

Current Trends and Recent Developments in Professional Regulation

Professional & Regulation Discipline

**HEAR BEST PRACTICES FROM
LEADING ORGANIZATIONS:**

ONTARIO FAIRNESS COMMISSION

HEALTH PROFESSIONS APPEAL AND
REVIEW BOARD

COLLEGE OF PHARMACISTS OF
BRITISH COLUMBIA

COLLEGE OF PHYSIOTHERAPISTS OF
ONTARIO

COLLEGE OF PHYSICIANS AND
SURGEONS

COLLEGE OF NURSES OF ONTARIO

SASKATCHEWAN REAL ESTATE
COMMISSION

PROFESSIONAL ENGINEERS ONTARIO

CERTIFIED GENERAL ACCOUNTANTS
OF ONTARIO

**PLUS! Maximize Your Learning
with Our Optional Workshop**

✓ *Mediation and the Regulation
of Professions*

April 20 and 21, 2010

Optional Workshop: April 22, 2010

TORONTO, ONTARIO

Best Practices for the Prompt Handling and Effective Resolution of Professional Regulatory and Misconduct Complaints

- ✓ Hear about new developments at the Ontario Fairness Commission
- ✓ Get the latest updates from the Health Professions Appeal and Review Board
- ✓ Evaluate your quality assurance and continuing competence programs to ensure validity, reliability, feasibility, and acceptability
- ✓ Understand the process and mechanics of investigations and evidence gathering
- ✓ Learn strategies for dealing with unauthorized practitioners
- ✓ Get tips and proven techniques for writing decisions and reasons
- ✓ Streamline your complaint procedure processes and learn how to conduct a fair hearing
- ✓ Get the perspective of defence counsel to better prepare for hearings
- ✓ Hear a panel discussion on what different regulators in different jurisdictions are doing

INFONEX
Profit from Knowledge

Register Today!

Call 1.800.474.4829

Fax 1.800.558.6520

WWW.INFONEX.CA

Professional Regulation & Discipline

APRIL 20 AND 21, 2010 • WORKSHOP: APRIL 22, 2010 • TORONTO, ONTARIO

Day 1

PROGRAM AGENDA: TUESDAY, APRIL 20, 2010

8:00 – 9:00 Registration and Continental Breakfast

9:00 – 9:10

Welcome and Opening Remarks from the Chair
Angela Bates, Manager, College of Physicians and Surgeons

9:10 – 10:10

Recent Updates and Developments in Professional Regulation

Lisa Braverman, Associate, Steinecke Maciura LeBlanc Barristers & Solicitors

- Current trends in professional regulation
- Recent relevant court cases
- Impact of provincial legislation on regulatory bodies

*Lisa S. Braverman speaks often on issues related to administrative law and professional regulation, gives presentations on legislation and legal issues affecting professionals and teaches a "Law for Health Managers" course for Ryerson University. Ms. Braverman is the author of the book *Administrative Tribunals: A Legal Handbook*, published by Canada Law Book, and publishes the electronic newsletter *Administrative Law and Practice Points*.*

10:10 – 10:30

Networking Break



10:30 – 11:30

Steady Progress toward Fairer Registration in the Professions: The Ontario Experience

Nuzhat Jafri, Executive Director, Office of the Fairness Commissioner, Province of Ontario

- Regulatory bodies' reports about their registration practices
- Preliminary results of the first three-year cycle of audits
- Compliance with Ontario's fair access laws
- Signs of systemic change
- The applicant's experience of licensing
- Next steps

Nuzhat Jafri became the first executive director of the Office of the Fairness Commissioner in September 2007. She has wide leadership experience in both the public and private sectors. She directed diversity initiatives at Scotiabank, and the Bank of Montreal, where she delivered award-winning programs. In the Ontario government, Ms. Jafri developed a cultural policy framework at the Ministry of Culture and oversaw the passage of amendments to the Ontario Heritage Act and the development and implementation of key regulations. Earlier, she was a director at the former Employment Equity Commission.

11:30 – 12:30

Health Professionals Appeal and Review Board Update
Linda Lamoureux, Chair, Health Professions Appeal and Review Board

- Complaint reviews, registration hearings and the Public Hospitals Act: an overview of recurring issues and recommendations
- Advocacy before the Board: pre-hearing and pre-review conferences, unrepresented parties, people with disabilities, etc.
- The role of the parties and the regulators

Under Linda P. Lamoureux's leadership, the Health Professions Appeal and Review Board was the 2008 recipient of the Maytree Diversity in Governance Award, Public Governance Sector. Ms. Lamoureux has extensive experience in the areas of legal and regulatory compliance, business ethics, governance and health care. In addition to practising law for several years, Ms. Lamou-

reux served in a number of roles, including Ethics Officer and Vice-President of a regulatory services division. She is a member of a number of professional organizations, including the Society of Ontario Adjudicators and Regulators and the Council of Canadian Administrative Tribunals.

