



2012 ANNUAL REPORT



FACULTY MEMBERS

- 1. Constance MacIntosh, Director
- 2. Elaine Gibson, Associate Director
- 3. Fiona Bergin
- 4. Jocelyn Downie
- 5. Michael Hadskis
- 6. Matthew Herder
- 7. William Lahey
- 8. Sheila Wildeman

AFFILIATE MEMBER

- 9. Jacqueline Gahagan

RESEARCH ASSOCIATES

- 10. Leah Hutt
- 11. Christy MacKay

ADMIN. SECRETARY

- 12. Barbara Carter

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DIRECTOR'S MESSAGE



I am delighted to introduce the Health Law Institute's 2011–2012 annual public report, which presents an overview of members' activities and accomplishments for the past year. We have a great deal to be proud of, and the process of narrowing down what to include and what to omit was quite a challenge. As illustrated in the following pages, Institute members continue to be prolific and influential scholars and

dedicated teachers, and to be robustly engaged in topical public, political and legal dialogues about the present and future of health law and policy in Canada.

Those who have been following the Institute's activities over the past few years will notice that we have several new members. Last August, the Institute finalized a new membership policy, which was designed to support the Institute's broader objectives of fostering cross-disciplinary research and conversation. We were delighted to welcome into the Institute Matthew Herder from the Faculty of Medicine and Jacqueline Gahagan from the School of Health Professions. Both scholars bring with them a wealth of expertise, and the Institute has greatly benefitted from their presence.

We were also very excited to announce that Joanna Erdman was selected to be the inaugural holder of the MacBain Chair in Health Law and Policy. This endowed Chair was the generous gift of Dr. John McCall MacBain. With Prof Erdman coming in as the Chair, the Institute will not only gain a stellar new colleague with an exceptional record for work in reproductive and sexual health, but also clearly becomes the leading national institute for health law and policy research and teaching. As she doesn't arrive until September 2012, Joanna Erdman and the Chair will both be profiled in next year's Annual Report.

Along with welcoming new members, the Institute continued to serve its core mandate of fostering the advancement of health law and policy through education, research and public service. Michael Hadskis and Matthew Herder took the lead in our educational

offerings in the Faculties of Health Professions and Medicine. Our seminar series, now in its fifteenth year, once again acted as a key venue for public education and cross-disciplinary dialogue. Associate Director Elaine Gibson drew together a suite of national and international experts who spoke on topics including end of life decision-making, mental health courts, changing scopes of practice of health professionals, and rethinking health care federalism, with an engaged and diverse audience.

On the research front, Institute members were extremely productive. As well as being recipients and team members on numerous large and small research grants, Institute members were active disseminators of their research findings. Jocelyn Downie co-edited a cutting edge book on the intersection of relational theory and health law and policy. Members' articles appeared in medical and legal fora, and we continue to figure prominently in textbooks and teaching materials.

As part of our public service mandate, Institute members were closely involved in supporting several projects of the Nova Scotia Department of Health and Wellness. One highlight project engaged Professor Elaine Gibson and Research Associate Leah Hutt to support former Supreme Court of Canada Justice Gérard La Forest in recommending the design for a review of the provincial Involuntary Psychiatric Treatment Act, while another project had Professor William Lahey working on a proposal for modernizing the provincial medicare regime.

Taking another approach to advancing the public interest, former Director Jocelyn Downie was a member of the legal team challenging the Criminal Code prohibition of euthanasia and assisted suicide. The team was successful at trial and the case is now working its way to the Supreme Court of Canada.

The above description just skims the surface in terms of recounting the outstanding accomplishments of Institute members. I am extremely proud to have stepped into the Director's role this year, and very grateful to have the support of such an amazing group of colleagues.

Constance MacIntosh



HEALTH LAW AND POLICY SEMINAR SERIES



The Health Law Institute celebrated the Series' 15th year! High audience numbers evinced, yet again, the popularity of the Health Law and Policy seminar series. With some talks attracting over 100 attendees, audience members benefitted from the experience and expertise of a diverse panel of speakers. 2011–12 presenters and topics included:

End of Life Decision-Making Across Europe

Penney Lewis, School of Law and Centre of Medical Law and Ethics, King's College London
(co-sponsored by the Dalhousie European Union Centre of Excellence and the Canadian Centre for Ethics in Public Affairs)

Implications of the Rx Revolution: The Changing Scope of Practice of Pharmacists

Neil MacKinnon, Mel and Enid Zuckerman College of Public Health, University of Arizona

Mental Health Courts: The Good, the Bad, and the Ugly
The Honourable Justice Richard Schneider, Ontario Court of Justice

Regulating Health Professionals' Hours of Work: Legal and Ethical Challenges

Fiona MacDonald, School of Law, Queensland University of Technology

Rethinking Health Care Federalism: Could the European Model Work in Canada?

