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12-16  
2018

# Certificate in Legal Aspects of Healthcare Administration

## SCHOOL OF HEALTH ADMINISTRATION



DALHOUSIE  
UNIVERSITY

FACULTY OF HEALTH



CANADIAN COLLEGE OF  
HEALTH LEADERS  
COLLÈGE CANADIEN DES  
LEADERS EN SANTÉ



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.

### MAINTIEN DE LA CERTIFICATION

Une participation à cette réunion par un membre certifié du Collège canadien des leaders en santé (CHE / Fellow) vaut **10 crédits de la catégorie II du MDC** à l'égard de l'exigence du maintien de la certification à laquelle ceux-ci sont soumis.

# EFFECTIVE HEALTHCARE LEADERS ARE KNOWLEDGEABLE ABOUT THE LAW

Healthcare administrators must navigate an increasingly complex and daunting legal terrain. The *Legal Aspects of Healthcare Administration Certificate* offers a five-day, customized learning experience that centres on the intersection of law and the Canadian healthcare system. This intensive program explores fundamental legal principles highly relevant to the daily professional lives of individuals holding management and leadership positions. You will emerge from this program better equipped to operate effectively and comfortably within a rapidly evolving legal environment and to distinguish yourself as a legally informed leader in your organization.

## What you can expect . . .

**UNMATCHED EDUCATIONAL SYNERGY** The *School of Health Administration* has drawn on its long-standing ties with the prestigious *Schulich School of Law* and the world-renowned *Dalhousie Health Law Institute* to design and deliver an exceptional, innovative program.

**A HIGHLY RELEVANT CURRICULUM** The program addresses current, real-world legal issues that are of critical importance to leaders working in the public and private healthcare sectors.

**A PEER NETWORK** Over the course of the week, you will work closely with other accomplished executives from a variety of healthcare organizations and have the opportunity to exchange insights, debate issues, discuss the legal challenges facing your organization, and forge strong relationships that will extend beyond the program.

**SKILLED EDUCATORS** The faculty has been carefully chosen to ensure an optimal blend of leading legal scholars and senior practitioners with a wealth of experience in legal aspects of healthcare administration. The faculty is committed to challenging your thinking about the role law plays in your professional lives and encouraging informed leadership on legal issues of concern to your organization.

**AN ENRICHING LEARNING ENVIRONMENT** Instruction will entail a strategic balance of lectures, case-based analysis focused on practical problem-solving, peer-to-peer learning, and instructor-facilitated discussion and debate. Enrollment is limited to 25 attendees to foster an intimate and interactive learning experience.

**A VALUE ADDED EXPERIENCE** This program will:

- broaden your understanding of the general framework for Canada's legal system
- expand your knowledge of fundamental and emerging legal issues in healthcare delivery
- provide strategies for effectively dealing with potential legal problems
- equip you to be more informed consumers of legal information, including legal counsel opinions
- give you greater confidence in working within legal structures and parameters
- enhance your ability to lead in a highly regulated environment
- allow you to meaningfully participate in law reform initiatives that will impact your organization

# Who Will Benefit from the Program . . .



Senior staff and executives of private and public healthcare organizations; including individuals from

- Human Resources
- Risk Management
- Quality Assurance
- Patient Safety
- Health Policy
- Professional Practice
- Professional Associations
- Unions
- Licensing Bodies
- Policy and Health Information Management

## PROGRAM COMPLETION

Participants will receive a framed Certificate of Program Completion if they attend all five days of the program and successfully complete an open-book, competency-based examination (online) that will be available at the conclusion of the program.

