



## 2011 ANNUAL REPORT



**FACULTY**

- 1. William Lahey, Director
- 2. Elaine Gibson, Associate Director
- 3. Michael Hadskis

**FACULTY ASSOCIATES**

- 4. Jocelyn Downie
- 5. Fiona Bergin
- 6. Constance MacIntosh
- 7. Chidi Oguamanam
- 8. Sheila Wildeman

**RESEARCH ASSOCIATES**

- 9. Leah Hutt
- 10. Victoria Apold
- 11. Jacqueline Shaw

**ADMINISTRATION**

- 12. Barbara Carter
- 13. Shawna Gray

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## LETTER FROM THE DIRECTOR

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I am pleased to add a few introductory comments to this the annual report of the Dalhousie Health Law Institute for 2010-2011.

The year was a significant one in terms of our core educational mission. The Schulich School of Law graduated twelve LL.B./J.D. students with their certificate of specialization in health law and policy. This is the largest number of students to graduate

with the certificate in any year since the certificate was first awarded in May 1999. In addition, at Fall Convocation, both Fiona McDonald and Cheluchi Onyemelukwe crossed the stage to receive their doctorates, becoming the first two Dalhousie J.S.D. students to have specialized in topics in health law and policy.

Keeping with the educational theme, 2010-2011 was also the year that we congratulated Faculty Member Constance MacIntosh (who is about to start her term as Director of the Institute) on her selection as the recipient of the teaching excellence award that is given each year to a faculty member of the Schulich School of Law by the Dalhousie Law Students' Society and the Dalhousie Law School Alumni Association. The past year also saw the expansion of the Institute's contribution to Dalhousie's education of future health professionals, thanks to Professor Michael Hadskis, who designed and delivered a new course on health law for students in the School of Health Administration.

Another notable event was the induction of former Director, Jocelyn Downie, as a Fellow into both the Royal Society of Canada and the Canadian Academy of Health Sciences. This is a fitting tribute to the stature that Jocelyn has earned in Canadian health law and

ethics scholarship, and in both legal and health scholarship more broadly. Some of that stature is based on her continuing leadership in co-editing, along with Toronto's Colleen Flood (former Institute Associate Director) and Alberta's Timothy Caulfield (Dalhousie LL.M. alumnus), the multiple editions of *Canadian Health Law and Policy*; the standard text used in health law and policy teaching in Canadian law schools. The 4th edition of that text recently appeared, featuring chapters by four members of the Institute.

The Institute's Seminar Series was once again a terrific success, with consistently large audiences coming regularly to the law school to hear top notch speakers deal with topics such as the control of spending on pharmaceuticals, patient safety and human error, justice and health inequalities, euthanasia in the Netherlands, and regulatory collaboration among Nova Scotia's self-regulating health professions. In addition, the Institute was pleased to sponsor two lectures given by Dr. Laura Dunn, an international expert on the assessment of decision-making capacity, which were organized by Professor Sheila Wildeman.

Finally, it deserves to be mentioned here that the future of health law at Dalhousie received a significant boost with the announcement of the establishment of a new and permanent Chair in Health Law and Policy thanks to the generous gift of Dr. John McCall MacBain. This significant event confirms that Dalhousie has become and will remain a Canadian leader in health law and policy teaching, research and public service for decades to come.

**William Lahey**



## HEALTH LAW AND POLICY SEMINAR SERIES



The Health Law Institute's well-established seminar series was as popular as ever, continuing to attract diverse speakers and enthusiastic attendees averaging approximately 80 per seminar. Speakers and audience members were broadly based, coming from academia, the legal and health care communities, government, and other interested groups including the general public.

This year saw an exceptional range of speakers discussing a multitude of health law and policy topics. Some presenters travelled from afar, as did **Matthew Brougham** representing New Zealand's agency charged with making decisions on government-funded medicines; United Kingdom's **James Reason** whose expertise lies in human performance in hazardous systems; and **Hans Van Delden**, a Netherlands' nursing home physician and professor of medical ethics. Canadian speakers joined us from Ontario, Quebec, and Nova Scotia; with a contingent of Dalhousie's own, including **William Lahey** who co-presented with colleagues from government and health professional regulatory bodies.