Katherine Fierlbeck, Department of Political Science, Dalhousie University

Ending Life-Sustaining Treatment for Children: Decision-Making When Health Providers and Parents/Patients Disagree

Joan Gilmour, Osgoode Hall Law School, York University
(co-sponsored by the Canadian Centre for Ethics in Public Affairs)

Medical Science in the Courtroom: Lessons from the Inquiry into Pediatric Forensic Pathology

The Honourable Justice Stephen Goudge, Court of Appeal for Ontario

Being Relational: Relational Theory and Health Law & Policy

Jennifer Llewellyn and Jocelyn Downie, Schulich School of Law, Dalhousie University

Many thanks are owed to the **Canadian Centre for Ethics in Public Affairs** for partnering with us on two occasions this year, and to the **European Union Centre of Excellence** for their financial support as well in bringing Penney Lewis to Halifax.

Of course, the series would not be possible without the generous contributions from the **Schulich School of Law** and the **CIHR Training Program in Health Law, Ethics and Policy** in which the School and Institute participate.

SCHOLARSHIP

Research Grants and Awards

Canada Research Chair in Health Law and Policy

Jocelyn Downie 2008-13

Pathways to Prosperity

\$2,264,000 Social Sciences and Humanities Research Council 2012-19 Constance MacIntosh, Collaborator (Principal Investigator: Victoria Esses)

Urban Aboriginal Knowledge Network

\$2,500,000 Social Sciences and Humanities Research Council 2012-17 Constance MacIntosh, Co-Investigator (Principal Investigator: David Newhouse)

Redesigning Governance Mechanisms in Intergovernmental Health Care Relations – Advancing Theoretical and Methodological Innovations in Health Research

\$184,561 Canadian Institutes of Health Research 2012-15 William Lahey, Co-Principal Investigator

CIHR Training Program in Health Law, Ethics and Policy

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

Centre for Interdisciplinary Training and Research in HIV/AIDS

\$1,800,000 Canadian Institutes of Health Research, Strategic Training Initiative in Health Research 2009-2015 J. Gahagan, Co-Principal Investigator

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)

Our Youth, Our Response: Building Capacity for Effective Policy and Programming Responses Across the Atlantic Region

\$147,883 Nova Scotia Health Research Foundation 2011-14 Jacqueline Gahagan, Principal Investigator

IGNITE: Identifying Genes and Novel Therapeutics to Enhance Treatment

\$4,800,000 Genome Canada 2011-14 Matthew Herder, Co-Investigator (Principal Investigator: Chris McMaster)

Centre for REACH in HIV/AIDS (Research Evidence into Action for Community Health)

\$2,500,000 Canadian Institutes of Health Research, HIV/AIDS Population Health and Health Services 2009-14 J. Gahagan, Co-Principal Investigator

Cancer's Margins and the Choreography of Knowledge: Genders, Sexualities and the Queer Biopolitics of Access to Health Knowledge Mobilization

\$100,000 Canadian Institutes of Health Research 2012-13 Jacqueline Gahagan, Co-Principal Investigator

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)

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; Michael Hadskis, Co-Investigator

Research Capacity Award

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

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

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

Making the World Health Organization's Framework for Sharing Influenza Viruses and Benefits Just

\$10,000 Public Health Agency of Canada, Canadian Institutes of Health Research Influenza Research Network (PCIRN) 2011-12 Matthew Herder, Principal Investigator

Determination of Death Practices in Intensive Care Units

\$172,691 Physician Services Inc., CHEO RI, CIHR 2009-12 Jocelyn Downie, Co-Investigator (Principal Investigator: Sonni Dhanani)

Research Contracts and Service Agreements

Health Law and Policy (Ancillary Agreement)

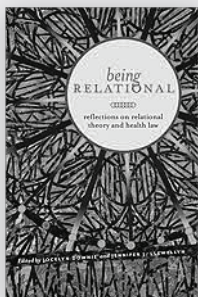
\$155,069 Nova Scotia Department of Health 2010-12 William Lahey and Elaine Gibson; Leah Hutt and Christy MacKay, Research Associates

Health Law and Policy

\$626,768 Nova Scotia Department of Health 2008-12 Constance MacIntosh; Leah Hutt and Christy MacKay, Research Associates

SCHOLARSHIP

Publications



Being Relational: Reflections on Relational Theory and Health Law

(Vancouver: UBC Press, 2012)

Jocelyn Downie and Jennifer Llewellyn, eds.

