

Comprehensive and in-depth coverage of the key issues by a faculty of more than 20 medical and legal experts



The Osgoode Certificate in Clinical Risk, Negligence and Claims Management in Health Care

"Well organized. Dynamic and knowledgeable presenters. I would recommend this to all health professionals and legal counsel who work in liability, risk management and patient safety."

Deborah Perry, Risk Management Consultant, Eastern Health

WEBCAST
AVAILABLE

February 9 - 13, 2015 | 5 Days | Toronto, Canada



Health Leadership
& Learning Network



Fulfill your full annual LSUC CPD requirement. See reverse for details.



Why You Should Attend

Across Canada, medical malpractice cases continue to make headlines, as more and more claims are being brought against health care organizations and the people that work within them. Being on the receiving end of a lawsuit can be challenging in the extreme, and places great stress on individuals and their organizations as they position themselves to deal with the fall-out that invariably follows a negligence claim. Consequently, understanding your legal responsibilities, and being able to effectively reduce and manage legal risk has never been more critical.

Now in its fifth year, *Osgoode's Clinical Risk, Negligence and Claims Management in Health Care* certificate was specifically developed for health care professionals and their advisors to respond to these challenges. An accomplished faculty of lawyers, risk managers, patient safety experts, doctors and insurance industry experts will discuss the risks and best practices for reducing and managing them. Throughout this unique intensive five-day program, there will be ample opportunity for questions, discussions and debates.

Program Details

Dates

Day 1

Patient Safety and Risk Management
February 9, 2015

Day 2

Clinical Negligence, Liability Claims and Litigation
February 10, 2015

Day 3

Responding to Categories of Risk
February 11, 2015

Day 4

Managing Risks in Maternity Care
February 12, 2015

Day 5

Understanding and Dealing with the Litigation Process
February 13, 2015

The program will be held at *Osgoode Professional Development's* Downtown Toronto Conference Centre.

Key Benefits: What You Will Learn

- Overview of key patient safety concepts
- The link between patient safety and risk management and the role of the risk manager
- How to conduct post-incident investigations and what disclosure should be made, to whom and when
- How to deal with adverse events that can lead to organizational crisis
- Overview of a malpractice claim: what should you expect?
- The litigation process: practical demonstrations
- Defence best practices/mitigation strategies: the importance of documentation and tips and tools regarding the preservation of evidence
- Learning from past claims, audits, self assessments and inspections
- The rising spectre of class actions in health care: how should your organization respond?
- The impact of being sued: dealing with the pressure of litigation
- Responding to risk in specialty areas, including obstetrics, diagnosis, medication and mental health, and a practical overview of current litigation trends in these areas
- Role of the Coroner in enhancing patient safety
- Managing risk in end-of-life care
- Healthcare risk: a view from the Bench
- The disruptive physician - implications for risk management
- Anesthesia - areas of concern, claims and risk management

Who Should Attend

- Quality Leaders
- Compliance Officers from health care institutions
- Health Care Risk Managers
- Patient Safety Representatives
- Health care organization CEOs and senior staff
- Professional association and licensing body representatives
- Health Care Professionals from all disciplines
- Lawyers practising health law (both in-house and from private practice)
- Medical Directors of health care organizations and government agencies
- Health insurance industry professionals
- Ethicists
- Government and Public Policy Advisors



In five consecutive intensive one-day modules, an expert faculty of lawyers, risk managers, patient safety representatives, doctors and insurance industry experts will highlight the best practices for reducing risk and managing claims and litigation. Classes will be taught using a blended-delivery method that includes lectures, class discussions, case studies and practical demonstrations.

THE CURRICULUM

DAY 1

February 9, 2015, 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, preventable adverse events, incident reports and claims
- The link between patient safety and risk management: the role of the risk manager in patient safety
- Post-incident investigations and reviews: overview of best practices
- The legal and regulatory context
- Dealing with non-patient related adverse events that might give rise to a claim: staff assaults; property loss

Faculty

Dr. Anne Matlow, Faculty Lead, Strategic Initiatives, Post Graduate Medical Education, University of Toronto; Medical Director Patient Safety, Director Infection Prevention and Control at Hospital for Sick Children

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

Mary Gavel, Director, Navigator & Patient Advocacy, iCare Home Health

Brent Windwick, Field Law

Jan Borowy, Cavalluzzo Shilton McIntyre Cornish LLP

DAY 2

February 10, 2015, 9:00 a.m. – 4:30 p.m.