New and continued seminar partnerships with the **Canadian Centre for Ethics in Public Affairs**, **Dalhousie University's Faculty of Health Professions** and **European Centre of Excellence** contributed greatly to the success of the series this year. The Institute is also indebted to the **Canadian Institute of Health Research Training Program in Health Law, Ethics and Policy** and the **Schulich School of Law** for their generous series' support.

### OUR FULL SEMINAR PROGRAM FOR 2010–11 INCLUDED:

**Matthew Brougham**, Chief Executive, PHARMAC (Pharmaceutical Management Agency of New Zealand) – “Keeping Government Spending on Pharmaceuticals Under Control: Lessons from New Zealand”

**James Reason**, Professor Emeritus, Department of Psychology, University of Manchester – “Patient Safety and Human Error: Models and Myths”

**Helen Stevenson**, Former Assistant Deputy Minister and Executive Officer, Ontario Public Drug Programs – “Drug System Reform: Without Borders?” (co-sponsored by the Dalhousie Faculty of Health Professions)

**Daniel Weinstock**, Centre de Recherche en Éthique, Université de Montréal – “Justice and Health Inequalities”

**Hans van Delden**, Faculty of Medicine, Utrecht University – “Euthanasia in the Netherlands: Medical Practice and Societal Control” (co-sponsored by the Dalhousie European Union Centre of Excellence and the Canadian Centre for Ethics in Public Affairs)

**Matthew Herder**, Department of Bioethics, Dalhousie University – “Can Patents Shape the Who, How, and What of Academic Science? Evidence from Epigenetics”

**David VanderZwaag**, Marine & Environmental Law Institute, Dalhousie University – “The Precautionary Approach to International Control of Toxic Chemicals”

**William Lahey**, Health Law Institute, Dalhousie University and Members of the Collaborative Self-Regulation Working Group – “Collaborative Self-Regulation and the Health Professions in Nova Scotia: Panel Discussion”



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# SCHOLARSHIP

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## Research Awards

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### CONGRATULATIONS!

*2010 was a year of high honors for **Jocelyn Downie** as she was inducted as both a **Fellow of the Royal Society of Canada** (which recognizes the best Canadian scholars and researchers on the national and international stages), and as a **Fellow of the Canadian Academy of Health Sciences** (for those having a history of outstanding performance in the academic health sciences in Canada).*

### Canada Research Chair in Health Law and Policy

Jocelyn Downie 2008-13

## Research Grants

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### CIHR Training Program in Health Law, Ethics and Policy

\$1,950,000 Canadian Institutes of Health Research 2009-15  
William Lahey, Co-Principal Investigator (Principal Investigator: Colleen Flood); Elaine Gibson, Jocelyn Downie, Sheila Wildeman, Constance MacIntosh, Co-Investigators

### CREATE Training Program in Human and Ecological Risk Assessment (Environmental Health)

\$1,634,292 Natural Sciences and Engineering Research Council of Canada 2009-15

William Lahey, Co-Investigator (Principal Investigator: Steven Sicilano)

### Pandemic Influenza: Competency-Based Health Human Resources Planning for Teams

\$399,995 Canadian Institutes of Health Research 2010-13  
William Lahey, Co-Investigator (Principal Investigator: Gail Tomblin Murphy)

### Let Conscience Be Their Guide? Conscientious Refusals in Reproductive Health Care

\$240,297 Canadian Institutes of Health Research 2010-13  
Jocelyn Downie, Co-Investigator (Principal Investigator: Carolyn McLeod)

### Strategic Plan Development and Implementation Support

50,000 Anonymous Funder 2010-12; William Lahey, Principal Investigator

### Facilitating Access to Health Data for Research and Planning in Light of Laws and Ethical Norms

\$642,116 Canadian Institutes of Health Research 2009-13  
Elaine Gibson, Co-Principal Investigator (Principal Investigator: Don Willison); Michael Hadskis, Co-Investigator

### Managing the Health Risks of Migration

\$5,000 Metropolis 2011-12  
Constance MacIntosh, Principal Investigator

### Research Capacity Award

\$50,000 Nova Scotia Research Foundation of Nova Scotia 2011-12  
William Lahey, Principal Investigator; Jacqui Shaw, Research Associate

