

THE OSGOODE CERTIFICATE IN PROFESSIONAL REGULATION AND DISCIPLINE IN THE ONTARIO HEALTH CARE SECTOR

Don't miss this unique certificate program designed for prosecutors, defence lawyers, regulators, adjudicator, complaint/discipline committee members, investigators and union representatives

Bringing together a multidisciplinary faculty of leading experts, gain a comprehensive overview of the professional regulation and discipline of health care professionals, including:

- How the regulatory process works
- The rights and duties of health regulatory colleges and its members during an investigation
- Tips on how to draft a strong and comprehensive investigation report
- Strategies for dealing with various pre-hearing procedures, including motions and pre-hearing conferences
- How to prepare and participate in Fitness to Practice proceedings and hearings
- When to engage in alternative dispute resolution and mediation
- Best practices for penalty hearings

PROGRAM DIRECTORS

Bernard C. LeBlanc, CS
Steinecke Maciura LeBlanc

Lonny J. Rosen, CS
Rosen Sunshine LLP

REGISTRATION DETAILS

November 8, 15, 22, 29 &
December 6, 2023
Online (Live)

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Health Leadership
& Learning Network



The Osgoode Certificate in Professional Regulation and Discipline in the Ontario Health Care Sector

- *Unique 5-day intensive certificate program*
- *Learn from a multi-disciplinary faculty*
- *Explore the issues – from the perspectives of all parties involved in the process*
- *Get access to program content for 120-days and downloadable, searchable resources*

The professional regulation and discipline of health care professionals is a complex area which challenges its constituents to be fully informed of the entire process – from start to finish.

Whether you are a lawyer working in the health care sector and specializing in professional discipline or a professional working at one of the health regulatory colleges or health professionals' unions, it is crucial that you have the skills, knowledge and insight needed in this highly specialized field.

Created to provide those working in the field with a comprehensive overview of the professional regulation and discipline of health care professionals, during the course of five (5) intensive modules you will engage with and learn from an expert and diverse faculty. Consisting of prosecutors, defence counsel, judges, regulators, College registrars and health care professionals, they will guide you through the maze, provide practical tactics and fully appreciate the core issues in this field.

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Gain the knowledge you need to fully understand the challenging area of professional regulation and discipline in the Ontario health sector, including:

- Tips on how to draft a strong and comprehensive investigation report
- Running a timely complaints process and the effective screening of complaints from the public
- Insights into selecting and training members of a complaints committee
- Best practices and advocacy tips for prosecuting before a discipline committee as well as defending a member before a discipline committee
- The role of the independent legal counsel
- Reviews of ICRC decisions at the HPARB an divisional court
- The role of the prosecutor, defence counsel and independent counsel in the drafting of reasons
- Regulatory response to professionals' postings on social media
- Quality assurance
- Mandatory reporting
- Special issues in sexual abuse hearings
- How to negotiate reasonable penalties
- How to draft an effective penalty order

Who Should Attend

- Lawyers who represent/prosecute regulated health professionals
- Regulators and Adjudicators
- Members of complaint committees
- Members of discipline committees
- Investigation offers and professionals
- Union officials and representatives (labour relations officers, professional advocacy officers)
- Staff at regulatory health colleges

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Drawing on the expertise and experience of over 50 leading health and legal experts, including:

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Chair, Health Professions
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Lenczner Slaght LLP

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Lerners LLP

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Lawyer, Workplace Investigator,
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Consultant & Investigator

Cara Faith Zwibel

Legal Counsel, Information and
Privacy Commissioner of Ontario

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Agenda

MODULE 1

The Professional Regulatory Framework

- The role of the colleges (registration/fairness/jurisdiction)
- Perspectives on the public interest and how the colleges can ensure public confidence in the system
- Issues faced by newly regulated professions
- The future of professional regulation
- Registration complaint investigation
- Injunctions against/prosecutions of unlicensed practitioners
- The role of the prosecutor and defence counsel in dealing with illegal practice
- Dealing with unrepresented members in an illegal practice context

