

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

## Protect yourself and your patients.

This Certificate will provide you with the critical knowledge you need to avoid claims and defend them if they happen.

- Lessons learned from the pandemic: risks and best practices
- 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, 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

## REGISTRATION DETAILS

December 6, 13, 20, 2022  
and January 10, 17, 2023

Online (Live)

*Can't make the date?  
Registration includes 120-day  
unlimited, online access to the  
recorded program.*

Register today at:

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



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

## Lessons Learned from the Pandemic: Legal Risk Management and Planning for the Next Public Health Crisis

A full day devoted to:

- Managing HHR Risk during the pandemic
- Lessons learned from public health pandemic response and risk: are we better prepared for the next one?
- Has the *The Fixing Long-Term Care Act, 2021* and its Regulation better equipped the LTC sector for a pandemic?
- Community impact of a public health crisis
- Risks of triage and how to mitigate the risks

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 12<sup>th</sup> year, **Osgoode's Certificate in Clinical Risk, Negligence and 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.

“Decision making session was outstanding.”



## 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
- Social media and healthcare: managing the risks
- 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
- Impact of COVID-19 on mental health
- Managing HHR Risk during the pandemic
- Pandemic impact on marginalized communities

## Who Should Attend

- Quality leaders
- Compliance officers from healthcare institutions
- Healthcare risk managers
- Patient safety representatives
- Health care organization CEO's 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 mock up of the actual case was simply amazing.”*

# 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**

Data Privacy Specialist

**Leonard H. Kunka**

Thomson, Rogers

**Penny A. Washington**

Norton Rose Fulbright, Vancouver, British Columbia

**Brent F. Windwick, QC**

Chair, Health Quality Council of Alberta

Register today at:

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

## Program Faculty

**Nina Bombier**

Lenczner Slaght Royce Smith Griffin LLP

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

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

**Keegan Boyd**

Borden Ladner Gervais LLP

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

Staff Anesthesiologist – William Osler Health System

**Kate Cahill**

Thomson, Rogers

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

Regional Supervising Coroner, Office of the Chief Coroner

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

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

**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

**Lisa Corrente**

Torkin Manes LLP

**Dr. Pat Croskerry**

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

**Tracey DasGupta**

Director of Interprofessional Practice, Sunnybrook Health Sciences Centre

**Kate Dewhirst**

Kate Dewhirst Health Law

**Michael B. Fraleigh**

Fogler, Rubinoff LLP

**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

**Dr. Dirk Huyer**

Chief Coroner for Ontario, Office of the Chief Coroner

**J. Mark Jackson, QC**

Field Law

**Risa Kirshblum**

Lenczner Slaght Royce Smith Griffin LLP

**Anna L. Marrison**

Borden Ladner Gervais LLP

**The Hon. Justice Michael McKelvey**

Ontario Superior Court of Justice

**Jon S. Novick, MDCM FRCPC MRO**

Medical Director, Physician Health Program, Ontario Medical Association

**Ru Taggar**

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

**Michelle Thomarar**

Cavalluzzo LLP

**Sarah Virani**

Senior Counsel, Kate Dewhirst Health Law

**The Hon. Justice Darla A. Wilson**

Ontario Superior Court of Justice

**Brent F. Windwick, QC**

Chair, Health Quality Council of Alberta

**Stephanie Young**

Borden Ladner Gervais LLP

# Agenda

## MODULE 1

December 6, 2022  
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 legal and regulatory context including adverse events and apologies

### **The Role of the Coroner in Enhancing Public and Patient Safety**

## Instructors:

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

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

### **Keegan Boyd**

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

### **Brent F. Windwick, QC**

Chair, Health Quality Council of Alberta

## MODULE 2

December 13, 2022  
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

### **Understanding and Managing the Risky Nature of Critical Care Medicine**

## Instructors:

### **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

### **Michelle Thomarat**

Cavalluzzo LLP

### **Sarah Virani**

Senior Counsel, Kate Dewhurst Health Law

## MODULE 3

December 20, 2022  
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, Rubinoff LLP

### J. Mark Jackson, QC

Field Law

### Risa Kirshblum

Lenczner Slaght Royce Smith Griffin LLP

### Stephanie Young

Borden Ladner Gervais LLP

## MODULE 4

January 10, 2023

9:00 a.m. – 4:15 p.m.

## Lessons Learned from the Pandemic: Legal Risk Management and Planning for the next Public Health Crisis

- 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
- Risks of triage: do you know enough to mitigate risks?
- Has *The Fixing Long-Term Care Act, 2021* and its Regulation better equipped the LTC sector for a pandemic?
- Pandemic impact on mental health

- Effect on marginalized communities
- The crisis affecting healthcare workers

## Instructors:

### Lisa Corrente

Torkin Manes LLP

### Tracey DasGupta

Director of Interprofessional Practice, Sunnybrook Health Sciences Centre

### 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

### Ru Taggar

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

## MODULE 5

January 17, 2023

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.

### Live 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:

### Nina Bombier

Lenczner Slaght Royce Smith Griffin LLP

### Kate Cahill

Thomson, Rogers

### Dr. David A. Cameron, MD, LLB, CCFP

Regional Supervising Coroner, Office of the Chief Coroner

### Michael B. Fraleigh

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### Anna L. Morrison

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### The Hon. Justice Michael McKevey

Ontario Superior Court of Justice

### Jon S. Novick, MDCM FRCPC MRO

Medical Director, Physician Health Program, Ontario Medical Association

### The Hon. Justice Darla A. Wilson

Ontario Superior Court of Justice

**NOTE:** There will be a multiple-choice exam circulated following 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.



# Registration Details

**Fee Per Delegate: \$3,495 + TAX**

**Newly Licensed\*: 50% off regular rate + TAX**

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

Fees include online attendance, electronic materials, technical support and 120-day online access to recorded program. 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


You will receive a certificate upon completion of **The Osgoode Certificate in Clinical Risk, Negligence and Claims Management in Healthcare**. Participants must attend all program modules and **pass the post-program multiple choice assessment** to receive a certificate.

## Register today at:

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

 **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): 32h 10m CPD (26h 25m Substantive; 3h 15m Professionalism; 2h 30m EDI)



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This Program is approved for LawPRO Risk Management Credit.



## 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.

*“One of the best Osgoode Programs ever. Relevant, thorough and interesting as well... I didn't think I would enjoy zoom – however the hosts, technical support and speakers were amazing.”*

**Anna Tersigni Phelan**  
Director, Quality and Risk,  
Chief Privacy Officer,  
Canadian Mental Health Association,  
Waterloo Wellington

*“Exceptionally credentialed and experienced faculty!”*

**Stephen Garland**  
Manager Business Development,  
Medicentres