

Comprehensive and in-depth coverage of the key issues by a faculty of more than 25 medical and legal experts



The Osgoode Certificate in Clinical Risk, Negligence and Claims Management in Health Care

"This course is directly applicable to my role. Should be mandatory for risk managers and patient relations roles. Highly recommend."

Catherine Nicol, Director, Quality, Patient Safety & Interprofessional Practice, Quinte Health Care

WEBCAST
AVAILABLE

January 30 - February 3, 2017 | 5 Days | Toronto, Canada



Health Leadership
& Learning Network



CANADIAN COLLEGE OF
HEALTH LEADERS
COLLÈGE CANADIEN DES
LEADERS EN SANTÉ

OSGOODE
OSGOODE HALL LAW SCHOOL
PROFESSIONAL
DEVELOPMENT

YORK
UNIVERSITÉ
UNIVERSITY

How You Respond To These Challenges is Critical

As a health care professional or advisor you know that medical malpractice cases continue to make headlines. More and more 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 seventh year, Osgoode's Clinical Risk, Negligence and Claims Management in Health Care Certificate has been developed for you to respond to these 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 of this unique and 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.

Program Details

Dates

Day 1

Patient Safety and Risk Management
January 30, 2017

Day 2

Clinical Negligence, Liability Claims and Litigation
January 31, 2017

Day 3

Responding to Categories of Risk
February 1, 2017

Day 4

Managing Risks in Maternity Care
February 2, 2017

Day 5

Understanding and Dealing with the Litigation Process
February 3, 2017

The program will be held at *Osgoode Professional Development's* Downtown Toronto Conference Centre.

For Further Program-Related Information

Please contact:
Myrsini Zacharakis, Program Lawyer
at 416-278-7721 or email
mzacharakis@osgoode.yorku.ca

Key Benefits: What You Will Learn

- Overview of key patient safety concepts
- The link between patient safety and risk management and the role of the risk manager
- How to conduct post-incident investigations and what disclosure should be made, to whom and when
- How to deal with adverse events that can lead to organizational crisis
- Overview of a malpractice claim: what should you expect?
- The litigation process: practical demonstrations
- Defence best practices/mitigation strategies: the importance of documentation and tips and tools regarding the preservation of evidence
- Learning from past claims, audits, self assessments and inspections
- The rising spectre of class actions in health care: how should your organization respond?
- The impact of being sued: dealing with the pressure of litigation
- Responding to risk in specialty areas, including obstetrics, diagnosis, medication and mental health, and a practical overview of current litigation trends in these areas
- Role of the Coroner in enhancing patient safety
- Managing risk in end-of-life care
- Healthcare risk: a view from the Bench
- The disruptive professional - implications for risk management
- Anesthesia - areas of concern, claims and risk management

Who Should Attend

- Quality Leaders
- Compliance Officers from health care institutions
- Health Care Risk Managers
- Patient Safety Representatives
- Health care organization CEOs and senior staff
- Professional association and licensing body representatives
- Health Care Professionals from all disciplines
- Lawyers practising health law (both in-house and from private practice)
- Medical Directors of health care organizations and government agencies
- Health insurance industry professionals
- Ethicists
- Government and Public Policy Advisors



Over 5 intensive days, you will hear from our expert faculty of lawyers, risk managers, patient safety representatives, doctors and insurance industry experts as they drill down on the best practices for reducing risk and managing claims and litigation. Classes will be taught using a blended-delivery method that includes lectures, class discussions, case studies and practical demonstrations.

THE CURRICULUM

DAY 1

January 30, 2017, 9:00 a.m. - 5:00 p.m.

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, preventable adverse events, incident reports and claims: the role of the risk manager in patient safety
- Post-incident investigations and reviews: overview of best practices
- The legal and regulatory context
- Dealing with non-patient related adverse events that might give rise to a claim: staff assaults; property loss

Faculty

Jan Borowy, Cavalluzzo Shilton McIntyre Cornish LLP

Dr. Paula Chidwick, Director, Research and Corporate Ethics, Ethicist, William Osler Health System

Mary Gavel, Member, Health Professions Regulatory Advisory Council (HPRAC); eHealth Privacy Specialist, Hamilton Health Sciences.