### A Comparative Study of Assisted Human Reproduction Patients' Views about the Donation of Eggs and Embryos for Scientific and Clinical Research

\$115,555 Canadian Institute of Health Research 2011-12  
Jocelyn Downie, Program Advisory Committee (Principal Investigator: Françoise Baylis)

### DeDPiCT Determination of Death Practices in Intensive Care Units

\$172,691 Physician Services Inc., CHEO RI, and Canadian Institutes of Health Research 2009-12  
Jocelyn Downie, Co-Investigator (Principal Investigator: Sonni Dhanani)

### Relational Theory and Health Law and Policy

\$25,000 Canadian Institutes of Health Research 2009-11  
Jocelyn Downie, Co-Principal Investigator (with Jennifer Llewellyn)

### Braving the Brain: States of Mind

\$1,500,000 Canadian Institutes of Health Research 2006-11  
Sheila Wildeman, Collaborator (Principal Investigator: Françoise Baylis)

### Neuroimaging Ethics: From Theory to Practice

\$1,484,868 Canadian Institutes of Health Research 2004-11  
Jocelyn Downie, Principal Investigator; Michael Hadskis, Co-Investigator; Jacqui Shaw, Research Associate

## Research Contracts and Service Agreements

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### Health Law and Policy (Ancillary Agreement)

\$155,069 Nova Scotia Department of Health 2010-12  
William Lahey and Elaine Gibson  
Leah Hutt and Victoria Apold, Research Associates

### Health Law and Policy

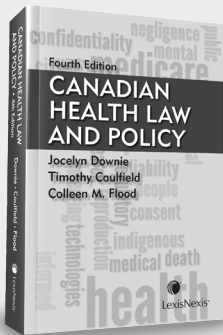
\$626,768 Nova Scotia Department of Health 2008-12  
William Lahey  
Leah Hutt and Victoria Apold, Research Associates

### Overview and Assessment of Best Practices for Use of Information in Electronic Health Records for Research

\$7,000 Ethics Office, Canadian Institutes of Health Research 2011  
Elaine Gibson

# SCHOLARSHIP

## Publications



**Canadian Health Law and Policy, 4th ed.**  
(Markham: LexisNexis Canada Inc. 2011)

**Jocelyn Downie, Timothy Caulfield, and Colleen Flood, eds.**

Continuing to offer the most comprehensive and current analysis of a fast-changing field, the 4th edition presents fresh perspectives and up-to-date revisions that not only are useful to instructors as a

text for health law courses, but serve as a valuable guide to those interested in exploring this constantly evolving and sometimes controversial area of law and policy.

Drawing upon some of the strongest academic voices within health law, this new edition includes chapters by Health Law Institute colleagues:

**William Lahey** “Medicare and the Law: Contours of an Evolving Relationship” 1-73

**Elaine Gibson** “Health Information: Confidentiality and Access” 253-294

**Michael Hadskis** “The Regulation of Human Biomedical Research in Canada” 437-500

**Constance MacIntosh** “Indigenous Peoples and Health Law and Policy: Responsibilities and Obligations” 575-614

**William Lahey**, “Is Self-Regulation Under Threat?” *Canadian Nurse* 107:5 (May 2011): 7-8. (Permission granted to republish in other nursing publications.)

**Don Willison, Elaine Gibson, and Kim McGrail**, “A Roadmap to Research Uses of Electronic Health Information” in Colleen Flood, ed., *Data Data Everywhere: Access and Accountability?* (Montreal and Kingston: McGill-Queen’s University Press, 2011): 233-251.

**Michael Hadskis and Matthias Schmidt**, “Paediatric Neuroimaging Research” in Judy Illes and Barbara Sahakian, eds., *Oxford Handbook of Neuroethics* (Oxford: Oxford University Press, 2011): 389-404.

**Cheluchi Onyemelukwe and Jocelyn Downie**, “The Tunnel at the End of the Light? A Critical Analysis of the Development of the Tri-Council Policy Statement” *Canadian Journal of Law and Society* 26:1 (2011): 59-176.

