

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 25, October 2, 9, 16, 23, 2024
In-Person and Online (Live)

Registration for Module 3 (October 9) is available for in-person or online attendance. All other modules are available online only.

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 their 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
- 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
- The role of expert witnesses and concerns surrounding expert evidence

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

Program Faculty

Paul Bailey
Executive Director, Black Health Alliance

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

Dena Bonnet
Crown Counsel, Crown Law Office – Criminal

Katharine Byrick
Borden Ladner Gervais LLP

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

Liesha D. Earle
Assistant Crown Attorney, Ontario Ministry of the
Attorney General

Dean Embry
Embry Dann LLP

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

Nataly Farshait
Director, Healthcare Safety and Risk Management,
Healthcare Insurance Reciprocal of Canada (HIROC)

Sabrina Feldman
Greenwood Law

Kevin Frankish
Communications Specialist, Ontario Shores Centre
for Mental Health Sciences

Roberto Ghignone
Borden Ladner Gervais LLP

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

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

John Hunter
Borden Ladner Gervais LLP

Gillian Kafka
Senior Legal Counsel, Kate Dewhurst Health Law

Christine Lavolette
Borden Ladner Gervais LLP

Julia Lefebvre
TBLL Advocates

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

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

Bailey McMaster
Borden Ladner Gervais LLP

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

Kim Motyl
Chief Counsel to the Chief Coroner for Ontario,
Office of the Chief Coroner & Ontario Forensic
Pathology Service

Lora Patton
Vice Chair & Senior Lawyer Member, Consent and
Capacity Board

Meghan Payne
Borden Ladner Gervais LLP

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

Jonathan Rudin
Program Director, Aboriginal Legal Services

The Hon. Justice Richard D. Schneider
Ontario Court of Justice

Leisha Senko
Senior Legal Counsel (Forensics), Centre for
Addiction and Mental Health (CAMH)

Sergeant Niki Spyropoulos
Mobile Crisis Intervention (MCIT) Coordinator,
Community Partnerships & Engagement Unit,
Toronto Police Service

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

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)

Agenda

MODULE 1

Overview of Mental Health Law in Canada

September 25, 2024; 8:45 a.m. – 4:15 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: 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

Centre for Addiction and Mental Health (CAMH)

John Hunter

Borden Ladner Gervais LLP

Lisa Longworth, BA, SDS, CYW

Ministry of the Solicitor General, Ontario Provincial Police, Community Safety Services, Support Section

Mark Pearce, MD, FRCPC

Centre for Addiction and Mental Health (CAMH); University of Toronto

Dr. Brittany Poynter

Centre for Addiction and Mental Health (CAMH)

Sergeant Niki Spyropoulos

Community Partnerships & Engagement Unit, Toronto Police Service

MODULE 2

Consent, Capacity and Substitute Decision-Making

October 2, 2024; 8:45 a.m. – 4:45 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
- 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

Katherine Ballweg

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

Jennifer DiFilippo, MSW

Home and Community Care Support Services Toronto Central

Dr. Misha Hartfeil

Ontario Shores Centre for Mental Health Sciences

Julia Lefebvre

TBLL Advocates

Christina Li

Home and Community Care Support Services Toronto Central

Lora Patton

Consent and Capacity Board

Meghan Payne

Borden Ladner Gervais LLP

Mark Pearce, MD, FRCPC

Centre for Addiction and Mental Health (CAMH); University of Toronto

Mercedes Perez

Perez Bryan Procope LLP

Lonny J. Rosen, C.S.

Rosen Sunshine LLP

MODULE 3

Mental Health Law Issues in Diverse Populations

October 9, 2024; 8:45 a.m. – 4:00 p.m. ET

This module is available for in-person or online attendance.

- 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

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

Kevin Frankish

Ontario Shores Centre for Mental Health Sciences

Ian Hakes

Ontario Shores Centre for Mental Health Sciences

Naveen Hassan

The Hospital for Sick Children

Jane Meadus

Advocacy Centre for the Elderly (ACE)

Jonathan Rudin

Aboriginal Legal Services

Robyn Waxman, MD, FRCPC

Ontario Shores Centre for Mental Health Sciences

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

October 16, 2024; 8:45 a.m. – 4:00 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

Faculty**Katharine Byrick**

Borden Ladner Gervais LLP

Nataly Farshait

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

Roberto Ghignone

Borden Ladner Gervais LLP

Christine Laviolette

Borden Ladner Gervais LLP

Bailey McMaster

Borden Ladner Gervais LLP

Kim Motyl

Office of the Chief Coroner & Ontario Forensic Pathology Service

Meghan Payne

Borden Ladner Gervais LLP

Anita Szigeti

Anita Szigeti Advocates

Kim Thomsen

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

Gillian Kafka

Kate Dewhirst Health Law

MODULE 5**The Forensic System**

October 23, 2024; 8:45 a.m. – 4:45 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 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**Dena Bonnet**

Crown Law Office – Criminal

Katharine Byrick

Borden Ladner Gervais LLP

Liesha D. Earle

Ontario Ministry of the Attorney General

Dean Embry

Embry Dann LLP

Sabrina Feldman

Greenwood Law

Lora Patton

Consent and Capacity Board

Mark Pearce, MD, FRCPC

Centre for Addiction and Mental Health (CAMH); University of Toronto

The Hon. Justice Richard D. Schneider

Ontario Court of Justice

Leisha Senko

Centre for Addiction and Mental Health (CAMH)

Anita Szigeti

Anita Szigeti Advocates

Dr. Treena Dawn Wilkie

Centre for Addiction and Mental Health (CAMH)

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.

Register today at:

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

Registration Details

Fee per Delegate: \$3,995 + TAX

Newly Licensed*: \$1,997.50 + 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, 2, 4 and 5 (live online or via recorded archive);
- 2) Attend Module 3 (live online, in person or via recorded archive);
- 3) Score 80% or higher on the post-program multiple-choice assessment; and
- 4) 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): 33h 25m CPD (25h 40m Substantive; 3h Professionalism; 4h 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