Being Relational brings together theory and practice, conceptual analysis and real-world application, and leading relational theorists and health law and policy experts. Starting from a conception of the self as inextricably

bound up with and constituted by relationships, the first half of the book explores relational conceptions of autonomy, judgment, equality, justice, identity, memory, and conscience. The second half of the book then takes these theoretical insights and uses them in the analysis of some of the most challenging health law and policy issues of our time. In the end, the book makes significant contributions both to relational theory and to health law and policy.

Jocelyn Downie, *Resistance Is Essential: Relational Responses to Recent Law and Policy Initiatives Involving Reproduction*, 209-229

Constance MacIntosh, *Relational Theory and Indigenous Health: Insights for Law Reform and Policy Development*, 230-254

Sheila Wildeman, *Insight Revisited: Relationality and Psychiatric Treatment Decision-Making Capacity*, 255-286

Elaine Gibson and Jocelyn Downie, “Consent Requirements for Pelvic Examinations Performed for Training Purposes” *Canadian Medical Association Journal* 184:10 (2012): 1159–1161.

Jocelyn Downie, Kenneth Chambaere, and Jan Bernheim, “Pereira’s Attack on Legalizing Euthanasia or Assisted Suicide: Smoke and Mirrors” *Current Oncology* 19 (2012): 133-138.

Francoise Baylis and Jocelyn Downie, “Unfinished Business: Ongoing Ethical Exceptionalism in the Oversight of Human Pluripotent Stem Cell Research in Canada” *Accountability in Research* 19:1 (2012): 13-26.

Audrey Steenbeek, Noni MacDonald, Francoise Baylis, Jocelyn Downie, and Mary Appleton, “Ill-informed Consent? A Content Analysis of Physical Risk Disclosure in Canadian School-Based HPV Vaccine Programs” *Public Health Nursing* 29:1 (2012): 71-79.

Matthew Herder, “Unlocking Health Canada’s Cache of Trade Secrets: Mandatory Registration of Clinical Trials” *Canadian Medical Association Journal* 184:2 (2012): 194-199.

William Lahey, “Interprofessionalism and Collaborative Self-Regulation in the Health Professions: Two Variations on an Emerging Canadian Theme” in Stephanie Short and Fiona McDonald, eds., *Health Workforce Governance: Improved Access, Good Regulatory Practice, Safer Patients* (Ashgate Publishing, 2012).

Sheila Wildeman, Gina Bravo, Marie-France Dubois, Carole Cohen, Janice Graham, Karen Painter, and Suzanne Bellemare, “Substitute Decision-Making about Research: Identifying the Legally Authorized Representative in Four Canadian Provinces” *McGill Journal of Law and Health* 6:1 (2012): 189-274.

Adrian Guta, Stephanie Niixon, Jacqueline Gahagan, and Sarah Fielden, “Walking Along Beside the Researcher: How Canadian REBs/IRBs are Responding to the Needs of Community-Based Participatory Research” *Journal of Empirical Research on Human Research Ethics: An International Journal* 7:1 (2012): 15-25.

Jaqueline Gahagan, Eric Ross, Alexandra Hill-Mann, and Denver Lewellen, “HIV and Rehabilitation - Bridging Policy and Practice: A Scan of Policies Related to Access to Rehabilitation in Canada and the United Kingdom” *Final Report to the Centre for REACH in HIV/AIDS* (2012).

Matthias Schmidt, Jennifer Marshall, Jocelyn Downie, and Michael Hadskis, “Pediatric Magnetic Resonance Research and the Minimal-Risk Standard” *IRB: Ethics and Human Research* 33:5 (2011): 1-6.