Dr. Anne Matlow, Faculty Lead, Strategic Initiatives, Post Graduate Medical Education, University of Toronto; Medical Director Patient Safety, Director Infection Prevention and Control at Hospital for Sick Children

Polly Stevens, Vice-President, Healthcare Risk Management, Healthcare Insurance Reciprocal of Canada (HIROC)

Brent F. Windwick, QC, Field Law

- 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

Risk management issues with health records, privacy & new health information technology

The rise of *Human Rights Code* claims and their implications

The disruptive professional – implications for risk management

Faculty

Kate Dewhirst, DDO Health Law

Michael Fraleigh, Fogler, Rubinoff LLP

Michelle Henry, Borden Ladner Gervais LLP

Risa Kirshblum, Partner, Lenczner Slaght Royce Smith Griffin LLP

J. Mark Raven-Jackson, Field Law

Catherine Rosebrugh, General Counsel, Sunnybrook Health Sciences Centre

Dr. Andy Smith, MD, MSc, FRCS, FACS, Executive Vice President & Chief Medical Executive, Sunnybrook Health Sciences Centre

Ru Taggar, Vice President, Quality and Patient Safety, Chief Nursing and Health Professions Executive, Sunnybrook Health Sciences Centre

DAY 2

January 31, 2017, 9:00 a.m. - 4:30 p.m.

Clinical Negligence, Liability Claims and Litigation

Tests for clinical negligence – duty of care, breach of the duty of care, causation and damages

Overview of a medical malpractice/liability claim

- Content
- Limitation periods
- Class actions claims

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

DAY 3

February 1, 2017, 9:00 a.m. - 5:00 p.m.

Responding to Categories of Risk

An overview of medical-legal claims in Canada

Best practices for reducing and managing risk in the following areas:

- Emergency
- Medical treatment/monitoring
- Diagnosis
- Surgery
- Intensive Care
- Mental Health
- Health information/health records
- End-of-Life

- Anesthesia

Role of the Coroner in Enhancing Patient Safety

Faculty

Dr. Stephen Brown, Staff Anesthesiologist – William Osler Health System, Assistant Professor – University of Toronto, Past Chair – OMA Section on Anesthesiology

Dr. Peter I. Collins, CD, MD, MCA, FRCP(C), Forensic Psychiatrist, Complex Mental Illness Program, CAMH, and Associate Professor, Division of Forensic Psychiatry, University of Toronto

Dr. Pat Croskerry, Department of Emergency Medicine, Faculty of Medicine, Dalhousie University

Dr. William J. Lucas, CCFP, Regional Supervising Coroner – Central West, Office of the Chief Coroner

Dr. Gordon Wallace, MD, FRCPC, Managing Director, Safe Medical Care, Canadian Medical Protective Association (CMPA)

DAY 4

February 2, 2017, 9:00 a.m. - 4:30 p.m.

Managing Risks in Maternity Care

- Setting the stage: current litigation trends in obstetric claims
- What types of claims are being filed?
- Impact of new technology
- Prenatal surveillance: estimated placental volume (EPV)
- Brain injury and perinatal asphyxia
- Fetal monitoring and surveillance
- Perinatal infections
- Shoulder dystocia/Erbs palsy
- Obesity in pregnancy
- Births outside hospitals
- SOGC guidelines
- Improvement programs in OB including MORE^{OB}; overview and results
- Expert witnesses in obstetric malpractice cases
- Case studies

Faculty

Alllyson Booth, RM, Director, Quality and Risk Management, Association of Ontario Midwives

Dr. Christopher Feindel, Antonio & Helga DeGasperies Chair in Clinical Outcomes Research in Cardiac Surgery, Professor of Surgery, University of Toronto, University Health Network

Michael Fraleigh, Fogler, Rubinoff LLP

Dr. Ken Milne, Professor Emeritus, Western University, Department of Obstetrics and Gynaecology; President, KENEIR Corporation

Aleks Mladenovic, Thomson, Rogers

Vicki Van Wagner, RM, PhD, Associate Professor, Midwifery, Ryerson University

DAY 5

February 3, 2017, 8:30 a.m. - 4:00 p.m.

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 will be involved in the legal process as a witness when their organization and/or one of their colleagues find themselves involved in a lawsuit. Using a case study introduced on Day 4, 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 for discovery of a doctor and a nurse
- Cross-examination of an expert witness and a plaintiff

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.

Faculty

Ted Bober, Associate Director, Clinical Services, Physician Health Program, Ontario Medical Association

Dr. David A. Cameron, MD, LLB, CCFP, Regional Supervising Coroner, North Region - Sudbury Office

The Hon. Justice Darla A. Wilson, Ontario Superior Court of Justice
Michael Fraleigh, Fogler, Rubinoff LLP

Anna L. Marrison, Borden Ladner Gervais LLP

The Hon. Justice Michael McKelvey, Ontario Superior Court of Justice
Aleks Mladenovic, Thomson, Rogers


Mark Veneziano, Lenczner Slaght Royce Smith Griffin LLP

The Hon. Justice Darla A. Wilson, Ontario Superior Court of Justice

Note: There will be a take-home assignment at the end of Day 5. Students must attend all 5 days and pass the assignment in order to receive the *Osgoode Certificate in Clinical Risk, Negligence and Claims Management in Health Care*.

"EVERYTHING WAS AMAZING. I LOVED THIS PROGRAM. THANKS FOR THE AWESOME EDUCATION. I WILL BE TALKING ABOUT THIS COURSE WITH SO MANY PEOPLE."

