



# THE OSGOODE CERTIFICATE IN HEALTH LAW

Gain the confidence to identify legal and regulatory issues affecting your day-to-day work.

**With COVID-19 continuing 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, marginalized communities and physician assisted dying
- Identify what medical malpractice is – from the standard of care, causation and the assessment of damages
- Recognize the growth of artificial intelligence (AI) in the health sector and the legal and ethical challenges
- Develop your understanding of the requirements for consent, the test for capacity and the role of the substitute decision maker

## PROGRAM DIRECTORS

**Daniel Girlando**

Borden Ladner Gervais LLP

**Trevor Hall**

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

## REGISTRATION DETAILS

**March 1, 8, 22, 29 and**

**April 5, 2023:**

In Person and Online, Live

**Can't make the date?**

*Registration includes 120-day unlimited, online access to the recorded program.*

**Register today at:**

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



Health Leadership  
& Learning Network

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



# The Osgoode Certificate in Health Law

Register today at:

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

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

With the pandemic still ongoing, 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 14<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 contemporary 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
- Standard of care and comparative health systems law
- Health care equity, quality and human rights
- Overview of the *Fixing Long-Term Care Act, 2021*
- 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 medical assistance in dying
- Retirement homes in the continuum of care
- The application of safety and the law
- Class actions and public inquiries
- Healthcare for indigenous, black, 2slgbtq+ and other marginalized communities
- Risk management: responding effectively to risk in specialty areas
- Learning from errors

**PLUS!** You will have the chance to meet and connect with your colleagues and program faculty in a Networking Event

## 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**

University Counsel, Chief Legal Officer, University of Toronto

Register today at:

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

## Program Faculty

**B Adair, CCIP™**

Diversity & Engagement Consultant, Gateway to Equity, Diversity & Inclusion (GEDI) Hub

**Randal Bell, BSW, MPH (Candidate)**

Owner and Principal Consultant at MacKenzie Indigenous Solutions

**Dr. Kerry Bowman**

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

**Katharine Byrick**

Borden Ladner Gervais LLP

**Dr. David A. Cameron**

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**Dorothy Charach**

McCarthy Tétrault LLP

**Lisa Corrente**

Torkin Manes LLP

**Kate A. Crawford**

Borden Ladner Gervais LLP

**Melanie De Wit**

Chief Legal/General Counsel, Unity Health Toronto

**Jocelyn Downie, CM, FRSC, FCAHS, SJD**

Professor, Faculties of Law and Medicine, Dalhousie University

**Jillian Evans**

Morris + Stoltz + Evans LLP

**Jen Feron**

General Counsel, Legal Services & Privacy Office, IWK Health

**Dr. Michael Gardam**

CEO, Health PEI

**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

**Dr. Misha Hartfeil**

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

**Kelly Hayden**

Morris + Stoltz + Evans LLP

**Trevor Hall**

Vice President, Healthcare Safety and Risk Management, HIROC

**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

**Kathleen B. MacDougall**

Clinical Legal Counsel, CAMH

**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

**Anna Morrison**

Borden Ladner Gervais LLP

**Rozmin Mediratta**

Legal Counsel, Healthcare Insurance Reciprocal of Canada (HIROC)

**Henry Ngan**

Borden Ladner Gervais LLP

**Joanna Noble**

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

**Melissa Prokopy**

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

**Chloe Richardson**

Legal Counsel, The Hospital for Sick Children

**Holly Ryan**

Borden Ladner Gervais LLP

**Gordon Slemko**

Director and General Counsel, HIROC

**Josh Stachniak**

General Counsel and Corporate Director of Risk Management, Covenant Health

**Lori Stoltz**

Morris + Stoltz + Evans LLP

**Anita Szigeti**

Anita Szigeti Advocates

**Stephanie Young**

Borden Ladner Gervais LLP

# Agenda

## MODULE 1

March 1, 2023  
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
- Public health legislation

**Group Networking Event:** *Connect with and get to know your colleagues and program faculty.*

## FACULTY

### **B Adair, CCIP™**

Diversity & Engagement Consultant,  
Gateway to Equity, Diversity & Inclusion  
(GEDI) Hub

### **Melanie de Wit**

Chief Legal/General Counsel,  
Unity Health Toronto

### **Jen Feron**

General Counsel, Legal Services &  
Privacy Office, IWK Health

### **Catherine Gaulton**

CEO, Healthcare Insurance Reciprocal of  
Canada (HIROC)

### **Tina Giesbrecht**

General Counsel, Alberta Health Services,  
Legal & Privacy

### **Daniel Girlando**

Borden Ladner Gervais LLP

### **Melissa Prokopy**

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

### **Lori Stoltz**

Morris + Stoltz + Evans LLP

## MODULE 2

March 8, 2023  
9:00 a.m. – 4:45 p.m.

