

THE OSGOODE CERTIFICATE IN MENTAL HEALTH LAW

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

Now is the time to:

- 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 contexts
- Develop a clearer understanding of the intersection of mental health and the criminal justice system
- Learn about privacy, confidentiality and risk assessment in the context of mental health law
- Explore historical and contemporary considerations around Black and Indigenous mental health

PROGRAM CHAIRS

Katharine Byrick
Borden Ladner Gervais LLP

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

REGISTRATION DETAILS

September 27, October 4, 11, 18, 25, 2023
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 was an absolutely amazing course. So glad to have learned about this. Wonderfully paced and very informative with a lot of new viewpoints to consider!”

Vanessa Handord (2022)

“Really engaging presentations on important subjects such as privacy.”

Leyena Giash, RSW (2022)

“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)

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 **Katharine Byrick** and **Dr. Mark Pearce**, 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



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
- Black and Indigenous mental health: historical and contemporary considerations
- The role of the patient rights advocate
- Virtual care medicine: risk management and best practices
- Mental health law related coroner's inquests
- 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 examinations to determine capacity to manage property

Who Should Attend

- Licensed medical professionals, including psychiatrists, physicians and nurses
- Health-care 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
- Health-care risk managers
- Government and public policy advisors

Tap into the expertise of our multidisciplinary faculty of experts

Program Directors



Katharine Byrick
Borden Ladner Gervais LLP



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

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

Paul Bailey
Executive Director, Black Health Alliance

Lauren Barney
Clinical Legal Counsel, Forensic Psychiatry Program,
St. Joseph's Healthcare Hamilton

Dena Bonnet
Crown Counsel, Crown Law Office – Criminal

Katharine Byrick
Borden Ladner Gervais LLP

David A. Cameron
Regional Supervising Coroner – Inquests, Office of the Chief
Coroner for Ontario

Hilary Chung
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, Home and Community Care
Support Services Toronto Central

Dr. Marc Fadel
Department of Psychiatry, The Hospital for Sick Children

Sabrina Feldman
Sabrina Feldman Law

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

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

Christine Laviolette
Borden Ladner Gervais LLP

Julia Lefebvre
TBLL Advocates

Christina Li
Intake and Access Manager, Home and Community Care
Support Services Toronto Central

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

Gavin Mackenzie
Health Law Legal Counsel, 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

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

Mercedes Perez
Perez Bryan Procope LLP

Dr. Brittany Poynter
Emergency Department Clinic Head, Centre for Addiction
and Mental Health (CAMH)

Lonny J. Rosen, C.S.
Rosen Sunshine LLP

Constable Tyler Rowles
Assistant Mental Health & Addictions Coordinator, Toronto
Police Service

Jonathan Rudin
Program Director, Aboriginal Legal Services

The Hon. Justice Richard D. Schneider
Chair, Ontario Review Board

Anita Szigeti
Anita Szigeti Advocates

Kim Thomsen
Community and Patient Advocate, Psychiatric Patient
Advocate Office, Parkwood Institute of Mental Health,
London, ON and Southwest Centre for Forensic Mental
Health, St. Thomas ON

Julie VanHartingsveldt
External Relations Specialist, Communications and Public
Affairs, Ontario Shores Centre for Mental Health Sciences

Sarah Virani
Senior Legal Counsel, Kate Dewhurst Health Law

Robyn Waxman, MD, FRCPC
Geriatric Psychiatrist, Medical Head of the Brain Stimulation
Clinic, Ontario Shores Centre for Mental Health Sciences

Dr. Treena Dawn Wilkie
Chief, Forensic Division, Complex Care and
Recovery Program, Deputy Physician-in-Chief, Medical
Affairs and Practice, Centre for Addiction and Mental
Health (CAMH)

Joe R. Wright
Legal Counsel, Ontario Review Board

Patrick Wright
Borden Ladner Gervais LLP

Agenda

MODULE 1

Overview of Mental Health Law in Canada

September 27, 2023; 8:45 a.m. – 5:00 p.m.

