

# THE OSGOODE CERTIFICATE IN MENTAL HEALTH LAW

COVID-19 has affected how we look at mental health law. Get the updated knowledge and skills you need.

This unique practice-based program provides an opportunity to explore and understand the complex intersection of mental health and the legal system.

- Gain a comprehensive, practical understanding of mental health law
- Explore consent and capacity issues and the role of the substitute decision maker
- Acquire enhanced learning about mental health in geriatric and pediatric context
- Develop a clearer understanding of the intersection of mental health and the criminal justice system
- Explore historical and contemporary considerations around black and indigenous mental health

## PROGRAM CHAIRS

**Mark Pearce, MD, FRCPC**  
Forensic Psychiatrist, Centre for  
Addiction and Mental Health (CAMH);  
Assistant Professor, University of Toronto

**Barbara Walker-Renshaw**  
Borden Ladner Gervais LLP

## REGISTRATION DETAILS

**September 27, October 4, 11, 18, 25, 2022**  
8:45 a.m. – 4:30 p.m. ET  
Online (Live)

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

**Register today at:**

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

# The Osgoode Certificate in Mental Health Law

*“This is an excellent and practice focus program that I will highly recommend for anyone working in mental/health care field to undertake.”*

Dr. Gani Braimoh  
Psychologist (2021)

*“Topics relevant and format of presentations is engaging. Nice range of content to cover a variety of relevant issues related to mental health law.”*

Sandy Marangos  
Clinical Director, Mental Health,  
North York General Hospital

One of the many challenges in dealing with mental health law issues is understanding the ever evolving relevant law and its application. Often, decisions must be made quickly, with inadequate information or consultation. Failure to adequately assess risk, to properly address the rights of individuals and their families, or to provide proper patient care, can compromise essential rights of an individual and his or her family, landing you and your organization, in the midst of an investigation, an inquiry and even litigation.

Over the course of five intensive full-day modules, led by Program Directors **Dr. Mark Pearce** and **Barbara Walker-Renshaw**, you will learn what you need to know about mental health Law. You will acquire practice tips from some of the most knowledgeable and experienced experts in Canada and come away from the program with the information, tools and tactics that you can immediately put to use.

Register today at:

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



## Gain the knowledge you need to handle the challenging and sensitive area of mental health, including:

- Comprehensive overview of mental health law in Canada
- Understanding all perspectives – hear directly from patient side counsel, hospital counsel, OPGT
- Community treatment orders: what you need to know
- Privacy, confidentiality, and risk assessment
- Clinical and legal issues arising in the geriatric context
- Issues in children's mental health – an overview of clinical concepts
- Legal challenges arising in the context of dual diagnosis
- The role of the patient rights advocate
- Virtual care medicine: risk management and best practices
- Systemic issues linking mental health and the criminal justice system
- Legal and ethical issues with respect to mental health in the federal correctional system
- Mental health and capacity evaluation for LTC/care facilities
- In-patient assessment of capacity to manage property
- Black and indigenous mental health: historical and contemporary considerations

## Who Should Attend

- Licensed medical professionals, including psychiatrists, physicians, and nurses
- Healthcare and social service professionals
- Social workers
- Representatives from hospitals, psychiatric facilities, long-term care facilities and community service provider agencies
- Law enforcement officers
- Corrections and rehabilitation service representatives
- Crown lawyers, defence counsel, duty counsel
- Mental health patient advocates
- Health law practitioners
- Healthcare risk managers
- Government and public policy advisors

# Tap into the expertise of our multidisciplinary faculty of experts

## Program Directors



**Mark Pearce, MD, FRCPC**

Forensic Psychiatrist, Centre for  
Addiction and Mental Health (CAMH);  
Assistant Professor, University of Toronto



**Barbara Walker-Renshaw**

Borden Ladner Gervais LLP

## Advisory Board

**Janice E. Blackburn**

Bersenas, Jacobson, Chouest Thomson  
Blackburn LLP

**Mary Jane Dykeman**

Managing Partner, INQ Law

**Dr. Michael Colleton**

Forensic Psychiatrist

Register today at:

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

## Program Faculty

**Phillip Anthony**

Manager - Mobile Crisis Intervention Team and  
Community Outreach, Michael Garron Hospital