Udo Schuklenk, Johannes Van Delden, Jocelyn Downie, Sheila McLean, Ross Upshur, and Daniel Weinstock, “End-of-Life Decision-Making in Canada: The Report by the Royal Society of Canada Expert Panel on End-of-Life Decision-Making” *Bioethics* 25 S1 (2011): 1-73.

Jennifer Llewellyn and Jocelyn Downie, “Restorative Justice, Euthanasia, and Assisted Suicide: A New Arena for Restorative Justice and A New Path for End of Life Law and Policy in Canada” *Alberta Law Review* 48:4 (2011): 965-986.

Jocelyn Downie, Simon Outram, and Fiona Campbell, “*Caveat Emptor, Venditor, et Praescribor*: Legal Liability Associated with Methylphenidate Hydrochloride (MPH) Use by Postsecondary Students” *Health Law Journal* 18 (2010, pub. 2011): 51-71.

Sheila Wildeman, “Introduction to the Lectures of Supreme Court of Canada Chief Justice Beverley McLachlin and Nova Scotia Provincial Court Judge Anne Derrick - Law and Mental Health: A Relationship in Crisis?” *Dalhousie Law Journal* 33 (2010, pub. Fall 2011): 1-14.

Jacqueline Gahagan, Janice Fuller, Michelle Proctor-Simms, Todd Hachette, and Larry Baxter, “Barriers to Gender Equitable HIV Testing: Going Beyond Routine Screening for Pregnant Women in Nova Scotia, Canada” *International Journal for Equity in Health* 10:18 (2011): 1-12.

SCHOLARSHIP

Presentations

Constance MacIntosh

- “Interpreting Public Health and Public Safety through the Right to Security of the Person: Implications of *Canada (A.G.) v. PHS Community Services (Insite)*” *2012 International Conference on Law and Society* Honolulu (with Alana Klein and Angela Campbell)
- “Ameliorating Global Disparities in Indigenous Peoples’ Health: Law’s Roles and Potential” *2012 National Health Law Conference* Toronto
- “Countering the Watering Down of Social Rights in Indigenous Communities: Possibilities from Fiduciary Law for Litigating for Health Protection” *CURA Symposium: Reconceiving Human Rights Practice for the New Social Rights Paradigm* Ottawa

Elaine Gibson

- “Conceptualizing Consent in the Use of Personal Health Information for Research” *Data Dialogues Paper Roundtable* Toronto
- “The Foetus in Common Law Jurisprudence” *2012 International Conference on Law and Society* Honolulu
- “Who the Heck Owns My Health Information?” *Dalhousie Schulich School of Law Mini Law Lecture Series* Halifax
- “Legal Landscape: Developments and Continued Challenges” *Data Dialogues: Round 1 Workshop* King City

William Lahey

- “Competency-Based Health Human Resource Planning: Consideration of Regulatory and Legal Frameworks” *Canadian Association of Health Services and Policy Researchers Conference* Montreal

Jocelyn Downie

- “Canada on the Verge: The Newest Permissive Assisted Dying Regime?” *11th World Congress of the International Association of Bioethics* Rotterdam
- “Notes from a Menace: On Regulating Health Care Providers’ Conscientious Refusals” *Feminist Approaches to Bioethics Congress* Rotterdam
- “A Momentous Year: End of Life Law and Policy in Canada 2011-12” *Dying With Dignity Annual Meeting* Toronto
- “Transnational Trade in Human Eggs: What Has/Does/Should (Canadian) Law Got To Do, Got To Do With it?” *2012 National Health Law Conference* Toronto
- “Being Relational: Relational Theory and Health Law and Policy” *Dalhousie Health Law Institute Health Law and Policy Seminar Series* Halifax (with Jennifer Llewellyn)
- “End of Life Law and Policy: ‘The Times They Are A-changin’” *University of Manitoba* Winnipeg
- “Turbulent Times: End of Life Law and Policy in Canada” *Alberta Law Review Annual Banquet* Edmonton
- “‘A Change is Gonna Come’: End of Life Law and Policy in Canada” *University of New Brunswick Ivan C. Rand Memorial Lecture* Fredericton