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: police response to persons in crisis
- 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

Katharine Byrick

Borden Ladner Gervais LLP

Hilary Chung

Borden Ladner Gervais LLP

Kamilah Golding

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

John Hunter

Borden Ladner Gervais LLP

Lisa Longworth, BA, SDS, CYW

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

Mark Pearce, MD, FRCPC

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

Dr. Brittany Poynter

Emergency Department Clinic Head, Centre for Addiction and Mental Health (CAMH)

Constable Tyler Rowles

Assistant Mental Health & Addictions Coordinator, Toronto Police Service

Patrick Wright

Borden Ladner Gervais LLP

MODULE 2

Consent, Capacity and Substitute Decision Making

October 4, 2023; 8:45 a.m. – 4:45 p.m.

- 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
- In-patient examinations to determine capacity to manage property
- 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

Emily Griffith

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

Jennifer DiFilippo, MSW

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

Dr. Misha Hartfeil

Forensic Psychiatrist, Ontario Shores Centre for Mental Health Sciences

Julia Lefebvre

TBLL Advocates

Christina Li

Intake and Access Manager, Home and Community Care Support Services Toronto Central

Lora Patton

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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, 2023; 8:45 a.m. – 4:00 p.m.

- 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

Paul Bailey

Executive Director, Black Health Alliance

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, The 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

Jane Meadus

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

Jonathan Rudin

Program Director, Aboriginal Legal Services

Julie VanHartingsveldt

External Relations Specialist, Communications and Public Affairs, Ontario Shores Centre for Mental Health Sciences

Robyn Waxman, MD, FRCPC

Geriatric Psychiatrist, Medical Head of the Brain Stimulation Clinic, Ontario Shores Centre for Mental Health Sciences

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

October 18, 2023; 8:45 a.m. – 4:30 p.m.

- 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**Katharine Byrick**

Borden Ladner Gervais LLP

David A. Cameron

Regional Supervising Coroner – Inquests, Office of the Chief Coroner for Ontario

Anne-Marie Hourigan

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

Christine Laviolette

Borden Ladner Gervais LLP

Ira Parghi

INQ Law

Anita Szigeti

Anita Szigeti Advocates

Kim Thomsen

Community and Patient Advocate, Psychiatric Patient Advocate Office, Parkwood Institute of Mental Health, London ON and Southwest Centre for Forensic Mental Health, St. Thomas ON

Sarah Virani

Senior Legal Counsel, Kate Dewhurst Health Law

MODULE 5**The Forensic System**

October 25, 2023; 8:45 a.m. – 4:30 p.m.

- 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 in Ontario
- 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

This panel will close out the program with a discussion of mental health law through various lenses. The session includes presentations from panel members followed by a group discussion with a view to what we have learned, what are the continued challenges and where do we go from here?

Faculty**Lauren Barney**

Clinical Legal Counsel, Forensic Psychiatry Program, St. Joseph's Healthcare Hamilton

Dena Bonnet

Crown Counsel, Crown Law Office – Criminal

Katharine Byrick

Borden Ladner Gervais LLP

Sabrina Feldman

Sabrina Feldman Law

Jennifer Lofft

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

Gavin Mackenzie

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Chair, Ontario Review Board

Anita Szigeti

Anita Szigeti Advocates

Dr. Treena Dawn Wilkie

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

Joe R. Wright

Legal Counsel, Ontario Review Board

NOTE: Participants will receive information and access to the online exam 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

Fee per Delegate: \$3,595 + TAX

Newly Licensed*: \$1,797.50 + TAX

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

Fees include attendance, electronic materials, and technical support.

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, mzacharakis@osgoode.yorku.ca

CERTIFICATE REQUIREMENTS


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

 **Email:** 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): 34h 25m CPD (27h 25m Substantive; 2h 15m Professionalism; 4h 45m EDI)



Module 1: Overview of Mental Health Law –
Wednesday, September 27, 2023 – LSO (ON): 7h 30m CPD
(6h 30m Substantive; 15m Professionalism; 45m 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.

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.



“I was riveted for the entire day – the content was excellent as well as the presenters.”

(2022)

“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.”

“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