**Joan Barrett**

Deputy Director, Crown Law Office – Criminal

**Kate Deakon**

Borden Ladner Gervais LLP

**Karen Marie Dickson**

Patient and Family Advisory Committee, Home and  
Community Care support Services, Mississauga, Halton;  
Lawyer, Person with Lived Experience, Mental Health

**Jennifer DiFilippo, MSW**

Care Coordinator, Placement Team, Home and  
Community Care Support Services Toronto Central

**Dr. Marc Fadel**

Department of Psychiatry, Hospital for Sick Children

**Kamilah Golding**

CTO Coordinator, Centre for Addiction and Mental Health  
(CAMH)

**Jessyca Greenwood**

SpringLaw

**Emily Griffith**

Counsel, Ministry of the Attorney General, Office of the  
Public Guardian and Trustee

**Ian Hakes**

Ontario Shores Centre for Mental Health Sciences

**Dr. Misha Hartfeil**

Forensic Psychiatrist, Ontario Shores Centre for  
Mental Health Sciences

**Naveen Hassan**

Associate General Counsel & Director, Privacy and  
Risk Management, The Hospital for Sick Children

**Anne-Marie Hourigan**

Vice Chair, Mental Health Commission of Canada,  
Board of Directors

**John Hunter**

Borden Ladner Gervais LLP

**Kerri Joffe**

Staff Lawyer, ARCH Disability Law Centre

**Christina Li**

Care Coordinator Preceptor, Toronto Central Local Health  
Integration Network

**Jennifer Lofft**

Assistant Crown Attorney, Toronto Drug Treatment  
Court and Mental Health Court, Ontario Ministry of the  
Attorney General

**Lisa Longworth, BA, SDS, CYW**

Provincial Mental Health Lead/Program Analyst,  
Ministry of the Solicitor General, Ontario Provincial  
Police, Community Safety Services, Support Section

**Kathleen MacDougall**

Clinical Lead Counsel, Centre for Addiction and Mental  
Health (CAMH)

**Gavin Mackenzie**

Health Law Legal Counsel, Ontario Shores Centre for  
Mental Health

**Anna Marrison**

Borden Ladner Gervais LLP

**Angela Martin**

Patient Advocate, Centre for Addiction and Mental  
Health (CAMH)

**Darryl Mathers**

Communications Officer, Ontario Shores Centre for  
Mental Health Sciences

**Jane Meadus**

Staff Lawyer and Institutional Advocate, Advocacy  
Centre for the Elderly (ACE)

**Ira Parghi**

INQ Law

**Lora Patton**

Vice Chair & Senior Lawyer Member, Consent and  
Capacity Board

**Mercedes Perez**

Perez Bryan Procope LLP

**Dr. Brittany Poynter**

Staff Psychiatrist, Emergency Department and Bridging  
Service, CAMH

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

Rosen Sunshine LLP

**Jonathan Rudin**

Program Director, Aboriginal Legal Services

**The Hon. Justice Richard D. Schneider**

Chair, Ontario Review Board

**Dr. C. Tess Sheldon, MSc, JD, LL.M, PhD**

Assistant Professor, University of Windsor, Faculty of  
Law

**Sgt. Niki Spyropoulos**

Mobile Crisis Intervention Teams (MCIT) Coordinator,  
Community Partnerships and Engagement, Toronto  
Police Service

**Larissa Speak**

Assistant Professor, Bora Laskin Faculty of Law,  
Lakehead University

**Anita Szigeti**

Anita Szigeti Advocates

**Marie Taylor**

Patient Advocate, Ontario Shores Centre for  
Mental Health Sciences

**Sarah Virani**

Senior Legal Counsel, Kate Dewhurst Health Law

**Michele Warner**

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

**Dr. Treena Dawn Wilkie**

Forensic Psychiatrist, Deputy Physician-in-Chief,  
Medical Affairs and Practice, Associate Chief of  
Forensic Services, Complex Care and Recovery Program,  
Centre for Addiction and Mental Health (CAMH)

