

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

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 5, 12, 19, 2023
and January 16, 23, 2024

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 Health Care

New Topics This Year!

Based on demand and the ever-changing landscape of clinical risk in health care, we've added 5 new topics for this year's program:

- Risk in the ER
- Balancing Safety and Patient Privacy in Interactions with Police
- Medical Assistance in Dying: Navigating Legal, Ethical and Practical Issues
- Hospital-Physician Relations: Key to Improving Quality of Patient Care
- Impact of Resource Allocation/Lack of Resources on the Standard of Care in Medical Practice

As a health-care professional or advisor, you know that medical malpractice cases continue to make headlines. An increasing number of claims are being brought against health-care 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 13th year, **Osgoode's Certificate in Clinical Risk, Negligence and Claims Management in Health Care** 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 health care
- 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 health care
- Social media and health care: managing the risks
- Hands on practice: managing a crisis group exercise
- Resilience and coping with adversity: insights from the Ontario Medical Association
- Health-care risk: a view from the Bench
- Role of the coroner in enhancing public and patient safety
- Hospital-physician relations: keys to improving quality of patient care
- Medical assistance in dying: legal, ethical and practical issues
- Impact of resource allocation on the standard of care
- Balancing safety and patient privacy in interactions with police

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 practicing health law (both in-house and in private practice)
- Medical directors of health-care 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 Professor, 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, KC

Tribunal Vice-Chair, Mental Health
Administrative Tribunal, Government of
Alberta

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

Program Faculty

Carleene Bañez

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

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

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

Meghan Bridges

Lenczner Slaght LLP

Kate Cahill

Thomson, Rogers

Dr. Peter I. Collins, CD, MD, MCA, FRCP(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

Mary Jane Dykeman

INQ Law

David W. Eisen, BA, LL.B., MBA, MD, CCFP, FCFP

Chief and Program Medical Director, Department
of Family and Community Medicine, North York
General Hospital; Associate Professor, University
of Toronto

Michael B. Fraleigh

Fogler, Rubinoff LLP

Daniel Girlando

Borden Ladner Gervais 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

Michael K Howlett, BSc, MD, CCFP(EM), MHSA, FCFP

President, Canadian Association of Emergency
Physicians; Associate Professor, Department of
Family Medicine, Queens University; Adjunct
Associate Professor, Department of Emergency

Medicine, Queens University; Associate Professor,
Department of Emergency Medicine, Dalhousie
University

Dr. Dirk Huyer

Chief Coroner for Ontario, Office of the
Chief Coroner

J. Mark Jackson, KC

Field Law

Dr. Joel A. Kirsh, MD, MHCM, FRCP(C)

Regional Supervising Coroner, Chair, Pediatric
Death Review Committee, Office of the Chief
Coroner for Ontario

Risa Kirshblum

Lenczner Slaght LLP

Michael Mandarino

Rousseau Mazzuca LLP

Anna L. Marrison

Borden Ladner Gervais LLP

The Hon. Justice Michael McKelvey

Ontario Superior Court of Justice

Henry Ngan

Borden Ladner Gervais LLP

Jon S. Novick, MDCM, FRCPC, MRO

Medical Director, Physician Health Program,
Ontario Medical Association

Ira Parghi

INQ Law

Marie Pinard, RN, BScN, MSc

Director, Quality, Safety & Patient Experience,
Associate Director, CQUIPS, Women's College
Hospital

Laura Pozzobon, RN, MSc(hq), CHE, PhD(c)

Manager, Quality, Safety & Clinical Adoption,
University Health Network (UHN)

Catherine Rosebrugh

General Counsel, Lakeridge Health

Jared B. Schwartz

Fogler, Rubinoff LLP

Stephanie Young

Borden Ladner Gervais LLP

Agenda

MODULE 1

December 5, 2023
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:

Carleene Bañez

Healthcare Insurance Reciprocal of Canada (HIROC)

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

Healthcare Insurance Reciprocal of Canada (HIROC)

Dr. Dirk Huyer

Office of the Chief Coroner

Henry Ngan

Borden Ladner Gervais LLP

Marie Pinard, RN, BScN, MSc

Women's College Hospital

Laura Pozzobon, RN, MSc(hq), CHE, PhD(c)