**Francoise Baylis and Jocelyn Downie**, “Confusion Worse Confounded” [Rapid Response: Withdrawal of Clinical Trials Policy by Canadian Research Institute is a “Lost Opportunity for Increased Transparency” by Ann Silversides.] *British Medical Journal* (2011) on-line.

**Jocelyn Downie**, “The Ends of Life and Death: Public Policy, Spirituality, and the Law” in the *Segelberg Trust Lecture Series Collection* (Trafford Publishing, December 2011).

**Jocelyn Downie and Victoria Apold**, “Bad News about Bad News: The Disclosure of Risks in Insurability in Research Consent Processes” *Accountability in Research* 18:1 (2011): 31-44.

**Gina Bravo, Marie-France Dubois, Carole Cohen, Sheila Wildeman, Janice Graham, Karen Painter, and Suzanne Bellemare**, “Are Canadians Providing Advance Directives about Health Care and Research Participation in the Event of Decisional Incapacity?” *Canadian Journal of Psychiatry* 56:4 (2011): 209-218.

**Marie-France Dubois, Gina Bravo, Janice Graham, Sheila Wildeman, Carole Cohen, Karen Painter, and Suzanne Bellemare**, “Comfort with Proxy Consent to Research Involving Decisionally-Impaired Older Adults: Do Type of Proxy and Risk-Benefit Profile Matter?” *International Psychogeriatrics* 23 (2011): 1479-1488.

**William Lahey**, “New Governance Regulation and Managerial Accountability for Performance in Canada’s Health Care Systems” in Catherine Régis and Robert Kouri, eds., *Les Grands défis en droit et politiques de la santé/The Grand Challenges in Health Law and Policy* (Cowansville, PQ: Yvon Blais/Thompson, 2010): 243-278.

**Elaine Gibson**, “Collection, Use and Disclosure of Information for Public Health Purposes” in Tracey Bailey and Nola Ries, eds., *Halsbury’s Laws of Canada, Public Health Volume*, 1st ed. (Toronto: Lexis-Nexis, 2010): 43-161.

**Michelle Black and Jocelyn Downie**, “Watch Your Language: A Review of the Use of Stigmatizing Language by Canadian Judges” *Journal of Ethics in Mental Health* 5:1 (2010): 1-8.

**Jocelyn Downie**, “A Conflict by Any Other Name Would Smell as Foul: A Comment on the Appointment of a Vice-president of Pfizer to the CIHR Governing Council” *Ottawa Life* (September 27, 2010).

**Gina Bravo, Marie-France Dubois, Sheila Wildeman, Janice Graham, Carole Cohen, Karen Painter, and Suzanne Bellemare**, “Research with Decisionally Incapacitated Older Adults: Practices of Canadian Research Ethics Boards” *IRB: Ethics and Human Research* 32:6 (2010): 1.

**Victoria Apold**, “Brain Matters: New Directions in Neuroethics: A Conference Report” *Canadian Bioethics Today* 1:14 (2010): 12-13.

# SCHOLARSHIP

## Presentations

### William Lahey

- “Beyond the ‘Fix for a Generation’: What’s Next for Health Care Federalism?” *Pre-Conference Workshop for the Canadian Association of Health Services and Policy Researchers* Halifax, Nova Scotia – May 2011 (with Katherine Fierlbeck, David Haardt, Adrian Levy, and Gail Tomblin Murphy).
- “Health Care Reform and Tort Law” *National Judicial Institute Civil Law Seminar* Montreal, Quebec – May 2011.
- “Collaborative Self-Regulation and the Health Professions in Nova Scotia: Panel Discussion” *Dalhousie Health Law Institute Health Law and Policy Seminar Series* Halifax, Nova Scotia – March 2011 (with Donna Denney, Cameron Little, Bev Zwicker and Dennis Holland).

### Elaine Gibson

- “Legal Landscape: Developments and Continued Challenges” *Data Dialogues: Round 1 Workshop* King City, Ontario – December 2011.
- “Key Developments in Canadian Medical Malpractice Law” *National Judicial Institute Civil Law Seminar* Montreal, Quebec – May 2011.