- “Legal Permissibility of Conscientious Refusals: A View from Canada” (Panel) *Santa Clara University* San Jose
- “Dying Justice: The Decriminalization of Euthanasia and Assisted Suicide” *Queensland University of Technology* Brisbane
- “Restorative Justice, Euthanasia and Assisted Suicide: A New Arena for Restorative Justice and a New Path for End of Life Law and Policy” *Macquarie University* Sydney
- “Cutting the Gordian Knot of Futility” *Australasian Association of Bioethics and Health Law Conference* Gold Coast

Matthew Herder

- “The Effects of Exclusion from Inventorship Amongst Emerging Health Researchers” *Canadian Centre for Vaccinology Education Series* Halifax
- “Unpacking Prometheus” *IGNITE: Identifying Genes and Novel Therapeutics to Enhance Treatment, Annual General Meeting* Halifax
- “The Effects of Exclusion from Inventorship Amongst Emerging Health Researchers: Surfacing Our Methodological Choices” *Intellectual Property Scholars Workshop* Ottawa
- “Against Appropriating Vaccine Laboratory Assays” *IWK/Canadian Centre for Vaccinology Infectious Diseases Research Day* Halifax
- “Orphan Drug Policy: Questions of Scope, Incentives, and Architecture” *Rare Diseases Day* Halifax
- “For Transparency: Institutional Obstacles and Institutional Interests” *Canadian Association for Immunization Evaluation and Research Meeting* Ottawa
- “For Transparency in Personalised Medicines Regulation” *CIHR-Health Canada Multi-stakeholder Workshop on Personalised Medicine* Ottawa
- “Vaccines, Intellectual Property, and Inter-pandemic Capacity Building” *Canadian Centre for Vaccinology Noon Series* Halifax
- “Law, Politics, and Ethics: Which Do I Follow?” *Halifax Ophthalmology Symposium* Halifax

Leah Hutt

- “Staying Out of Trouble: An Update on the Ethical/Legal Issues of Informed Choice” *Halifax County Dental Society* Dartmouth (with Mary McNally)

Sheila Wildeman

- “Assessments of Legal Capacity: The Challenges for Law and for Lawyering” *Canadian Bar Association Continuing Legal Education* online (with Jeanne Desveaux)
- “Protecting Rights and Building Capacities: International Human Rights Law and Global Mental Health” *2012 National Health Law Conference* Toronto

Jacqueline Gahagan

- “Health Promotion Policy in Action” (Panel) *10 Years at the Crossroads: Health Research in the New Millennium* Halifax

EDUCATION

The 2011-12 year saw substantial commitment by the Institute to the advancement of education in the area of health law and policy.

Undergraduate

The Schulich School of Law enjoyed one of the largest Canadian curricula of study:

- Health Law (**Michael Hadskis**)
- Health Care Ethics and the Law (**Jocelyn Downie**; Guest Lecturer: **Matthew Herder**)
- Advanced Negligence: Medical Malpractice (**Elaine Gibson**)
- Health Law and Policy: Current Issues (**Victoria Apold**)
- 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**)

Law students who specially focus their upper year studies in the area of health law and policy are eligible to graduate with a Specialization Certificate in Health Law and Policy. This program is the only one of its kind in the country. Shown below are 2012 specialists **Amy Deyell, Shannon McEvenue, Seamus Murphy, and Tessa Warmelink**. Seamus was also this year's recipient of the Health Law Institute prize.



The Institute also offered health law courses in the Faculties of Health Professions, Medicine and Dentistry with coordination and oversight provided by Institute faculty member **Michael Hadskis**. Participants in the delivery of the interdisciplinary teaching program were: **Michael Hadskis** and **Fiona Bergin** (Medicine); **Devon Peavoy, Michael Hadskis** and **Elaine Gibson** (Health Professions); **Catherine Gaulton, Suzanne Kennedy, Carrie Ricker, Leah Hutt, Corinne Boudreau** and **Ann Smith** (Dentistry).

In the Faculty of Medicine, **Matthew Herder** lectured to the entire first year medical student class on the topics of informed consent and patient-physician confidentiality; and co-tutored a small group

of first years in the Professional Competencies Unit, as did **Christy MacKay** to a second-year group. **Matthew Herder** taught the medical clerks completing their obstetrics/gynecology rotation on abortion law and the enrolment of pregnant women in clinical trials. **Elaine Gibson** spoke to the Dept. of Community Health and Epidemiology students on infectious diseases and the law in Canada.

Outside of the health professions, **Matthew Herder** supervised an honours' thesis for an undergraduate student in the International Development Studies program on the topic of global pandemic influenza preparedness.

