

Registration Information

Location

OBA Conference Centre, Suite 200 – 20 Toronto St., Toronto (just north of the King Edward Hotel). Wheelchair access via 33 Victoria Street (between Adelaide and King Street).

Registration Policy

Registrations must be prepaid. Registrations will be accepted by FAX at (416) 642-0424 and at the Ontario Bar Association address shown on the Registration Form. A credit card number must accompany all faxed registrations. Walk-in registrations will be accommodated only if accompanied by credit card or cheque. Seating and meal preference, if applicable, will be given to prepaid registrants.

Refunds and Cancellations

Course fee is refundable (less \$50.00 plus \$2.50 GST) **if notice is received in writing five business days before the course.** We reserve the right to cancel or reschedule courses, refuse admission, or change speakers, location or content at any time. No refunds will be made if notification is received after April 9, 2009. Please note that a CBA member in the same category may attend in your place. If the delegate is not a CBA member s/he will be required to pay the difference in fee. The OBA GST registration number is R100760495.

Fee Categories

CBA Member - A member in good standing of the Canadian Bar Association

CBA Student Member - CBA Law Student OR Articling and Bar Admission Candidate

Non-Member

CAN'T ATTEND THE PROGRAM?

ORDER THE PUBLICATION

Materials for CLE courses are available either in binder format or electronic format (downloadable).



Registration

Critical Issues in Health Law: Case Law and Legislation Updates

Friday, April 17, 2009 - 9:00 am to 12:30 pm

Name: _____

CBA #: _____

Firm: _____

Address: _____

City: _____

Postal Code: _____

Bus. Tel. #: () _____

Fax #: () _____

E-mail: _____

REGISTRATION *Please circle fee category.*

Live Program (includes course materials)*	CBA Member	CBA Student Member	Non-Member
<input type="checkbox"/> In person	\$195	\$95	\$295

I am unable to attend the program. Please send me:

EDUCATIONAL MATERIALS ONLY

Available 3-4 weeks post-program

Publication	CBA Member	Non- Member
<input type="checkbox"/> Publication (binder)	\$75	\$120
<input type="checkbox"/> Publication (download)		

Sub Total: _____ Add GST (5%): _____ Total: _____

Payment (registrations must be prepaid)

Cheque (payable to Ontario Bar Association) or please charge

Visa Mastercard

Credit Card #: _____

Exp. Date: _____

Signature: _____

CONTACT INFORMATION CONSENT

The OBA's programs may be supported by preferred suppliers, sponsors and exhibitors. Subject to the following paragraph, I understand that the provision of contact information on this registration form constitutes my consent to such information being disclosed to the preferred suppliers, sponsors, exhibitors, speakers or attendees of this program. For further information about the CBA's and OBA's treatment of contact information, see Members Privacy Policy at www.cba.org or www.oba.org.

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Can't Make
the Course?

Order the
course material!

Concise,
practical and
well-focused
course materials
and/ or precedents
written by the
faculty (topic may
vary slightly from
presentation).

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OBA Professional Development

Critical Issues in Health Law: Case Law and Legislation Updates

Friday, April 17, 2009
9:00 am to 12:30 pm

OBA Conference Centre
200 - 20 Toronto St., Toronto

Focus: This program provides health law practitioners with critical updates on important legislation and case law from leading practitioners in the field.

Highlights will include:

- Recent amendments to and case law interpreting the *Regulated Health Professions Act*
- Update on the law of recovery for mental distress damages
- Wrongful life case law update
- Public health class actions update

Co-Chairs:



Nyranne S. Martin,
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Critical Issues in Health Law: Case Law and Legislation Updates

Friday, April 17, 2009 - 9:00 am to 12:30 pm

Providing legal services in the health care field is both challenging and exciting. There will soon be 26 regulated health care professions in Ontario and they will all need to ensure that they are in compliance with a host of new regulatory amendments under the *Regulated Health Professions Act* effective June 1, 2009. On the case law front, the Courts have rendered a number of key decisions in the area of damages for mental distress, the duty of care owed to a fetus and professional misconduct. And layered on top of these important developments, public health care crises are being increasingly dealt with in the class action arena. This program is designed for any lawyer who advises health sector clients, regardless of whether they represent individual health care practitioners or their regulatory bodies. It may also appeal to other professionals working in the area of risk management. Don't miss this opportunity to discuss critical updates on important legislation and case law with leading health law practitioners in the field.

9:00 am Introductory Remarks

9:05 am Recent Amendments to the *Regulated Health Professions Act*

- Increased accountability for practitioners including:
 - o public register
 - o mandatory reporting
 - o decreased confidentiality duties on Colleges
 - o quality assurance
- Increased accountability for Colleges including:
 - o changed complaints and investigation process
 - o accountability to the Minister
 - o interprofessional collaboration
 - o language preferences
- Other:
 - o additional controlled acts
 - o additional professions

Richard Steinecke,
Steinecke Maciura LeBlanc, Barristers & Solicitors

9:45 am Recent Case Interpreting Section 75 of the *Regulated Health Professions Act*

Gore v. College of Physicians and Surgeons of Ontario is a 2008 Divisional Court decision interpreting the College's powers of investigation.

- The Court determined that the College's powers of investigation extend to compelling a practitioner to undergo an interview and to supervise surgeries, for example
- What are the implications of this case for the prosecution and defence of professional misconduct complaints?

Nina Bombier, Lenczner Slaght Royce Smith Griffin LLP

10:15 am Case Law Update: Recovery of Damages for Mental Distress *Mustapha v. Culligan of Canada Ltd.* is a key 2008 decision of the Supreme Court of Canada regarding recovery of damages for mental distress.

- The court has articulated the test for recovery of mental distress damages
- How has this case been interpreted and applied?
- What are the implications of this case for future claims for mental distress?

Barbara J. Walker-Renshaw, Borden Ladner Gervais LLP

11:00 am Break

11:15 am Case Law Update: Wrongful Life

In 2008, the Ontario Court of Appeal considered the duty of care owed to a fetus in two cases:
Bovington v. Hergott and *Paxton v. Ramji*.

- Is there a duty of care owed to a fetus?
- Does this mark the end of wrongful life litigation?

Anne E. Posno, Lenczner Slaght Royce Smith Griffin LLP

11:45 am Public Health Class Actions Update: The New Frontier of Class Actions

From SARS in 2003 to the recent Maple Leaf listeriosis outbreak of 2008, ensuring accountability *ex post facto* for public health crises is essential. Increasingly, public health issues are being litigated as class actions.

- What current public health class actions are of most interest to health law practitioners?
- What is the case law that class action practitioners are working with in the public health context?
- What is the future of public health class actions?

Tanya M. Goldberg, Borden Ladner Gervais LLP
Megan B. McPhee, Kim Orr Barristers P.C.

12:30 pm Program Concludes

Upcoming Health Law Section Program

An Evening With the Honourable David Caplan, Minister of Health and Long Term Care

Thursday, June 4, 2009

5:30 pm

Co-Chairs: **Emily Larose,** Cassels Brock & Blackwell LLP
David Cameron, Barrister and Solicitor
Lisa Alleyne, Bell Canada

This CLE program has been approved for a LAWPRO CLE Premium Credit. To obtain your \$50 LAWPRO insurance premium reduction, please visit their website: www.lawpro.ca/clecredit



This program has been accredited by the Law Society of Upper Canada towards the professional development requirement for certification.
Health Law - 3 Hours