### Michael Hadskis

- “Legal Liability in Neuroscience Research” *Dalhousie University Psychology Department Research Methods in Cognitive Neuroscience* Halifax, Nova Scotia – November 2010.
- “Giving Voice to Research Participants: Should IRBs Hear From Research Participant Representatives?” *9th Society of Clinical Research Associates Conference* Dallas, Texas – September 2010.

### Jocelyn Downie

- “Just Dying: A Discussion of Euthanasia, Assisted Suicide, and the Law” *Third Annual Lecture in Health and Law* Montreal, Quebec – January 2011.
- “The HPV Vaccine Initiative – Lessons to be Learned” *Canadian Immunization Conference* Quebec City, Quebec – December 2010.
- “Shaping Health Policy for Community Involvement” *Café Scientifique* Halifax, Nova Scotia – November 2010.
- “The Spark of Conscience Inflames Debate: Conflicts of Conscience in Medicine” *Café Scientifique* London, Ontario – November 2010.
- “At the Cutting Edge: Law and Policy in Respiriology and Critical Care” *Annual Atlantic Respiriology and Critical Care Conference* Halifax, Nova Scotia – November 2010.

### Sheila Wildeman

- “A Relational Approach to Health Law: Its Application in Mental Health Care” (Plenary) *12th Canadian Collaborative Mental Health Care Conference* Halifax, Nova Scotia – June 2011.
- “Health Law in Mental Health Care: A Relational Approach to Decisional Capacity” *12th Canadian Collaborative Mental Health Care Conference* Halifax, Nova Scotia – June 2011.
- “Confidentiality and Mental Health Services: Notes Toward a Conversation” *Youth Matters Network Roundtable* Halifax, Nova Scotia – June 2011.
- “How do Canadians Understand the Law (or the Law’s Silence) on Substitute Decision-Making about Research?” *Canadian Conference on Elder Law* Toronto, Ontario – October 2010.
- “The Politics of Decisional Capacity” *States of Mind Neuroethics NET Grant Meeting: Cross-Disciplinary Approaches to Decision-Making Capacity* Lake Simcoe, Ontario – September 2010.

## HEALTH LAW STUDENTS’ ASSOCIATION



2010–11 Executive:  
**Chelsea Seale** (Co-Chair)  
**Lauren Hill** (Secretary and Communications Officer)  
**Shannon McEvenue** (Co-Chair)  
**Allison Reed** (Treasurer)

The HLSA had a busy year as they hosted educational, social, and fundraising events designed to increase student awareness of health law issues; facilitate communication between students and individuals working in the field; and foster fellowship.

Many activities were held including a “lunch and learn.” **Archie Kaiser** (law faculty) and **Kelly Rowlett** (NS Legal Aid) spoke on the new NS Mental Health Court. Also, at “Alternative Career Night” invited guests spoke on their career paths: **Suzanne Kennedy** (College of Registered Nurses of NS); **Tina Hall** (NS Dept. of Justice); and **Lorraine Lafferty** (law faculty and former law firm partner)

Early in the year, HLI faculty were asked to present on the Institute and its research agenda. Later on, all health law professors were invited to provide academic advising and “pitch” their classes to students for next year.

Further fellowship was enjoyed at a wine tasting arranged through a local, private retailer; and both fun and fund-raising were combined with “candy-gram” sales.

The HLSA’s Constitution was redrafted for ratification by the Dalhousie Student Union which will help raise HLSA profile on campus.

The year concluded with the election of a new Executive. This group of new and returning members will no doubt ensure another great year!

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## EDUCATION

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In keeping with the Health Law Institute's educational mandate, the teaching activities below are illustrative of Institute members sharing their experience and expertise within the academic setting. Students of law, medicine, health professions, and dentistry are introduced to and are engaged in exploring issues pertaining to health law and policy that will impact on their professional practices.



Dalhousie Law Students' Society President, Jade Buchanan, honoured **Constance MacIntosh** with the **Award for Excellence in Teaching** on behalf of the Society and the Dalhousie Law Alumni Association. This award recognizes extraordinary dedication and achievement in teaching and service to students in the Schulich School of Law. Nominated by students, recipients are chosen based on their ability to inspire high academic achievement and having had positive student involvement and influence.