Graduate

Institute members mentored and supervised seven LL.M. students who focused their studies in the area of health law and policy. **Isabelle French** convoked in October 2011 with her thesis entitled: "Defining the Role of Mature Minors in the Medical Research Consent Process."



Shown above (left to right) are **Nayha Acharya** (Canada), **Liyusew Kidane** (Ethiopia), and **Oluchi Aniaka** (Nigeria). These students began their graduate studies in September 2011 as Fellows with the CIHR Training Program in Health Law, Ethics and Policy. The aim of the Training Program is to equip graduates with the skills necessary to address the legal and ethical challenges presented by constant changes in health care. All three students presented their research work at the Annual Colloquium to an audience of leading health law academics and government decision-makers. They also participated in an Annual Skills Workshop where they were given training in research grant writing, pedagogical skills, and research methodologies. **Elaine Gibson** presented on applying for and obtaining grants, and also guest lectured to Dalhousie's graduate law class on policy-oriented scholarship. **Matthew Herder** spoke at the Training Program's Curriculum Network Meeting on "Empirical Research in Health Law Teaching: Analysing Why". Fellows attended the 2012 National Health Law Conference organized by the Training Program in Toronto.

EDUCATION

In the Faculty of Health Professions, **Michael Hadskis** taught his Health Care Law course to the Master of Health Administration (MHA) students enrolled in the online and onsite programs. This year, a weekly, two-hour in-person seminar was added to the course for the MHA onsite program students. This addition allowed the students to vigorously discuss and debate the course content and was very warmly received by the students. **Jen Feron** assisted **Michael Hadskis** in the delivery of the course. **Sheila Wildeman** gave an introduction to Nova Scotia's mental health laws to the graduate Occupational Therapy students.

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 (**Leah Hutt**), consent to treatment (**Elaine Gibson**), duty to treat (**Fiona Bergin**), and health information (**Jen Feron**).



HEALTH LAW STUDENTS' ASSOCIATION 2011–12 EXECUTIVE

The ever-popular “Career Night” was hosted by HLSA again this year. Presenters graciously giving of their time were **Catherine Gaulton** (General Counsel, NS Capital District Health Authority), **Karen Bennett-Clayton** (Partner, Stewart McKelvey), and **Lorraine Lafferty** (Law Faculty and former Institute Assoc. Director). Prof. Lafferty also gave a flavour of alternative career paths by relating what some Health Law and Policy Specialization alumni were doing. Given the Association's over-arching aim of fostering fellowship, alongside academic, educational, and fundraising events, supplemental social activities were organized and enjoyed.

NEW MEMBERS

New faculty member, **Matthew Herder** (Faculty of Medicine) joined us just as his article about Health Canada's practice of secrecy surrounding clinical trial results was published in the Canadian Medical Association Journal. After a flurry of media stories, Prof. Herder was invited by Health Canada to participate in consultations on the transparency of its regulatory process and appeared as an expert witness before the Senate Standing Committee on Social Affairs, Science and Technology in its hearings on the regulation of prescription pharmaceuticals. The Senate Committee accepted his position, and concluded in its 2012 report that there ought to be mandatory registration of clinical trials on a publicly available website. Prof. Herder hopes the Committee's recommendations will lead to policy reform, commenting that “this lack of transparency has put the health of Canadians directly at risk, and has gone on for far too long.”

New affiliate member, **Jacqueline Gahagan** (Head, Health Promotion Division, School of Health and Human Performance) is also Director of the Gender and Health Promotion Studies Unit. This Unit focuses on health research related to the intersectionality of gender and other key determinants of health. Dr. Gahagan's HIV/AIDS advocacy, activism, and research spans more than two decades. Her current research projects include a gender-based exploration of health service utilization among young rural males, the development of national-level sexual health indicators, access to research ethics boards among community-based researchers, social networks of injection drug users, and a gender-based analysis of HIV counselling and testing. Dr. Gahagan is a frequent contributor and participant in public health and community-based health promotion activities. She states: “Women and HIV is not just another health issue, rather it remains a deeply entrenched socio-political signifier of the vast inequities between men and women... and a stark reminder of how much work we have in front of us in order to achieve an end to this ‘preventable’ pandemic.”