**Joe R. Wright**

Legal Counsel, Ontario Review Board

**Patrick Wright**

Borden Ladner Gervais LLP

# Agenda

## MODULE 1

### Mental Health Law in Canada

September 27, 2022

8:45 a.m. – 4:00 p.m. ET

An overview of the civil and forensic systems, as well as the systemic issues/themes in mental health, including:

- Civil commitment under the *Mental Health Act*
- Admission to hospital and procedures
- Psychiatric assessment criteria
- First interaction with the justice system: the role of the mobile crisis intervention team
- Rules relating to community treatment orders
- Psychiatric assessment criteria

#### Providing Care in a Legalized Environment

*Understanding the system under which mental health hospitals operate and the care that is provided under the current system.*

## Faculty

#### Phillip Anthony

Manager - Mobile Crisis Intervention Team and Community Outreach, Michael Garron Hospital

#### Kate Deakon

Borden Ladner Gervais LLP

#### Kamilah Golding

CTO Coordinator, Centre for Addiction and Mental Health (CAMH)

#### Kathleen MacDougall

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

#### Mark Pearce, MD, FRCPC

Forensic Psychiatrist, Centre for Addiction and Mental Health (CAMH), Assistant Professor, University of Toronto

#### Dr. Brittany Poynter

Staff Psychiatrist, Emergency Department and Bridging Service, CAMH

#### Barbara Walker-Renshaw

Borden Ladner Gervais LLP

#### Sgt. Niki Spyropoulos

Mobile Crisis Intervention Teams (MCIT) Coordinator, Community Partnerships and Engagement, Toronto Police Service

*Don't Miss the Participant Roundtable and Q&A Session*

## MODULE 2

### Consent, Capacity and Substitute Decision Making

October 4, 2022

8:45 a.m. – 4:30 p.m. ET

- Consent to treatment under the *Health Care Consent Act*
- Patients' right to refuse treatment
- Capacity to make decisions (respecting treatment, admission to a care facility, personal assistance services and management of property)
- Overview of the *Substitute Decisions Act*
- Rules with respect to emergency treatment
- Summary of case law relating to capacity assessment
- The roles and responsibilities of the substitute decision-maker
- Mental health and capacity evaluation for LTC/Care facilities
- Difference between attorneys and guardians under the *Substitute Decisions Act*
- Explanation of "best interest" under the law
- Lessons learned from recent consent and capacity appeals

#### Consent & Capacity Practice Panel

*This session will feature a diverse panel offering analysis and insight from their respective professional perspectives.*

## Faculty

#### Jennifer DiFilippo, MSW

Care Coordinator, Placement Team, Home and Community Care Support Services Toronto Central

#### Emily Griffith

Counsel, Ministry of the Attorney General, Office of the Public Guardian and Trustee

#### Dr. Misha Hartfeil

Forensic Psychiatrist, Ontario Shores Centre for Mental Health Sciences

#### Christina Li

Care Coordinator Preceptor, Toronto Central Local Health Integration Network

#### Kathleen MacDougall

Clinical Legal Counsel, Centre for Addiction and

Mental Health (CAMH)

#### Lora Patton

Vice Chair & Senior Lawyer Member, Consent and Capacity Board

#### Mark Pearce, MD, FRCPC

Forensic Psychiatrist, Centre for Addiction and Mental Health (CAMH), Assistant Professor, University of Toronto

#### Mercedes Perez

Perez Bryan Procope LLP

#### Lonny J. Rosen, C.S.

Rosen Sunshine LLP

#### Patrick Wright

Borden Ladner Gervais LLP

## MODULE 3

### Mental Health Law Issues in Diverse Populations

October 11, 2022

8:45 a.m. – 4:00 p.m. ET

- Issues in children's mental health – an overview of clinical concepts
- Clinical and legal issues arising in the geriatric context
- Assessment and management of older people with psychiatric disorders
- Working with older people with primary neurological disorders, including dementia, that have complex psychiatric manifestations
- Legal challenges arising in the context of dual diagnosis
- Challenges and limits in providing family centered care
- The patient's perspective
- Black and indigenous mental health: historical and contemporary considerations

## Faculty

#### Karen Marie Dickson

Patient and Family Advisory Committee, Home and Community Care Support Services, Mississauga, Halton; Lawyer; Person with Lived Experience, Mental Health