Clinical Negligence, Liability Claims and Litigation

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
- Class actions claims

Overview of the litigation process

- Roles of claims examiners, adjusters, 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

Clinical Negligence, Liability (cont'd)

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

The rise of *Human Rights Code claims and their implications*

The disruptive physician – implications for risk management

Faculty

Michael Fraleigh, Fogler, Rubinoff LLP

Melanie de Wit, Borden Ladner Gervais LLP

Risa Kirshblum, Lenczner Slaght Royce Smith Griffin LLP

Kate Dewhirst, DDO Health Law

Michelle Henry, Borden Ladner Gervais LLP

Dr. Charles Chan, Vice President, Medical Affairs & Quality, University Health Network

DAY 3

February 11, 2015, 9:00 a.m. – 4:45 p.m.

Responding to Categories of Risk

An overview of medical-legal claims in Canada

Best practices for reducing and managing risk in the following areas:

- Emergency
- Medical treatment/monitoring
- Diagnosis
- Surgery
- Intensive Care
- Mental Health
- Health information/health records
- End-of-Life
- Anesthesia

Role of the Coroner in Enhancing Patient Safety

Faculty

Dr. Peter Collins, Associate Professor, Division of Forensic Psychiatry, University of Toronto

Dr. Andrew Cooper, Department of Critical Care Medicine, William Osler Health System, Assistant Professor, Department of Anesthesia, University of Toronto, Faculty of Medicine

Dr. Laura Hawryluck, Associate Professor, Critical Care, University Health Network

Dr. Chris Hayes, Medical Director, Quality and Performance, St. Michael's Hospital, Medical Officer, Canadian Patient Safety Institute

Dr. Stephen Brown, Corporate Chief - Department of Anesthesia Co-Medical Director - Surgical Program, William Osler Health System Assistant Professor - University of Toronto

Dr. William Lucas, Interim Deputy Chief Coroner - Inquests Regional Supervising Coroner - Central West, Office of the Chief Coroner

Dr. Kathryn G. Reducka, Physician Risk Manager, Safe Medical Care, Canadian Medical Protective Association (CMPA)

DAY 4

February 12, 2015, 9:00 a.m. - 4:30 p.m.

Managing Risks in Maternity Care

- Setting the stage: current litigation trends in obstetric claims
- What types of claims are being filed?
- Impact of new technology
- Prenatal surveillance: estimated placental volume (EPV)
- Brain injury and perinatal asphyxia
- Fetal monitoring and surveillance
- Perinatal infections
- Shoulder dystocia/Erbs palsy
- Obesity in pregnancy
- Births outside hospitals
- SOGC guidelines
- Improvement programs in OB including MORE^{OB}; overview and results
- Expert witnesses in obstetric malpractice cases
- Case studies

Faculty

Michael Fraleigh, Fogler, Rubinoff LLP

Dr. Geoffrey Machin, Professor Emeritus, University of Alberta

Aleks Mladenovic, Thomson, Rogers

Vicki Van Wagner, Associate Professor, Midwifery, Ryerson University

Dr. Ken Milne, President, Keneir

DAY 5

February 13, 2015, 9:00 a.m. - 4:30 p.m.

Understanding and Dealing with the Litigation Process

Morning Session

It is very likely that health care professionals will at one time in their career be sued or will be involved in the legal process as a witness when their organization and/or one of their colleagues find themselves involved in a lawsuit. Using a case study introduced on Day 4, this interactive session is designed to give you practical insights into the litigation process and highlight the issues that come into play.

Live Demonstrations

- Examination for discovery of a doctor and a nurse
- Cross-examination of an expert witness and a plaintiff

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.

Faculty

The Hon. Justice Michael McKelvey, Superior Court of Justice (Ontario)

The Hon. Justice Darla Wilson, Superior Court of Justice (Ontario)

Dr. David Cameron, Vice-President and Chief of Staff, Brant Community Healthcare System

Aleks Mladenovic, Thomson, Rogers

John Morris, Borden Ladner Gervais LLP

Mark Veneziano, Lenczner Slaght Royce Smith Griffin LLP

Michael Fraleigh, Fogler, Rubinoff LLP

Ted Bober, Associate Director, Clinical Services, Physician Health Program, Ontario Medical Association

Note: There will be a take-home assignment at the end of Day 5. Students must complete and pass the assignment in order to receive the *Osgoode Certificate in Clinical Risk, Negligence and Claims Management in Health Care*.