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### Undergraduate

The Schulich School of Law continued to offer one of the largest collections of health law and policy courses in Canada. A wide range of options were available to law students including:

- Health Law (**Michael Hadskis**)
- Health Systems Law and Policy (**William Lahey**)
- Advanced Negligence: Medical Malpractice (**Elaine Gibson**)
- Health Law and Policy: Current Issues (**Cheluchi Onyemelukwe**)
- Mental Disability Law (**Archie Kaiser**)
- Health Law Placement (Faculty Supervisor: **Michael Hadskis**;  
Placement Supervisors: **Leah Hutt, Catherine Gaulton, Jen Feron**)
- Health Law Exchange (**Michael Hadskis**)
- Directed Research Paper (**William Lahey, Elaine Gibson**)

Also within the undergraduate law program, Institute faculty taught in other areas of law such as Administrative Law (**William Lahey**) and Tort Law and Damage Compensation (**Elaine Gibson, Michael Hadskis**). Faculty participated in the School's various moot programs as coaches and judges, as well as in the mandatory Orientation to Law course for first year students.

With coordination and oversight provided by **Michael Hadskis**, interdisciplinary teaching activities continued in the Faculties of Medicine, Health Professions, and Dentistry. **Fiona Bergin** and **Michael Hadskis** led tutorials on health law issues to the medical clerks as they completed their core rotations in Obstetrics and Gynecology, Medicine, Family Medicine, and Psychiatry. Topics included regulation of the medical profession, confidentiality and privacy of health information, end-of-life care, and mental health law.

In Health Professions, **Devon Peavoy** taught the "Health Law for Non-Lawyers" course. This course is specifically designed to provide non-law students with an overview of significant legal issues that arise in the health care context. In addition, College of Pharmacy students received a lecture given by **Fiona Bergin** on the confidentiality and disclosure of health information.

In coordination with ethics training delivered by Faculty of Dentistry member, **Mary McNally**, health law teaching was delivered in each year of the four-year dental program by **Catherine Gaulton** (Year 1), **Suzanne Kennedy** (Years 2 and 3), **Leah Hutt, Michael Wood** and **Corrine Boudreau** (Year 4).

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### Graduate

Five L.L.M. and three J.S.D. students benefited from the guidance and support of Institute members who served on their thesis committees. Committee roles included supervisor, second reader, and examiner. **Jocelyn Downie** was also a member of an Interdisciplinary Ph.D. student's thesis committee, and **William Lahey** supervised a course of self-directed study for a student in the Faculty of Medicine.

In Health Professions, School of Occupational Therapy students were introduced to the Canadian health care system by **William Lahey** and to Nova Scotia's mental health laws by **Sheila Wildeman**.

On the initiative of **Joseph Byrne**, Director of the School of Health Administration, and Institute Director, **William Lahey, Michael Hadskis** developed and implemented an on-line health law course ("Health Care Law") for Master of Health Administration students. This innovative compulsory course surveys contemporary health law issues relevant to health administrators. Assistance in the delivery of the course was provided by law alumnus **Sara Josselyn**.

As a member of the Program Coordinating Committee of the CIHR Training Program in Health Law, Ethics and Policy and as Director of the Health Law Institute, **William Lahey** developed an internship at the Nova Scotia Department of Health for training program fellowship student, **Nayha Archarya**, who subsequently commenced L.L.M. studies at the Schulich School of Law.

**William Lahey** and **Maira McConnell**, as members of a multi-university, multidisciplinary team holding a NSERC CREATE training grant, designed and delivered an intensive, four-day course at the University of Saskatchewan on Risk and Regulatory Law for students holding fellowships under the training program. Through this training program, fellowships are awarded to doctoral students in toxicology, public health and law who are studying questions related to the evaluation, understanding and management of risk as it impinges upon the environment and human health.



## EDUCATION

### Postgraduate

**Michael Hadskis** coordinated two annual Resident Health Law Days for junior and senior medical residents. Invited speakers made presentations on health law issues, including medical negligence (**Michael Hadskis**), end-of-life issues (**Jocelyn Downie**), consent to treatment (**Elaine Gibson**), duty to treat (**Fiona Bergin**), and health information (**Jen Feron**).