#### Dr. Marc Fadel

Department of Psychiatry, Hospital for Sick Children

#### Ian Hakes

Ontario Shores Centre for Mental Health Sciences



**Naveen Hassan**

Associate General Counsel & Director, Privacy and Risk Management, The Hospital for Sick Children

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**Jonathan Rudin**

Program Director, Aboriginal Legal Services

**Dr. C. Tess Sheldon, MSc, JD, LL.M., PhD**

Assistant Professor, University of Windsor, Faculty of Law

**Larissa Speak**

Assistant Professor, Bora Laskin Faculty of Law, Lakehead University

**MODULE 4****Privacy, Confidentiality and Risk Assessment**

October 18, 2022

8:45 a.m. – 4:30 p.m. ET

- Privacy, confidentiality, and mental health care
- Who is in the circle of care, and who is not?
- Advocacy and mental health
- Best practices for sharing information with families, disclosing information to the police and lockbox/corrections requests
- The role of the patient rights advocate
- Clinical risk management in mental health settings
- Duty to inform and violence risk assessments
- Practical strategies to minimize risk and maintain reliable documentation
- Virtual care medicine: risk management and best practices
- Mental health law related coroner's inquests

*The Mental Health Commission of Canada – 10 Year Strategic Plan*

**Faculty****Sarah Virani**

Senior Legal Counsel, Kate Dewhurst Health Law

**Anne-Marie Hourigan**

Vice Chair, Mental Health Commission of Canada, Board of Directors

**Anna Marrison**

Borden Ladner Gervais LLP

**Angela Martin**

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**Ira Parghi**

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**Anita Szigeti**

Anita Szigeti Advocates

**Marie Taylor**

Patient Advocate, Ontario Shores Centre for Mental Health Sciences

**Michele Warner**

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

**MODULE 5****The Forensic System**

October 25, 2022

8:45 a.m. – 4:30 p.m. ET

- Systemic issues linking mental health and the criminal justice system
- Essential components of the defence of "not criminally responsible"
- Forensic mental health and the *Criminal Code*
- Ontario Review Board hearings and cases of note
- How the pandemic has affected legal issues and practice before mental health tribunals
- Challenges and tools for assessing violent and sexual offenders
- Treatment of the mentally disordered accused
- Mental health issues and youth criminal justice
- Legal and ethical issues with respect to mental health in the federal correctional system

**Perspectives Panel: Mental Health and the Law**

*We will close out the program with a discussion of mental health law through various lenses.*

**Faculty****Joan Barrett**

Deputy Director, Crown Law Office – Criminal

**Jessyca Greenwood**

SpringLaw

**John Hunter**

Borden Ladner Gervais LLP

**Jennifer Lofft**

Assistant Crown Attorney, Toronto Drug Treatment Court and Mental Health Court, Ontario Ministry of the Attorney General

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Provincial Mental Health Lead/Program Analyst, Ministry of the Solicitor General, Ontario Provincial Police, Community Safety Services, Support Section

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**Joe R. Wright**

Legal Counsel, Ontario Review Board

**NOTE:** Participants will receive information and instructions about the post-program assessment at the conclusion of this module.

**Certificate of Program Completion**

Participants must view/complete all program modules and successfully complete an online post-program assessment to receive the Osgoode Certificate in Mental Health Law.

# Registration 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, [mzacharakis@osgoode.yorku.ca](mailto:mzacharakis@osgoode.yorku.ca)

*“First time watching online and it was a very clear stream. Multiple options for how you wanted to view the slides and presenters. Great and convenient experience.”*

*“The overview was very informative. I have a good picture of how the different components fit together which will serve me well.”*

*“All of the presenters were interesting and informative. I appreciated that the sessions were interactive which helped keep things engaging.”*

# Certificate of Program Completion


You will receive an **Osgoode Certificate in Mental Health Law** upon completion of this program as follows:

- 1) Attend Modules 1-5 (live online or via recorded archive);
- 2) Score 80% or higher on the post-program multiple-choice assessment; and
- 3) Complete the Self-Declaration Form

## Register today at:

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

 **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

Program Total – LSO (ON): 33h 15m CPD (26h 45m Substantive; 2h 15m Professionalism; 4h 15m EDI)

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).



This program is eligible 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.