12:30 – 1:40

Luncheon

1:40 – 2:40

CASE STUDY

Professional Conduct Processes at the College of Nurses of Ontario

Karen Puckrin, Manager, Reports, Professional Conduct, College of Nurses of Ontario

Kevin McCarthy, Manager, Complaints, Professional Conduct, College of Nurses of Ontario

This presentation will review how information comes to the College and the processes the College has developed to meet its mandate of public protection. A case study will be used to help illustrate these processes. In a given year, the College receives about 350 complaints from members of the public. Not every report or complaint made to the College results in an investigation. An even smaller number end up in disciplinary or incapacity proceedings. For the vast majority of reports and complaints, the College has processes in place to protect the public by:

- Educating members about their accountability as members of a health professions regulatory college
- Highlighting College resources for members
- Supporting members to improve their practice, where necessary

2:40 – 3:00

Networking Break



3:00 – 4:00

CASE STUDY

Complaints Process and Discipline: New Ways of Resolving Problems and Conflicts

Amani Oakley, Lawyer, Levinter & Levinter

- Finding new ways of resolving old problems
- Role-playing in terms of conflict resolution
- Guidelines on how to do it step-by-step

Amani Oakley practises in the areas of medical litigation, human rights, and health law. She currently has a practice largely focused on medical malpractice, and because of her background in health care, she is often used as a resource by other medical malpractice lawyers, and has contributed to numerous Continuing Legal Education programs offered by the Ontario Trial Lawyers Association.

4:00 – 5:00

Managing Investigations: Using Powers of Investigations Effectively and Fairly

Lonny Rosen, Partner, Gardiner Roberts LLP

- Investigator's role
- Using the powers accorded to investigators
- Ensuring fairness in the investigative process

Lonny Rosen is certified by the Law Society of Upper Canada as a Specialist in Health Law. His practice consists of providing advice to administrators of health care facilities and professional associations, and representing clients in a wide range of civil and administrative proceedings, including complaint and discipline matters, investigations, audits and peer reviews, and hearings before the Consent and Capacity Board and other health tribunals.

Register Today! Call 1.800.474.4829

Fax 1.800.558.6520

WWW.INFONEX.CA

Professional Regulation & Discipline

APRIL 20 AND 21, 2010 • WORKSHOP: APRIL 22, 2010 • TORONTO, ONTARIO

Day 2

PROGRAM AGENDA: WEDNESDAY, APRIL 21, 2010

8:00 – 9:00

Continental Breakfast

9:00 – 9:10

Opening Remarks from the Chair

Angela Bates, Manager, College of Physicians and Surgeons

9:10 – 10:10

How to Write Effective Reasons

Angela Bates, Manager, College of Physicians and Surgeons

- Purposes and legal requirements for giving reasons
- Consequences of giving inadequate or no reasons
- Preparation before, during, and after the meeting or hearing
- Drafting strategies

Angela Bates is a lawyer by training and manages the Committee Support and Compliance Monitoring department of the College of Physicians and Surgeons of Ontario.

10:10 – 10:30

Networking Break



10:30 – 11:30

CASE STUDY

Evaluating Quality Assurance and Continuing Competence Programs to Ensure Validity, Fairness, Feasibility, and Practitioner Acceptability

Jan Robinson, Registrar and CEO, College of Physiotherapists of Ontario

This session will explore the evolution of the mandated quality management program developed and implemented by the College of Physiotherapists of Ontario. The program is evidence-informed and currently has three components: practice reflection, practice assessment, and practice enhancement. The reflective component is currently under review, and the findings that are informing its next version will be shared.

- Allocating sufficient resources to quality assurance programs
- Providing continuous support to practitioners
- Developing programs that are evidence-based, fair, and transparent and that promote public confidence
- Observing and imposing professional ethics and codes of conduct
- Intervening and remedying substandard practitioners

Jan Robinson has over sixteen years of experience in professional self-regulation. She has been with the College of Physiotherapists for the past eight years and was previously the inaugural Registrar at the College of Occupational Therapists of Ontario.