SERVICE

The Health Law Institute's objectives include serving the public, as well as law and policy makers, in members' areas of expertise. Institute members contributed to a wide range of initiatives this year, from the local to the international, from government bodies to expert panels.

INTERNATIONAL

New affiliate member **Jacqueline Gahagan** served as a Scientific Advisor to the UK's Tuke Institute, an "independent, international think-tank and policy organization aiming to create change in health-services for the public's benefit."

NATIONAL

Institute members were particularly sought out to serve on national bodies this year. Director **Constance MacIntosh** accepted an invitation to join the Canadian Council of Academies Expert Panel on Food Security in the Canadian North, while former Director **Jocelyn Downie** served the Royal Society as a member of their End of Life Expert Panel. Institute members were also asked to provide expert evidence in other settings. Highlights include **Matthew Herder** appearing before a Senate Committee to testify on the lack of transparency in regulatory processes approving prescription pharmaceuticals, and **Jocelyn Downie** acting as a member of the legal team challenging the Criminal Code prohibition of euthanasia and assisted suicide. **Jacqueline Gahagan** served as a policy advisor to the federal Ministerial Council on HIV/AIDS.

Sheila Wildeman was also asked to work with a national body, the Mental Health Commission of Canada, regarding the compatibility of mental health law and human rights law, while **Elaine Gibson's** invited service contributions focused on supporting the Canadian Institutes of Health Research. In particular, she sat on their Peer Review Committees both for their Catalyst Grants for New Investigators and Mid-Career Investigators Transitioning in Ethics, and for their granting program for projects in Law, Ethics and Society. Former Director **William Lahey** continued his role with the University of Alberta Health Law Institute's Working Group, formed at the request of the Alberta Medical Association and Alberta College of Physicians and Surgeons. The Group produced a report this year advising on physician health and patient protection.

PROVINCIAL

Two Institute members were particularly active in serving provincial bodies this year. **William Lahey** acted as Vice Chair for the Nova Scotia Health Research Foundation's Board of Directors, and as Chair for the Appeal Board under the Health Authorities Act. He also served on the Working Group on Collaborative Regulation of the Nova Scotia Regulated Health Professions Network, which presented a report to the Nova Scotia Department of Health and Wellness. **Sheila Wildeman**

served as a Board member for the provincial branch of the Canadian Mental Health Association, and also facilitated a Pro Bono Students Canada project on confidentiality and disclosure issues when providing services to youth with complex mental health needs.

UNIVERSITY

Members of the Health Law Institute served the university in various ways that drew upon their expertise in health law and policy. **Michael Hadskis** continued to act as a member of Dalhousie's Research Ethics Appeal Board, while **Jocelyn Downie** and **Jacqueline Gahagan** served on their respective faculty's Research Committees. Director **Constance MacIntosh** sat on the Dalhousie Department of Medicine/Capital Health Professional Appraisal Committee, and also served with **William Lahey** on the Schulich School of Law's Appointments Committee which was charged with recruiting the new MacBain Chair in Health Law and Policy. **William Lahey** was heavily engaged with the Institute's supporting faculties, serving on the Senate Review Committee for the Faculty of Medicine, the Faculty of Health Professions' Tenure and Promotion Committee, and on the School of Health Administration's Advisory Committee for its 'Excellence in Health Care' series. **William Lahey** also served on the Advisory Committee for the Global Health Office, which serves the University's three health faculties.



Justice **G rard La Forest** and **Leah Hutt** in the conduct of a review of the Nova Scotia Involuntary Psychiatric Treatment Act.

MEDIA AND PUBLIC INQUIRIES

Institute members are committed to serving the public by contributing to society understanding of health law and policy issues. To this end, members are generous in responding to media and other public inquiries. This year, members responded to questions regarding assisted human reproduction and assisted death, and also spoke to concerns about consent in the context of medical trainees performing pelvic examinations on anaesthetized women. **Matthew Herder** was especially sought out to comment on the need for greater transparency in clinical trials for pharmaceuticals.

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



HEALTH LAW INSTITUTE LOGO

The Institute's logo captures an eagle bursting into flight. The eagle is associated with strength, courage, vision, and energy. The upward movement and eastern facing direction of the eagle symbolize progression and new horizons. Likewise, the "Institute" is forward looking. The contemporary style of this icon, balanced by the stability of classic serif typeface, represents the Health Law Institute's strength, passion, and hope for the future.



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