

## The Ethical Dimensions of Health Law Practice: Challenges and Practical Insights for Lawyers Representing Patients, Health Care Professionals, Institutions and Regulators



**Professionalism Hours:** This program contains **2h 45m**

**Substantive Hours:** This program is eligible for up to **0h 0m**

*The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Upper Canada.*

**Date:** **Friday, February 10, 2017** | 1:30 pm - 4:30 pm

**Location:** **Toronto Board of Trade**  
First Canadian Place, 77 Adelaide Street West, Toronto

**Program Chairs:** **Erin Dobbeltsteyn**, Rosen Sunshine LLP  
**Alice Melcov**, Legal and Policy Advisor, Ontario Hospital Association

Ethical issues arise in many areas of health law and raise complex issues that legal practitioners must tackle on a daily basis. The protection of confidentiality and privacy of patients, health care institutions and health professionals must be balanced against statutory access rights and disclosure obligations, raising challenging ethical considerations.

Lawyers who work with vulnerable clients and patient populations routinely grapple with the inherent ethical dimensions of capacity, consent, substitute decision-making, power of attorney and guardianship issues. In the context of professional regulation, defence counsel, College prosecution and College staff also deal with a wide array of ethical dilemmas and practical considerations in complaints, investigations, discipline, fitness to practice and other regulatory proceedings.

Join us at Institute 2017 to navigate these tricky ethical issues and gain a better handle on how you should successfully tackle them.

1:30 pm Welcome and Opening Remarks

3:15 pm **Networking Break**

1:35 pm **Ethics and Information Practices in the Health Care Context**

**Patrick Hawkins**, Borden Ladner Gervais LLP and Member of the MOHLTC QCIPA Review Committee 2015

**Kate Dewhirst**, Kate Dewhirst Health Law

- Explore the ethical issues that arise when balancing the protection of confidentiality and privacy of patients, health care institutions and health professionals with the access rights and disclosure obligations under the *Personal Health Information Protection Act* (PHIPA) the *Quality of Care Information Protection Act*, 2016 (QCIPA) and the *Freedom of Information and Protection of Privacy Act* (FIPPA)
- Examine the underlying ethical considerations which informed the QCIPA Review Committee's recommendations
- Review and gain a stronger understanding of the new QCIPA
- Address the implications for patients, health care providers and institutions arising out of the new reporting obligations under PHIPA and the recent prosecutions and class action lawsuits for privacy breaches

3:30 pm **Ethical Considerations in the Regulation of Health Care Professionals**

**Carolyn Silver**, Counsel, College of Physicians and Surgeons of Ontario

**Josh Koziembrocki**, Koziembrocki Law

**Rebecca Durcan**, Steinecke Maciura LeBlanc

- Gain a broad interactive perspective of the ethical, professionalism and practice management issues facing defence counsel, College prosecution, independent legal counsel and College staff, who work in the regulation of health professionals
- Hear from skilled counsel who will discuss their experiences arising in complaints, investigations, discipline, fitness to practice and other health regulatory College proceedings with respect to:
  - Tricky disclosure issues
  - Representing difficult clients or clients with capacity issues
  - Dealing with unrepresented members
  - Raising a reasonable apprehension of bias
  - Dealing with expert witnesses
  - The duties of investigators/College staff and the member's duty to cooperate
  - Presenting compelling arguments to the lay tribunal member

2:25 pm **Working with Vulnerable Clients and Patient Populations**

**Anita Szigeti**, Anita Szigeti Advocates

**Daphne Jarvis**, Borden Ladner Gervais LLP

**Nimali Gamage**, Goddard Gamage Stephens LLP

- Delve into the experiences of lawyers who work with vulnerable clients and patient populations within the health law context, including individuals with mental health or addiction issues, older adults, and children and youth
- Analyze and understand the ethical and practice-related issues of working with vulnerable groups including:
  - How to obtain instructions where capacity is an issue
  - Dealing with self-represented litigants
  - What to consider when consent to treatment is raised
  - Substitute decision-making and guardianship issues

4:20 pm **Questions and Concluding Remarks**

4:30pm **Program Concludes**