The *Osgoode* Certificate in Clinical Risk, Negligence and Claims Management in Health Care draws on the expertise and experience of leading health and legal experts, including:

Ted Bober, Associate Director, Clinical Services Physician Health Program, Ontario Medical Association

Jan Borowy, Cavalluzzo Shilton McIntyre Cornish LLP

Dr. Stephen Brown, Corporate Chief – Department of Anesthesia, Co-Medical Director–Surgical Program, William Osler Health System Assistant Professor – University of Toronto

Dr. David Cameron, Vice-President and Chief of Staff, Brant Community Healthcare System

Dr. Charles Chan, Vice President, Medical Affairs & Quality, University Health Network

Dr. Peter Collins, Associate Professor, Division of Forensic Psychiatry, University of Toronto

Dr. Andrew Cooper, Department of Critical Care Medicine, William Osler Health System, Assistant Professor, Department of Anesthesia, University of Toronto, Faculty of Medicine

Kate Dewhirst, DDO Health Law

Melanie DeWit, Borden Ladner Gervais LLP

Michael Fraleigh, Fogler, Rubinoff LLP

Mary Gavel, Director, Navigator & Patient Advocacy, iCare Home Health

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

Vicki Van Wagner, Associate Professor Midwifery, Ryerson University

Mark Veneziano, Lenczner Slaght Royce Smith Griffin LLP

Brent Windwick, Field Law

The Hon. Justice Darla Wilson, Superior Court of Justice (Ontario)

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Penny A. Washington, Bull, Housser & Tupper LLP, Vancouver

Brent Windwick, Field Law

Osgoode Hall Law School's *Osgoode Professional Development* offers both credit and non-credit programming to meet the life-long learning needs of lawyers and other professionals who need legal information. Osgoode Hall Law School is one of the world's pre-eminent law schools. *Osgoode Professional Development* embodies the law school's commitment to meeting the educational needs of the broader community and has offered many continuing legal education programs for health care, law enforcement and other professionals.

Register online today at www.osgoodepd.ca

THE OSGOODE CERTIFICATE IN CLINICAL RISK, NEGLIGENCE AND CLAIMS MANAGEMENT IN HEALTH CARE

*"A great week! Really good speakers...lots of
material to take back to the workplace"*

**Patty Glaim, Director of Risk Management and
Patient Quality Office, Interior Health, BC**

Name: _____ Title: _____
Firm/Company: _____ Practice Area: _____
Address: _____
City: _____ Province: _____ Postal Code: _____
Email: _____
Telephone: _____ Fax: _____ Priority Service Code:

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Fee Per Delegate

\$3,295 plus 13% HST for a total of \$3,723.35.

Fees include attendance, program materials, continental breakfast, lunch and refreshments for each of the 5 days of the program. The price does not include accommodations. Please inquire about group discounts and financial assistance. Payment plan details below. Dress is business casual.

Payment Options – Payment must be made prior to the program

- Cheque enclosed (payable to York University – GST# R119306736)
 Bill my credit card: VISA Mastercard

Card# _____

Expiry: _____

Signature: _____

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Cancellations/Rainchecks/Substitutions

If you are unable to attend the program your organization may name a replacement. A full refund will be issued for cancellations received a minimum of 21 days before the program start date. Written cancellations received after December 29, 2014 will be subject to an administration charge of \$700. Non-attendance or withdrawal after the program start date (January 19, 2015) will result in complete forfeiture of the program fee. Payment must be received by January 12, 2015.

Location

Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON, M5G 1Z3

Program Changes

We will make every effort to present the certificate program as advertised, but it may be necessary to change the dates, location, speakers or content with little or no notice. In the event of program cancellation, York University and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.



CANADIAN COLLEGE OF
HEALTH LEADERS
COLLÈGE CANADIEN DES
LEADERS EN SANTÉ

Maintenance of Certification

Attendance at this program entitles certified Canadian College of Health Leaders members (CHE / Fellow) to **10 Category II credits** toward their maintenance of certification requirement.



Osgoode Professional Development has been approved as an Accredited Provider of Professionalism Content by The Law Society of Upper Canada.

CPD Credits



Eligible CPD/MCLE hours: **LSUC (ON):** 34.25 CPD Hours (31.25 Substantive, 3.0 Professionalism); **BC/NT/YK/QC/NB/NU:** 31.75 credit hours; **SK/PEI:** 31.5 credit hours; **NS/MB:** 34.0 credit hours; **NY CLE Board (on-site participants only):** 37.5 credit hours in the Area of Professional Practice for Transitional and Non-transitional lawyers. Also eligible for CLE/Insurance Premium Credits Program offered by the Law Society of PEI and for Alberta CPD credit with the Law Society of Alberta. Questions? E-mail: cpd@osgoode.yorku.ca or refer to your respective regulatory body to ensure compliance.

For Further Program-Related Information

Please contact: Bernard Sandler, Program Developer
416-619-8930 or email bsandler@osgoode.yorku.ca

Certificate of Program Completion

You will receive a certificate upon completion of The *Osgoode Certificate in Clinical Risk, Negligence and Claims Management in Health Care*. Participants must attend all program modules and satisfactorily pass the take-home assessment to receive a certificate.

Public CLE Seminars

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ITAW

Professional LLM

4 Convenient Ways to Register

1. **MAIL** your registration form to:
Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3
2. **ONLINE** at www.osgoodepd.ca
3. **FAX** your registration to 416.597.9736
4. **CALL US** at 416.597.9724 or 1.888.923.3394