11:30 – 12:30

Perspective of Defence Counsel: Preparing for a Hearing before an Administrative Tribunal

Elyse Sunshine, Partner, Gardiner Roberts LLP

- Analyzing the notice of hearing and formulating your theory of the case
- To deal or not to deal: contested hearings vs. agreed dispositions
- Ensuring you have it all: the importance of appropriate disclosure
- Proving your case: preparing your evidence, experts, and other witnesses
- Does the punishment fit the crime? Penalty considerations: submissions and formulating an appropriate penalty
- The final word? The decision and reasons
- Not quite done: handling appeals and publication

Elyse Sunshine frequently represents professionals in matters involving

various administrative boards and tribunals, including committees of the College of Physicians and Surgeons of Ontario, the College of Nurses of Ontario, the Ontario College of Pharmacists, the College of Physiotherapists of Ontario, and the College of Veterinarians of Ontario.

12:30 – 1:30

Luncheon

1:30 – 2:30

Meet the Triumvirate: A Comparison of Civil Litigation, the Criminal Justice System, and Administrative Law as Methods of Professional Regulation

Pradeep Chand, Partner, Brauti Thorning Zibarras LLP

Mark J. Skuce, Associate, Brauti Thorning Zibarras LLP

- Roles of civil litigation, the criminal justice system, and administrative law in the regulation of professional conduct
- Characteristics and procedural safeguards in civil trials, criminal prosecutions, and administrative hearings
- Use in one forum of evidence and findings of fact generated in another

As a former Crown attorney and civil litigator, Pradeep Chand has conducted countless administrative hearings and criminal and civil litigation trials. He is also a skilled and experienced advocate at public inquiries and coroner's inquests, having acted in some of the most significant public inquiries and royal commissions that have been conducted in Canada.

In his professional discipline practice, Mark Skuce has acted for physicians, lawyers, and police officers at both the investigative and hearing stage.

2:30 – 3:20

Dealing with Unlicensed Practitioners

Robert Cosman, Partner, Fasken Martineau DuMoulin LLP

- Understanding your organization's role in preventing unauthorized practice
- Investigating unlicensed practitioners
- Criminal or civil sanctions: fitting the response to the circumstance; the advantages and disadvantages of each type of proceeding
- Real-life examples

Robert Cosman has a broad litigation counsel practice in all aspects of commercial, public, and administrative law. He has practised before federal and provincial administrative tribunals and commissions of inquiry.

3:20 – 3:40

Networking Break



3:40 – 5:00

PANEL DISCUSSION

Best Practices in Professional Regulation: What Different Regulators in Different Jurisdictions are Doing

MODERATOR: Lai-King Hum, Associate, Employment and Labor Law Group, Lang Michener LLP

Al Jacobson, Executive Director and Registrar, Saskatchewan Real Estate Commission

Renzo Villa, Investigator, Professional Engineers Ontario

Bernie Keim, Vice-President, Member Services and Regulatory Affairs, Certified General Accountants of Ontario

Zahida Esmail, Pharmacist, College of Pharmacists of British Columbia

- Tips from industry professionals and what has worked for them at their organizations

Register Today! Call 1.800.474.4829

Fax 1.800.558.6520

WWW.INFONEX.CA

Professional Regulation & Discipline

APRIL 20 AND 21, 2010 • WORKSHOP: APRIL 22, 2010 • TORONTO, ONTARIO

OPTIONAL WORKSHOP: THURSDAY, APRIL 22, 2010 (9:00 – 12:00)

Mediation and the Regulation of the Professions

Lai-King Hum, Associate, Employment and Labor Law Group, Lang Michener LLP

Is mediation an appropriate technique to resolve disputes in the disciplinary process? This raises a number of questions: Why should mediation be used? What issues should be mediated? And how should the mediation process be conducted?

The beneficial effects that mediation can deliver in other institutional settings are said to be equally available to the disciplinary regime of professionals. Participants in this workshop will walk away with a clear and effective process for mediation as it applies to dispute resolution.

