice claims data to improve patient care
- Care and risk in community health care

## Faculty

### Kate Dewhirst

Kate Dewhirst Health Law

### Melissa McCracken, PhD, MHSc

Bioethicist, The Hospital for Sick Children; Assistant Professor, University of Toronto; Project Investigator, Genetics & Genome Biology, Peter Gilgan Centre for Research and Learning

### Muhammad Mamdani, PharmD, MA, MPH

Vice President, Data Science and Advanced Analytics, Unity Health Toronto; Director, University of Toronto Faculty of Medicine Centre for Machine Learning in Medicine; Professor, University of Toronto

### Joanna Noble

Lead, Clinical Risk, Healthcare Safety and Risk Management, HIROC

### Gordon Slemko

Director and General Counsel, HIROC

## MODULE 4

March 26, 2021  
9:00 a.m. – 4:15 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 key insights 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

### Dorothy Charach

McCarthy Tétrault LLP

### Daniel Girlando

Borden Ladner Gervais LLP

### Madeeha Hashmi

Borden Ladner Gervais LLP

### Pinta M. Maquire

Tyr LLP

### Lori Stoltz

Morris + Stoltz + Evans LLP

## MODULE 5

April 8, 2021  
9:00 a.m. – 4:30 p.m.

### Regulation of Health Care Professionals, Class Actions and Public Inquiries, Long-Term Care and Retirement Homes, Public Health Legislation, Healthcare for BIPOC and Other Marginalized Communities and Ethical Issues

- Regulatory Colleges and the Health Professionals Appeal and Review Board
- Class actions and public inquiries in healthcare
- Long-term care COVID-19 Commission
- Retirement homes in the continuum of care
- Public health legislation
- Healthcare for BIPOC and other marginalized communities
- Ethical issues in healthcare with a focus on physician assisted dying

## Faculty

### 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

### Barry Glaspell

Barry Glaspell Class Actions

### Robyn A. Grant

Borden Ladner Gervais LLP

### Daphne Jarvis

Borden Ladner Gervais LLP

### Morgana Kellythorne

Senior Counsel and Investigation Counsel  
Lead, The College of Physicians and  
Surgeons of Ontario

### Emily Lawrence

Paliare Roland Rosenberg Rothstein LLP

### Lori Stoltz

Morris + Stoltz + Evans 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

**\$3,495 plus HST**

**Newly Licensed (2017 – Present): \$1,747.50 plus HST**

Fees include attendance, electronic program materials and technical support. 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:

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



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 25m CPD (28h 55m Substantive; 2h 30m Professionalism; 1h 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).

*“Overall the course was fantastic. From the perspective of in-house corporate counsel, it was very useful in helping fill some of the knowledge gaps that one may have upon transitioning to a health care setting.”*

John Morala  
Hamilton Health Sciences Corporation,  
Legal Counsel

*“I have been impressed with the whole program and have learned much more than I thought I would. Far exceeded my expectations.”*

Chris Harris  
LHSC, Director Patient Relations

*“The online experience is quite good! The presentations hold your attention.”*

Duane Boychuk  
Hamilton Regional Laboratory  
Medicine Program – Director,  
Laboratory Operations