**Fiona Bergin** presented a teaching session to the International Medical Graduate residents entering their third year of medical training.

### Student Accomplishments

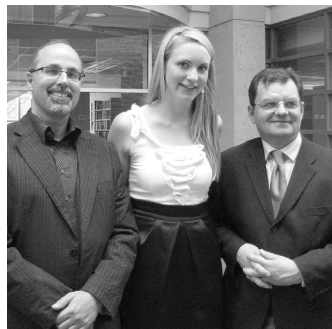
#### UNDERGRADUATE STUDENTS

May 2011 saw a record high of 12 students convocate with their LL.B./J.D. and Specialization Certificate in Health Law and Policy. This is the largest group of students to receive the dual distinction since the certificate was first awarded in May 1999. To obtain the Specialization Certificate, students must graduate with at least four dedicated health law courses, with no mark below C, and an overall weighted average of at least B.

Shown with Institute Director, William Lahey (left), are recipients **Erin Fowler, Joanna Weiss, Katie Saldanha, Laura Dowling, Lauren Grant, Michelle Black, Sue Margison, Brian Wilson, and Skye Friesen**. **Faylene Lunn, Tom Wallwork, and Rachel Woynorowski** were also recipients.



**Skye Friesen** was this year's winner of the Health Law Institute Prize. This Prize is awarded to the third year law student graduating in the Health Law Specialization Program having the highest grade point average in health law courses counted toward the specialization.



LL.B./M.H.A. joint degree recipient, **Charlotte Crosbie**, is shown here with Director, William Lahey, and Acting Associate Director, Michael Hadskis. The joint, four-year program is a collaborative effort between the Schulich School of Law and the School of Health Administration which enables students to select classes leading to degrees of Bachelor of Laws and Master of Health Administration.

#### GRADUATE STUDENTS

Further academic achievements abounded in 2011 with the first two S.J.D. students to graduate with doctoral studies in the area of health law and policy.



Both **Fiona MacDonald** and **Cheluchi Onyemelukwe** are shown above with their thesis supervisor, Jocelyn Downie. Doctoral theses were, respectively: "Patient Safety Law: Regulatory Change in Britain and Canada," and "Governance of Health Research Involving Humans in Developing Countries: The Nigerian Example."

Fiona is happily ensconsed as Senor Lecturer at Queensland University of Technology in Australia. Cheluchi returned to Nigeria and established the non-profit Centre for Health Ethics, Law and Development.

**Michael Taylor** received an LL.M. in October 2010. Completion of his part-time studies culminated with his thesis entitled, "A Bitter Pill to Swallow: Canadian Drug Regulation." Michael's dissertation assessed the current status of prescription drug regulation and the policy drivers that guide that process.

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## SERVICE

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The Health Law Institute serves as a resource to both the Dalhousie and broader communities. Institute members regularly and willingly share their knowledge and talents with individuals here and at other universities and with numerous organizations, government, and the general public.

### INTERNATIONAL

Under the guidance and oversight of **William Lahey**, the Institute in collaboration with Faculty of Medicine colleagues, completed its significant contribution to the writing of a new Mental Health Act for the Republic of Guyana. Support by Research Associate **Leah Hutt** and of part-time Research Associates, **Alana Lancaster** and **Chelcuhi Onyemelukwe** (both recent graduates of the LL.M. program), led to the success of this project.

**Jocelyn Downie** served on the Board of Directors for a U.S. grant-funding Foundation as well as on the Editorial Board for the Journal of Bioethical Inquiry.

### NATIONAL

**William Lahey** participated in consultations held by Health Canada on proposed amendments to the legislation and regulations that govern drug approval in Canada. **William Lahey** was a member of a Working Group asked to provide advice on issues relating to physician health and patient protection. This group was established by the Alberta Health Law Institute at the request of the College of Physicians and Surgeons of Alberta and the Alberta Medical Association.

**Katherine Fierbeck and William Lahey** organized a pre-conference workshop entitled “Beyond the Fix for a Generation”: What’s Next for Health Care Federalism?” for the Canadian Association of Health Services and Policy Researchers.