## REFLECTIONS FROM PAST PARTICIPANTS

*“The presenters were extremely knowledgeable and more importantly, able to convey that knowledge in a very organized, enthusiastic way. They were very respectful that the participants had knowledge and experience to contribute*

S. Aylward, Lawtons Drugs/Sobeys Pharmacy

*Excellent! Great range of topics. Consider extended number of days to allow for additional topics.*

Matt Murphy, Nova Scotia Health Authority

*This is an invaluable program that I strongly recommend for any healthcare profession or Board of Director Member.*

I-M. Fiala, MRI Marketing and Business Development

*Program exceeded my expectations. The caliber of the lectures and program delegates provided for an extremely enriched learning environment. Highly recommend!*

P. Brar, Alberta Health Services



# The Curriculum

Friday, October 12<sup>th</sup> 8:30 am – 12:00 pm

## **INTRODUCTION TO THE CANADIAN LEGAL SYSTEM**

*FACULTY: STEVE COUGHLAN, LAW PROFESSOR, SCHULICH SCHOOL OF LAW*

- Constitutional law
  - Division of powers
  - Canadian Charter of Rights and Freedoms
- Non-constitutional law
  - Statutes versus regulations
  - Statutes versus the common law
  - Common law versus the civil law
- Decision-makers in the legal system
  - Courts
  - Legislatures and Parliament
  - Administrative bodies (including Ministers/government departments)
- Proceedings before decision-makers

Friday, October 12<sup>th</sup> 1:00 am – 4:30 pm

## **HEALTH SYSTEM GOVERNANCE**

*FACULTY: WILLIAM LAHEY, PRESIDENT AND VICE CHANCELLOR, UNIVERSITY OF KINGS COLLEGE and LAW PROFESSOR, SCHULICH SCHOOL OF LAW*

- Constitutional authority in health and healthcare
- Human rights and health system governance
- The legislative landscape and the importance of legislation
- Public health insurance: legislation and administration
- Legal framework for the governance of the delivery system
- The role of administrative law
- Law and health system performance
  - Access
  - Safety
  - Quality
  - Cost
- Value for money



# The Curriculum

Saturday, October 13<sup>th</sup> 8:30 am – 12:00 pm

## **INSTITUTIONAL GOVERNANCE**

*FACULTY: WILLIAM LAHEY, PRESIDENT AND VICE CHANCELLOR, UNIVERSITY OF KINGS COLLEGE and LAW PROFESSOR, SCHULICH SCHOOL OF LAW*

- The not-for-profit public corporation: who owns this place?
- Corporate and organization structures
- Boards of Directors: roles and accountabilities
  - Applicable laws
  - Applicable standards
  - Core concepts: fiduciary obligations; due diligence; business judgment rule
- Organization and structure of the medical staff
- Hospital foundations
- Privileging
- Administrative law

Saturday, October 13<sup>th</sup> 1:00 pm – 4:30 pm

## **WORKFORCE MANAGEMENT: EMPLOYMENT LAW**

*FACULTY: MALCOLM BOYLE, Q.C., PARTNER, MCINNES COOPER*

- Creating an employment relationship
  - Employee versus independent contractor
  - Applications, reference checks and interviews
  - The employment contract
  - Probation periods
  - Terms of the employment relationship required by statute
  - Definition of job duties and responsibilities
  - Setting out benefits
  - Termination provisions
  - Restrictive covenants
- The ongoing employment relationship
  - Modification of the terms of the employment contract
  - An employee's duty of fidelity
  - Regular performance evaluations
  - Discipline and performance issues
- Terminating the employment relationship
  - What constitutes dismissal or resignation
  - Circumstances for terminating
  - Terminating an employee
- Competition of the former employee after termination

# The Curriculum

Sunday, October 14<sup>th</sup> 8:30 am - 12:00 pm pm

## **WORKFORCE MANAGEMENT: LABOUR LAW, HUMAN RIGHTS LAW, OCCUPATIONAL HEALTH AND SAFETY LAW**

*FACULTY: DALE DARLING, SENIOR LEGAL COUNSEL,  
HEALTH ASSOCIATION NOVA SCOTIA*

- Labour law
  - Legislative framework
  - The collective agreement
  - Bargaining landscape in the health sectors
  - Work stoppages
  - Nexus between regulated professions and collective agreements
  - Discipline: issues specific to healthcare
- Human rights
  - Legislative framework
  - Dispute resolution (changes to the process)
  - Managing and avoiding claims of discrimination
- Occupational health and safety
  - Legislative framework
  - Work refusals
  - Managing and avoiding safety violations
- Workplace investigations