University Health Network (UHN)

Jared B. Schwartz

Fogler, Rubinoff LLP

MODULE 2

December 12, 2023
9:00 a.m. – 5:00 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

Dealing with Non-Patient Related Adverse Events

Best Practices for Reducing and Managing Risk in the Following Areas:

- Emergency
- Medical treatment/monitoring
- Diagnosis
- Surgery
- Intensive care
- Mental health

Understanding and Managing the Risky Nature of Critical Care Medicine and a Team Approach to Mitigation

The Rise of *Human Rights Code* Claims and Their Implications for Health-care Administrators

- Tests for clinical negligence – duty of care, breach of the duty of care, causation and damages

Instructors:

Dr. Pat Croskerry

Dalhousie University

Dr. Laura Hawryluck, MSc, MD, FRCPC

Toronto Western Hospital; University Health Network; University of Toronto

Michael K Howlett, BSc, MD, CCFP(EM), MHSA, FCFP

Canadian Association of Emergency Physicians; Queens University; Dalhousie University

Michael Mandarino

Rousseau Mazzuca LLP

Stephanie Young

Borden Ladner Gervais LLP

MODULE 3

December 19, 2023
9:00 a.m. – 4:15 p.m.
Clinical Negligence, Liability Claims and Litigation

Risk Management Issues with Health Records, Privacy and New Health Information Technology

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

Management of Suicidal Risk

Risk Management Issues with Health Records, Privacy and New Health Information Technology

Instructors:

Dr. Peter I. Collins, CD, MD, MCA, FRCP(C)
CAMH; Ontario Provincial Police; University of Toronto

Michael B. Fraleigh
Fogler, Rubinoff LLP

J. Mark Jackson, KC
Field Law

Risa Kirshblum
Lenczner Slaght LLP

Ira Parghi
INQ Law

MODULE 4

January 16, 2024
9:00 a.m. – 4:00 p.m.
Further Areas of Exposure

Navigating the Legal, Ethical and Practical issues Surrounding MAID

Hospital-Physician Relations: Key to improving Quality of Patient Care

Balancing Safety and Patient Privacy in interactions with Police

- What to do when a doctor wants to call the police?
- What are the requirements for turning information over to the police?
- What if too much information is disclosed?
- Dealing with a hospital refusing to allow identification efforts when patient is going to die and there is a need to notify family

Impact of Resource Allocation/Lack of Resources on the Standard of Care in Medical Practice

Instructors:

Mary Jane Dykeman
INQ Law

David W. Eisen, BA, LL.B., MBA, MD, CCFP, FCFP
North York General Hospital; University of Toronto

Dr. Laura Hawryluck, MSc, MD, FRCPC
Toronto Western Hospital; University Health Network; University of Toronto

Daniel Girlando
Borden Ladner Gervais LLP

Catherine Rosebrugh
General Counsel, Lakeridge Health

MODULE 5

January 23, 2024
8:30 a.m. – 3:00 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 be involved in the legal process as a witness when their organization and/or one of their colleagues find themselves involved in a lawsuit. Learn 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:

Meghan Bridges
Lenczner Slaght LLP

Kate Cahill
Thomson, Rogers

Michael B. Fraleigh
Fogler, Rubinoff LLP

Dr. Joel A. Kirsh, MD, MHCM, FRCP(C)
Office of the Chief Coroner for Ontario

Anna L. Morrison
Borden Ladner Gervais LLP

The Hon. Justice Michael McKelvey
Ontario Superior Court of Justice

Jon S. Novick, MDCM FRCPC MRO
Ontario Medical Association

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 Health Care*.

Register today at:
[osgoodepd.ca/
clinicalrisk](https://osgoodepd.ca/clinicalrisk)

Registration Details

Fee Per Delegate: \$3,595 + TAX

Newly Licensed*: \$1,797.50 + 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 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.

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


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 **pass the post-program multiple choice assessment** to receive a certificate.

Register today at:

osgoodepd.ca/clinicalrisk

 **Email:** osgoodepd@osgoode.yorku.ca

 **Phone:** 416 597 9724

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



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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.

“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