**Elaine Gibson** served on two Canadian Institutes of Health Research Grant Peer Review Committees. **Jocelyn Downie** also lent her time and efforts in assisting with peer review processes for granting agencies, publishers, journals, and conferences.

**Jocelyn Downie** was a member of the Royal Society of Canada’s Expert Panel on End-of-Life Decision Making tasked with revisiting public policy questions surrounding assisted death.

As part of the 12th Canadian Collaborative Mental Health Care Conference **Sheila Wildeman** was specially invited by the Canadian Institutes of Health Research to participate in a workshop looking at “a collaborative approach to depression in primary care.”

### PROVINCIAL/LOCAL

**William Lahey** was Chair of the Provincial Appeal Board under the Health Authorities Act and of the Board of Directors of Efficiency Nova Scotia Corp.

A Working Group of the Nova Scotia Network of Regulated Health Professions included team member **William Lahey**. Phase II is expected to result in enabling amendments to health professions statutes.

The Health Law Institute was pleased to host two public lectures organized by **Sheila Wildeman** and funded through **Jocelyn Downie’s** CIHR Neuroethics NET grant. The lectures were given in connection with Brain Awareness Week by California geriatric psychiatrist and international expert on the assessment of decision-making capacity, **Laura Dunn**. Prof. Wildeman also facilitated an informal get-together with Dr. Dunn and a group of health law and neuroscience students. **Sheila Wildeman** was also a member of the NS Division of the Canadian Mental Health Association.

**William Lahey** moderated a public roundtable on older adults and emergency care featuring Dr. **Brian Goldman** (Host of CBC’s “White Coat, Black Art”) and Dr. **Ken Rockwood** (Dalhousie Faculty of Medicine).

### UNIVERSITY

**William Lahey** served on an ad hoc committee regarding Dalhousie’s Strategic Research Plan; the President’s Rhodes Scholarship Advisory Committee, and Chaired the Advisory Committee of the Global Health Office which serves the three health faculties. **William Lahey** completed service on the Steering Committee for the Faculty of Health Professions’ review of the School of Health and Human Performance; and began service on their review of the School of Nursing.

Other University committees represented by Institute members included: Dalhousie Legal Aid Service Board of Trustees (**Elaine Gibson and Constance MacIntosh**); and Faculty of Medicine Ad Hoc Appeals Committee (**Elaine Gibson**); Dalhousie Research Ethics Appeal Board (**Michael Hadskis**); and Dept of Medicine/Capital Health Professional Advisory Committee (**Constance MacIntosh**).

The Segelberg Trust Lecture Series Committee administered by the School of Public Administration, and the Advisory Committee for the “Excellence in Health Care” public lecture series sponsored by the School of Health Administration, were both Chaired by **William Lahey**.

Institute members were also involved in a number of internal committees to the Schulich School of Law.

### MEDIA AND PUBLIC INQUIRIES

Health Law Institute members contribute to society’s understanding of health law and policy issues by assisting with inquiries from the public and those who serve the public. Some of the topics addressed this year related to the assisted human reproduction agency, mental health, aboriginal health and legislative reform on on-reserve water quality, and end-of-life care issues.

## HEALTH LAW INSTITUTE MISSION

The Institute is committed to the advancement of health law and policy and the improvement of health care practice and health systems through scholarly analysis, professional education, and public service.

## HEALTH LAW INSTITUTE OBJECTIVES

### TO FOSTER STRONG AND INNOVATIVE HEALTH LAW AND POLICY SCHOLARSHIP

- by contributing to research in the area of health law and policy
- by providing external consultation services on matters having a significant impact on health law or policy

### TO ADVANCE HEALTH LAW AND POLICY EDUCATION

- by designing and implementing education programs for law, medicine, health professions, and dentistry students
- by providing continuing education opportunities for health professionals and legal practitioners

### TO SERVE THE PUBLIC IN OUR AREAS OF EXPERTISE

- by contributing to the societal understanding of health law and policy issues
- by providing expertise to organizations in the public sector
- by engaging in the policy-making process at local, regional, and national levels



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