Sunday, October 14<sup>th</sup> 1:00 pm – 4:30 pm

## **TORT LIABILITY AND THE LITIGATION PROCESS**

*FACULTY: MICHAEL HADSKIS, LAW PROFESSOR, SCHOOL OF HEALTH ADMINISTRATION and SCHULICH SCHOOL OF LAW, HEALTH LAW INSTITUTE MEMBER*

- What is Tort Law?
- Consent to treatment
  - Types of Consent
  - Withdrawal of consent
  - Consent elements
    - Consent must be voluntary
    - Consent must be given by a competent person
    - Consent must refer to treatment and provider
    - Consent must be informed
      - Disclosure standard
      - Decision causation
- (Limited) consent exceptions
  - Emergency doctrine
  - Statutory immunity/authority

# The Curriculum

Monday, October 15<sup>th</sup> 8:30 am – 12:00 pm

## **TORT LIABILITY AND THE LITIGATION PROCESS**

*FACULTY: MICHAEL HADSKIS, LAW PROFESSOR, SCHOOL OF HEALTH ADMINISTRATION and SCHULICH SCHOOL OF LA, HEALTH LAW INSTITUTE MEMBER*

- Negligence: diagnosis and provision of treatment
  - Elements of a negligence action
    - Duty of care
    - Standard of care
    - Damage/injury
    - Causation
    - Remoteness
  - Defences
    - Contributory negligence
    - Statutory limitation periods
- Institutional Liability
  - Direct liability of healthcare institutions
  - Vicarious liability of healthcare institutions
- Damage awards
- Liability insurance
- Anatomy of a civil action

Monday, October 15<sup>th</sup> 1:00 pm – 4:30 pm

## **REGULATION OF HEALTH PROFESSIONALS**

*FACULTY: MARJORIE HICKEY, Q.C., PARTNER, MCINNES COOPER*

- Modes of regulation
- Legislative and administrative structure
- Membership/licensing
- Standards of practice and codes of ethics
- Investigation and discipline
- Continuing competence
- Cutting edge issues in regulation (e.g., interdisciplinary and collaborative care)
- New technologies (e.g., telehealth)



# The Curriculum

Tuesday, October 16<sup>th</sup> 8:30 am – 4:30 pm

## **PRIVACY AND CONFIDENTIALITY OF HEALTH INFORMATION**

**FACULTY:** *ELAINE GIBSON, LAW PROFESSOR, SCHULICH SCHOOL OF LAW and  
HEALTH LAW INSTITUTE MEMBER  
DAVID FRASER, PARTNER, MCINNES COOPER*

- Common law confidentiality obligations
- Codes of ethics and confidentiality
- Legislation
  - Public sector privacy legislation
  - Health information legislation
  - Private sector privacy legislation
  - Legislation governing information in the course of commercial activity
- Consensual release of health information
  - To the patient
  - To other healthcare providers
  - To surrogate decision-makers
  - To other third parties
- Non-consensual release of health information
  - Protection of the patient
    - Best interests
    - Emergencies
    - Adult protection
    - Narcotic reporting
  - Protection of others
    - Child abuse
    - Prevention of harm
    - Disease
    - Adverse drug reaction
- Use of records in proceedings concerning the patient
  - Civil action
  - Subpoenas and search warrants
- Use of Records in Proceedings Concerning the Health Professional
  - Discipline
  - Bankruptcy





# ABOUT THE FACULTY



**Malcolm Boyle, Q.C. – Senior Partner, McInnes Cooper (Halifax Office)**

Representing local, national, and international employers in all sectors and industries, Malcolm provides strategic advice on all matters dealing with employees from employment hiring to terminations, employment policies, and workplace investigation. He has been recognized by Best Lawyers in Canada for his practice in Labour and Employment and Workers’

Compensation Law since 2006, and by Lexpert Magazine as a Leading Practitioner in Labour and Employment Law. Malcolm is a member of the Canadian Bar Association and currently sits as the Past Chair of the National Sections Council (he is a past Chair of the National Labour Law Subsection and past Chair of the Nova Scotia Labour Law Subsection).