Faculty

Anita Ashton

Chief Operating Officer & Interim Registrar,
College of Physiotherapists of Ontario

Silvie Crawford

Executive Director & CEO, College of Nurses
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Rebecca Durcan

Steinecke Maciura LeBlanc

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Julie Maciura

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Christine T. Moss

Chair, Health Professions Appeal and Review
Board, Health Services Appeal and Review
Board, Ontario Hepatitis C Assistance Plan
Review Committee

MODULE 2

Complaints and Investigations

- Running a timely complaints process
- Effective screening of complaints from the public
- Practice before and decision making at the Inquiries, Complaints and Reports Committee (ICRC)
- Dealing effectively with concurrent regulatory, civil, hospital privileges and/or criminal proceedings
- Section 75 Investigations
 - the rights of the investigator and the health professional
 - what gives rise to section 75 investigations?
 - the scope of a section 75 investigation
 - what are the colleges permitted to do?
 - how to best respond to an investigation
 - the disclosure obligations for both sides
 - the investigators' duties
 - the health professional's duty to cooperate
- How to select and train members of a complaints committee
- How to draft a strong and comprehensive response to a complaints committee
- Crucial issues in college investigations
 - managing 3rd party complaints
 - disclosing expert reports and the names of experts during the investigations phase
- Reviews of ICRC decisions at the HPARB and Divisional court

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Conduct and Regulatory Affairs, Royal College of
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Stuart Zacharias

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Rebecca Zaretsky

Lawyer, Workplace Investigator, Professional
Regulation Consultant & Investigator

MODULE 3

Pre-hearing Procedures and Fitness to Practice Proceedings

- The factors that determine whether a matter goes to a Fitness to Practice proceeding or before a discipline committee
- Typical disciplinary offences (incompetence, misconduct, incapacity)
- What are the post-investigation privacy and disclosure obligations for both sides?
- Tips on how to best approach a pre-hearing conference
- Pre-hearing motions and conferences
- ADR/Mediation Alternative dispute resolution and medication – when to engage
- Quality Assurance
- Mandatory reporting
- Regulatory response to professionals' postings on social media
- The intersection between health and criminal law

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Kim Westfall-Connor
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Cara Faith Zwibel
Director, Fundamental Freedoms Program, Canadian Civil Liberties Association

MODULE 4

The Discipline Hearing

- Pre-hearing conferences
- Prosecuting at the discipline committee
 - best practices and advocacy tips for appearing before a discipline committee
- Defending the member at the disciplinary hearing
 - strategies for advancing an effective defence
 - disclosure issues
 - ethical and professional responsibility issues
- The role of the independent legal counsel
- How to conduct witness interviews
- Disclosure issues for the prosecutor, defence counsel and independent legal counsel

- Dealing with the self-represented
- The proper role of the prosecutor
- Independent legal counsel – how to avoid being in a conflict of interest
- The role of the adjudicator at the disciplinary hearing
- Special issues in sexual abuse hearings
- Issues in reasons for decisions

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MODULE 5

Penalty Hearing and Appeals

- How to negotiate reasonable penalties
- How to deal effectively with concurrent criminal and/or civil proceedings
 - member's rights and obligations when there are concurrent proceedings
 - ethical limits on the use of Crown disclosure in civil cases
 - discipline cases at the courts

- Appeals
 - when to appeal (and time limits)
 - how to deal with prematurity
 - stays
 - adequacy of reasons
- Judicial review
 - the standard of review
 - deference and judicial review
- Penalties and Costs
 - assessing the appropriate penalty
- Reinstatement applications
- What makes a convincing appeal or judicial review application?
- Advocacy in health law appeals

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Registration Details

Fee per Delegate: \$3,495 + TAX

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Fee includes program registration, electronic program materials and 120-day unlimited online access to program archive. Group discounts are available. Visit www.osgoodepd.ca/group-discounts for details.

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Certificate Requirements

To receive the Osgoode Certificate, you must attend or view all program modules and successfully complete an online, multiple-choice assessment within 30 days of the last module.

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