Christopher Axtell, Professional Responsibility/Labour Relations Officer, United Nurses of Alberta



The Osgoode Certificate in Clinical Risk, Negligence and Claims Management in Health Care draws on the expertise and experience of leading health and legal experts, including:

Ted Bober, Associate Director, Clinical Services Physician Health Program, Ontario Medical Association

Allyson Booth, RM, Director, Quality and Risk Management, Association of Ontario Midwives

Jan Borowy, Cavalluzzo Shilton McIntyre Cornish LLP

Dr. Stephen Brown, Staff Anesthesiologist – William Osler Health System, Assistant Professor – University of Toronto, Past Chair – OMA Section on Anesthesiology

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Dr. Anne Matlow, Faculty Lead, Strategic Initiatives, Post Graduate Medical Education University of Toronto; Medical Director Patient Safety, Director Infection Prevention and Control at Hospital for Sick Children

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Ru Taggar, Vice President, Quality and Patient Safety, Chief Nursing and Health Professions Executive, Sunnybrook Health Sciences Centre

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Vicki Van Wagner, RM, PhD, Associate Professor Midwifery, Ryerson University

Dr. Gordon Wallace, MD, FRCPC, Managing Director, Safe Medical Care, The Canadian Medical Protective Association (CMPA)

The Hon. Justice Darla A. Wilson, Ontario Superior Court of Justice

Brent F. Windwick, QC, Field Law

“GREAT PROGRAM. AMAZING LINE-UP OF SPEAKERS, GREAT BALANCE OF THEORY AND PRACTICE. HIGHLY RECOMMEND.”

Sean Molloy, Director, Quality, Safety and Enterprise Risk and Interim Director, Medical Affairs, St. Joseph's Health Centre, Toronto

ADVISORY BOARD

PROGRAM DIRECTOR

Michael Fraleigh
Fogler, Rubinoff LLP

ADVISORY BOARD

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Leonard H. Kunka, Thomson, Rogers

Hugh MacLeod, Chief Executive Officer Canadian Patient Safety Institute

Polly Stevens, Vice President, Healthcare Risk Management, Healthcare Insurance Reciprocal of Canada (HIROC)

Penny A. Washington, Bull, Housser & Tupper LLP, Vancouver

Brent Windwick, Field Law

“THIS WAS AN AMAZING PROGRAM. I’M NOT A RISK MANAGER BUT WAS ABLE TO TAKE MANY THINGS AWAY FROM THIS COURSE AS SOMEONE WHO WORKS IN PATIENT SAFETY FOR A NURSING UNION. MICHAEL WAS AN INCREDIBLE FACILITATOR. SPEAKERS WERE INCREDIBLE.”

Joshua Bergman
Professional Responsibility Advisor,
United Nurses of Alberta

THE OSGOODE CERTIFICATE IN CLINICAL RISK, NEGLIGENCE AND CLAIMS MANAGEMENT IN HEALTH CARE

**"VERY KNOWLEDGEABLE SPEAKERS.
EXTREMELY CURRENT AND RELEVANT."**

I will attend: On site Via webcast (single viewer)

Name: _____ Title: _____

Firm/Company: _____ Practice Area: _____

Address: _____

City: _____ Province: _____ Postal Code: _____

Email: _____

Telephone: _____ Fax: _____ Priority Service Code:

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Fee Per Delegate

\$3,395 plus HST

Fees include attendance, program materials, continental breakfast, lunch and refreshments for each of the 5 days of the program. The price does not include accommodations. Please inquire about group discounts and financial assistance. Payment plan details below. Dress is business casual.

Payment Options – Payment must be made prior to the program

- Cheque enclosed (payable to York University – GST# R119306736)
- Bill my credit card: VISA Mastercard

Card# _____

Expiry: _____

Signature: _____

Payment Amount: _____

Cancellations/Rainchecks/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.

Location

Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON, M5G 1Z3

Program Changes

We will make every effort to present the certificate program as advertised, but it may be necessary to change the dates, location, speakers or content with little or no notice. In the event of program cancellation, York University and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.



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

CPD Credits



Eligible CPD/MCLE hours: **LSUC (ON):** 34.75 CPD Hours
(31.75 Substantive, 3.0 Professionalism)

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.



CANADIAN COLLEGE OF
HEALTH LEADERS
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LEADERS EN SANTÉ

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.

For Further Program-Related Information

Please contact: Myrsini Zacharakis, Program Lawyer,
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 satisfactorily pass the take-home assessment to receive a certificate.

Public CLE Seminars

Customized CLE Programs

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Professional LLM

4 Convenient Ways to Register

- MAIL** your registration form to:
Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3
- ONLINE** at www.osgoodepd.ca/clinicalrisk
- FAX** your registration to 416.597.9736
- CALL US** at 416.597.9724