**Steve Coughlan – Law Professor, Schulich School of Law, Dalhousie University**

Steve’s primary teaching area is Criminal Law and Procedure, but he has also taught Health Law, Medical Ethics (in the Faculty of Medicine), Constitutional Law, and Clinical Law. He has received many awards for his teaching, including the Association of Atlantic Universities Distinguished Teacher Award (2005), the Dalhousie Alumni Association Award of Excellence

for Teaching (2004), the Hannah and Harold Barnett Award for Excellence in Teaching First Year Law (2004 and 2009), and the Dalhousie Law Students’ Society and Alumni Association Award for Teaching Excellence (2000). He is the author or co-author of seventeen books and over 100 articles, annotations, and chapters in various journals and books.



**Dale Darling – Senior Legal Counsel, Health Association Nova Scotia**

Dale is a labour and employment specialist who represents public sector employers. She has appeared at all levels of courts in Nova Scotia as well as the Labour Board, Workers’ Compensation Appeals Tribunal, and human rights Boards of Inquiry. She is a member of the part-time faculty at the Schulich School of Law and has a special interest in providing

legal education to her clients.



**David Fraser – Partner, McInnes Cooper (Halifax Office)**

David is one of Canada’s leading internet, technology, and privacy lawyers. He advises private and public sector clients on all aspects of technology and privacy laws. He is the author of the popular Canadian Privacy Law Blog ([blog.privacylawyer.ca](http://blog.privacylawyer.ca)), the Past President of the Canadian IT Law Association, and the former Chair of the National Privacy and Access Law Section of the

Canadian Bar Association. David has been consistently included in The Best Lawyers in Canada in the category of Information Technology Law. He is listed among the world’s leading lawyers in Internet and eCommerce Law in the International Who’s Who of Business Lawyers. David is currently a member of the Joint Data Access Committee of the IWK Health Centre in Halifax. He is also a member of the faculty of the Schulich School of Law.



**Elaine Gibson – Law Professor, Schulich School of Law**

Elaine is the former Associate Director of the Dalhousie University Health Law Institute. Her areas of expertise include health law, public health, medical malpractice, privacy law, patient safety, and torts. Elaine participates in a number of research projects concerning the privacy and confidentiality of health information, focusing on the uses of information in the areas of health research and public health surveillance. Her extensive list of publications includes numerous book chapters and peer-reviewed articles on privacy and confidentiality issues in the healthcare context.



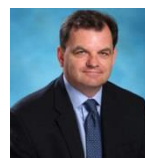
**Michael Hadskis – Law Professor, School of Health Administration and Schulich School of Law and Health Law Institute Member**

Michael is a member and former Acting Associate Director of the Dalhousie University Health Law Institute. Michael's research deals with health law and policy issues. He was a co-investigator under a \$1.5 million Canadian Institute of Health Research Neuroethics New Emerging Team grant, and is presently a collaborator under the Natural Sciences and Engineering Research Council CREATE grant. Michael's main teaching areas are tort law and health law. He has received multiple teaching awards in the Faculty of Law and Health. Michael has served as a member of the IWK Health Centre Research Ethics Board and the Dalhousie Health Sciences Research Ethics Board. In connection with his service on the latter Board, he received Dalhousie's Distinguished Service Award in 2007. Presently, he is a member of Dalhousie's Research Ethics Appeal Board.



**Marjorie Hickey, Q.C. – Partner, McInnes Cooper (Halifax Office)**

Marjorie's litigation and administrative law practice focuses on regulatory and liability issues for professionals. She represents many professional regulatory bodies, such as the College of Registered Nurses of Nova Scotia and the College of Physicians and Surgeons of Nova Scotia. Marjorie drafts and interprets governing legislation, and provides training, strategic policy and operational advice to self-governing organizations. She also helps health facilities prepare and interpret hospital by-laws, develop risk management strategies, and handle privileges issues. Marjorie is a past President of the Nova Scotia Barristers' Society. In 2009, she was inducted as a Fellow of the American College of Trial Lawyers and was a recipient of Lexpert's Zenith Award, which recognizes leading women lawyers in Canada. Marjorie has been recognized by *Best Lawyers in Canada* for her practice in Administrative and Public Law, Health Care Law, and Legal Malpractice and is the 2014 Halifax Administrative and Public Lawyer of the Year.