### Consent, Capacity and Mental Health

- General principles of consent and capacity
- Legal requirements for valid consent
- Informed consent
- The legal test for capacity
- Case studies: applying the test Introduction to mental health law
- 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 and capacity in a mental health setting
- Treatment capacity from a clinician's perspective

**Demonstration:** *Consent & Capacity  
Board hearing*

## FACULTY

### **Randal Bell, BSW, MPH (Candidate)**

Owner and Principal Consultant at MacKenzie  
Indigenous Solutions

### **Katharine Byrick**

Borden Ladner Gervais LLP

### **Dr. Misha Hartfeil**

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

### **Kathleen B. MacDougall**

Clinical Legal Counsel, CAMH

### **Anita Szigeti**

Anita Szigeti Advocates

## MODULE 3

March 22, 2023  
9:00 a.m. – 5:00 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
- Application of safety and the law

## FACULTY

### **Dr. Michael Gardam**

CEO, Health PEI

### **Daniel Girlando**

Borden Ladner Gervais LLP

### **Trevor Hall**

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

### **Anna Morrison**

Borden Ladner Gervais LLP

### **Joanna Noble**

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

### **Gordon Slemko**

Director and General Counsel, HIROC

## MODULE 4

March 29, 2023

9:00 a.m. – 5:00 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 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 A. Cameron

Regional Supervising Coroner,  
Office of the Chief Coroner

### Dorothy Charach

McCarthy Tétrault LLP

### Jillian Evans

Morris + Stoltz + Evans LLP

### Daniel Girlando

Borden Ladner Gervais LLP

### Kelly Hayden

Morris + Stoltz + Evans LLP

### Pinta M. Maquire

Tyr LLP

### Rozmin Mediratta

Legal Counsel, Healthcare Insurance Reciprocal  
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### Chloe Richardson

Legal Counsel, The Hospital for Sick Children

### Holly Ryan

Borden Ladner Gervais LLP

### Josh Stachniak

General Counsel and Corporate Director of  
Risk Management, Covenant Health

### Stephanie Young

Borden Ladner Gervais LLP

## MODULE 5

April 5, 2023

9:00 a.m. – 4:30 p.m.

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

- Regulatory Colleges and the Health Professionals Appeal and Review Board
- Class actions and public inquiries in healthcare
- Indigenous Healthcare
- Overview of the *Fixing Long-Term Care Act, 2021*
- Retirement homes in the continuum of care
- Public health legislation
- Healthcare for marginalized communities
- Ethical issues in healthcare with a focus on physician assisted dying
- Potpourri of health law issues

## 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

### Jocelyn Downie, CM, FRSC, FCAHS, SJD

Professor, Faculties of Law and Medicine,  
Dalhousie University

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### Morgana Kellythorne

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

### Emily Lawrence

Paliare Roland Rosenberg Rothstein 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

### Henry Ngan

Borden Ladner Gervais LLP

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



# Registration Details

**Fee per Delegate: \$3,495 plus tax**

**Newly Licensed\*: 50% off regular rate plus tax**

\*This fee applies to newly licensed regulated professionals within the past 2 years

Fee includes program registration, electronic program materials and 120-day unlimited online access to program archive. Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://www.osgoodepd.ca/group-discounts) for details.

## Financial Assistance

This program is eligible for OSAP funding. Federal and provincial job grants may be available. You may also apply for financial assistance with OsgoodePD. To learn more, visit: [www.osgoodepd.ca/financial-assistance](http://www.osgoodepd.ca/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

Participants must attend (or view) all 5 modules and **successfully complete an online, post-program, multiple choice assessment** within 30 days of the last module to receive **The Osgoode Certificate in Health Law**.

Register today at:

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

 **Email:** [osgoodepd@osgoode.yorku.ca](mailto:osgoodepd@osgoode.yorku.ca)

 **Phone:** 416 597 9724

 **Mail:** 1 Dundas Street West, 26th Floor, Toronto, ON, M5G 1Z3



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

Eligible CPD Hours – LSO (ON): 34h 10m CPD (28h Substantive; 3h Professionalism; 3h 10m EDI)



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### MAINTENANCE OF CERTIFICATION

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.



This program is approved for LAWPRO Risk Management Credit.

*“Wide range of panel and presenter knowledge and experience.”*

Brent Webster, Patient Advocate/Ethics Chairperson, NBRHC

*“Very knowledgeable in their area of expertise... wide range of knowledge and experience.”*

Sheri Dube, Risk Management Specialist, Niagara Health System

*“Dynamic speakers that were able to engage participants and teach about their area of expertise.”*

Patricia Boyd, Registered Nurse, Lakeridge Health Corporation

*“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