

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.

- Medical assistance in dying: navigating legal, ethical and practical issues
- 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
- Discuss the impact of resource allocation and lack of resources on the standard of care in medical practice
- Witness live demonstrations and gain practical insights into the litigation process

PROGRAM DIRECTOR

Michael B. Fraleigh
Fogler, Rubinoff LLP

Jared B. Schwartz
Fogler, Rubinoff LLP

REGISTRATION DETAILS

December 3, 10, 17, 2024
and January 14, 21, 2025

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

“I found the session on the disruptive physician very interesting. I also gained a much better awareness and appreciation for the role of the coroner’s office.”

Emily Stairs
Manager, Risk, Quality & Patient Safety,
Haliburton Highlands Health Services

“Loved the conversations around decision making and the reminder to be more intentional and the reminder on human rights to check our bias and some reflection on being able to understand our biases. Both of these presentations were excellent.”

Leslie Furlonge
Associate Director, Clinical Services,
Humber College

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 14th 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.



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
- Anesthesia: Areas of concern, claims and risk management
- 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
- When healthcare and law enforcement overlap: police-hospital relationship

Who Should Attend

- Quality leaders
- Compliance officers from health-care institutions
- Health-care risk managers
- Patient safety representatives
- Health-care organization CEO's 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



Jared B. Schwartz

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

Register today at:

[osgoodepd.ca/
clinicalrisk](https://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

Dr. Stephen Brown, BSc, MD, FRCPC

Anesthesiologist, William Osler Health System,
Assistant Professor, University of Toronto, Department
of Anesthesia

David A. Cameron, MD, LLB, CCFP

Regional Supervising Coroner – Inquests,
Office of the Chief Coroner and Ontario Forensic
Pathology Service

Dr. Peter I. Collins, CD, MD, MCA, FRCPC

Forensic Psychiatrist, Complex Mental Illness Program,
CAMH, Forensic Psychiatrist, Criminal Behaviour
Analysis Unit, Ontario Provincial Police; 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

Keaghan Hepp

Borden Ladner Gervais LLP

Dr. Dirk Huyer

Chief Coroner for Ontario, Office of the Chief Coroner

J. Mark Jackson, KC

Field Law

Alyssa Jagt

Borden Ladner Gervais LLP

Gillian Kafka

Senior Legal Counsel, Kate Dewhurst
Health Law

Adam J. Karakolis

Thomson, Rogers

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

Jon S. Novick, MDCM, FRCPC, MRO

Medical Director, Physician Health Program, Ontario
Medical Association

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

The Hon. Justice Darla A. Wilson

The Court of Appeal for Ontario

Agenda

MODULE 1

December 3, 2024
9:00 a.m. – 5:00 p.m. ET
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)

Keaghan Hepp

Borden Ladner Gervais LLP

Dr. Dirk Huyer

Office of the Chief Coroner

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 10, 2024
9:00 a.m. – 4:00 p.m. ET
Understanding and Responding to Categories of Risk

An Overview of Medical-Legal Claims in Canada and Promoting Quality Improvement

Clinical Decision Making in Medicine

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

- Emergency
- Medical treatment/monitoring
- Diagnosis
- Surgery
- Intensive care
- Anesthesia

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

Management of Suicidal Risk

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

Instructors:

Dr. Stephen Brown, BSc, MD, FRCPC

Anesthesiologist, William Osler Health System, Assistant Professor, University of Toronto, Department of Anesthesia

Dr. Peter I. Collins, CD, MD, MCA, FRCPC

Forensic Psychiatrist, Complex Mental Illness Program, CAMH, Forensic Psychiatrist, Criminal Behaviour Analysis Unit, Ontario Provincial Police; Associate Professor, Division of Forensic Psychiatry, University of Toronto

Dr. Pat Croskerry

Dalhousie University

Dr. Laura Hawryluck, MSc, MD, FRCPC

Toronto Western Hospital; University Health Network; University of Toronto

Alyssa Jagt

Borden Ladner Gervais LLP

MODULE 3

December 17, 2024
9:00 a.m. – 4:15 p.m. ET
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

Dealing with Non-Patient Related Adverse Events

Instructors:

Michael B. Fraleigh

Fogler, Rubinoff LLP

J. Mark Jackson, KC

Field Law

Gillian Kafka

Senior Legal Counsel, Kate Dewhirst Health Law

Risa Kirshblum

Lenczner Slaght LLP

Michael Mandarino

Rousseau Mazzuca LLP

MODULE 4

January 14, 2025

9:00 a.m. – 4:00 p.m. ET

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 21, 2025

8:30 a.m. – 3:15 p.m. ET

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

David A. Cameron, MD, LLB, CCFP

Regional Supervising Coroner – Inquests, Office of the Chief Coroner and Ontario Forensic Pathology Service

Michael B. Fraleigh

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Adam J. Karakolis

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Borden Ladner Gervais LLP

The Hon. Justice Michael McKelvey

Ontario Superior Court of Justice

Jon S. Novick, MDCM FRCPC MRO

Ontario Medical Association

The Hon. Justice Darla A. Wilson

The Court of Appeal for Ontario

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

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 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 prior to the start date of the program. 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 start of the program. If a cancellation request is made with less than 21 days notice, a \$250 administrative fee will apply per person. Within 7 days of the program start date, no refund is available. Payment is required to receive access to the program.

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



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

Eligible CPD Hours – LSO (ON): 32h 10m CPD (26h 55m Substantive; 4h 15m Professionalism; 1h 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.



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

“Although I enjoyed them all, the litigation process and defence best practices were really insightful. Thinking thoughtfully about how we document the standard of care was a key takeaway.”

(2023)