**William Lahey – President and Vice Chancellor, University of Kings College; Associate Professor, Schulich School of Law**

He is a member and past Director of the Dalhousie Health Law Institute and a member of Dalhousie's Marine and Environmental Law Institute. He is a Rhodes Scholar graduate of Mount Allison University. He teaches Public Law, Administrative Law, and Health Systems Law and Policy and is the winner of two Law School teaching awards. He has published in the fields of health law, administrative law, constitutional law, environmental law, and legal history. William is consulted on law and policy in multiple fields, including health, energy, environment, and professional regulation. He is a Vice-Chair of the Nova Scotia Health Research Foundation. He has served as Deputy Minister of the Nova Scotia Department of Environment and Labour (2004-2007), Assistant Deputy Minister of the Nova Scotia Department of Health (1998-2001), and as Independent Reviewer of Nova Scotia's mental health legislation.

# REGISTRATION FORM

## Dalhousie University School of Health Administration Certificate in Legal Aspects of Healthcare Administration

NAME: \_\_\_\_\_  
(First) (Initial) (Last)

TITLE: \_\_\_\_\_

ORGANIZATION/LOCATION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ PROVINCE: \_\_\_\_\_ POSTAL CODE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

TELEPHONE (H): \_\_\_\_\_ (W): \_\_\_\_\_

**Fee Per Delegate:** *Early Registration (until July 15<sup>th</sup>)* \$2095 (\$1821.75 + tax); *Registration (after July 15<sup>th</sup>)* \$2295 (\$1995.65 + tax) **HST Number 88680 6561 RT0001** Fees include attendance, program materials, continental breakfast, lunch and refreshments for each of the 5 days of the program.

**Participant enrolment is limited so please register as early as possible.** Payment must be received prior to the course start date. The price does not include accommodations. Rooms can be booked at the Atlantica Hotel Halifax at a preferred rate of \$139 (gold or platinum level). Participants may make their reservations online at <https://reservations.travelclick.com/72818?groupID=2130560>

**Substitutions** If you are unable to attend the program, you are welcome to send a colleague in your place. There is no fee to make this change provided you notify the School (healthadmin@dal.ca). Substitutions are not permitted once the program has started.

**Cancellations** The Planning Committee reserves the right to make changes to the session agenda and speakers, or to cancel the program if registration targets are not met or when conditions beyond our control prevail. *In the event of program cancellation, the School of Health Administration's liability is limited to reimbursement of registration fee only.*

**Location** Atlantica Hotel Halifax  
1980 Robie Street  
Halifax, NS B3H 3G5

**Certificate of Completion** Participants must attend all 5 days of the program and pass an open-book, competency-based, take-home examination (on-line) that will be available at the conclusion of the program. Participants successfully completing the requirements of the program will receive a framed Certificate of Program Completion.

**To Register – please send your completed form by:**

Mail: School of Health Administration CE Program  
Sir Charles Tupper Medical Building, 2<sup>nd</sup> Floor  
5850 College Street, PO Box 15000, Halifax, NS B3H 4R2

Fax: 902.494.6849 or

Email: [healthadmin@dal.ca](mailto:healthadmin@dal.ca)

### PAYMENT INFORMATION

Please make cheque payable to:  
School of Health Administration

### METHOD OF PAYMENT

Payment must be received prior to course start date.

- Cheque  
 Cash  
 Invoice Employer  
 Credit Card  
     Personal  
     Organizational

VISA  MC   
AMEX  DISC

Credit Card Number: \_\_\_\_\_

Expiry Date \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

*You will receive confirmation of your registration by email once your registration has been processed.*

### FOR OFFICE USE ONLY

Registration Date \_\_\_\_\_

Processed \_\_\_\_\_

Confirmation Sent \_\_\_\_\_



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