- Using mediation as an effective alternative to traditional sanctions: benefits of avoiding the disciplinary hearing process
- How to properly conduct the mediation process; avoiding bias in the mediation process
- What to mediate, and the mediator's role
- Examining case study examples

BUILDING ON A *Celebrating over a decade of high-calibre events* TRADITION OF SUCCESS

Delegates at our previous professional regulation events consistently praise the quality of INFONEX conferences. Here's what they say:

“ I was able to gain knowledge, and I feel this conference has given me great resources. ”
— Board Member, COLLEGE OF PEDORTHICS OF CANADA

“ Good review of how I should be doing my job and reminding me of things I had forgotten. ”
— Senior Investigator, REGISTERED INSURANCE BROKERS OF ONTARIO

“ A thorough and engaging two days. Worth every penny! ”
— Registrar, MANITOBA VETERINARY MEDICINE

SPONSORSHIP AND EXHIBITION OPPORTUNITIES

If you would like to increase your visibility with senior regulatory body executives, you need to be at *Professional Regulation & Discipline*. A limited number of sponsorship options are available, including:

- Exhibit Space
- Cocktail Reception
- Luncheon Breakfast
- Conference Documentation

For more information, contact our sponsorship department at 1.800.474.4829 ext. 244, or e-mail sponsorship@infonex.ca. Choose to participate at this event and ensure your brand is front and centre at this great marketing opportunity.

Join Your Peers WHO SHOULD ATTEND THIS EVENT

This program was designed with and created for self-regulating organizations and associations seeking self-regulatory status, attendees will include:

- Registrars and Deputy Registrars
- Members of Complaint Committees
- Investigation Officers
- Members of Discipline Committees
- Representatives from Associations Seeking Self-Regulatory Status
- Licenced Professionals
- In-House Counsel
- Lawyers Specializing in Professional Regulation
- Staff Members of Professional Bodies and Self-Regulatory Organizations
- Consultants

INFONEX Inc. is a recognized name in courses, training seminars, and conferences on business and market trends, and regulations that directly impact the performance and profitability of the private and public sectors in North America.

For more than a decade, INFONEX has provided members of self-regulating organizations with the cutting-edge information and insights they need to function at their best and maintain the institutional effectiveness that their professions require.

Register Today! Call 1.800.474.4829 Fax 1.800.558.6520 WWW.INFONEX.CA

Professional & Regulation & Discipline

April 20 – 21, 2010 • Workshop: April 22, 2010
TORONTO, ONTARIO

THREE KEY BENEFITS OF ATTENDING THIS EVENT

- 1) Hear a panel discussion on best practices in professional regulation across Canada
- 2) Compare current challenges faced by other firms with yours
- 3) Hear directly from the Ontario Fairness Commission and the Health Professions Review and Appeal Board

LOCATION: Professional Regulation and Discipline will be held at a convenient location in Toronto, ON. Detailed venue information will be provided with your registration confirmation.

YOUR REGISTRATION INCLUDES: Registration fees include all course materials, continental breakfast, lunch, and refreshments. **Parking and accommodation are not included.**

SPONSORSHIP AND EXHIBITION OPPORTUNITIES
Increase your visibility with senior regulatory body executives at *Professional Regulation and Discipline*. Contact our sponsorship department at 416.971.4177, ext. 244, or email sponsorship@infonex.ca.

MAILING LIST UPDATE/REMOVAL: To add, update or remove your information from the Infonex mailing list, please call 1-800-474-4829, and select Option 3, or complete the online form at www.infonex.ca. Please note: Infonex prepares mailings several weeks in advance; it may take such time for the updates to come into effect.

INFONEX
Profit from Knowledge

REGISTER BY PHONE, ON-LINE, OR IN THESE 3 EASY STEPS!

DISCOUNT CODE: 918-W

1 PRINT YOUR NAME AND CONTACT INFORMATION

Mr./Ms./Mrs. _____ Title _____
 Organization _____
 Name of Approving Manager _____ Title _____
 Address _____
 City _____ Province _____ Postal Code _____
 Telephone () _____ Ext _____ Fax () _____
 Email address _____
 Company's main line of business _____ Number of Employees: _____

2 SELECT YOUR OPTIONS AND PREFERRED PAYMENT METHOD

| All prices are subject to GST | Register by FEBRUARY 19 | Register by MARCH 19 | FULL PRICE |
|------------------------------------|-------------------------|----------------------|--------------|
| Conference for Groups of 3 or More | \$1,499 each | \$1,699 each | \$1,899 each |
| Conference for Groups of 2 | \$1,599 each | \$1,799 each | \$2,099 each |
| Conference for One Registrant | \$1,799 | \$1,999 | \$2,299 |
| Optional Workshop | \$450 | \$500 | \$550 |

SELECT YOUR OPTION(S): Conference Optional Half-Day Workshop

Please charge to my corporate or personal credit card: VISA MC AMEX

Cheque enclosed, payable to INFONEX

Card Number: _____ Exp. Date: _____ / _____

Signature: _____

Please check box if you pay GST

GST No. R134050012

3 SEND US YOUR REGISTRATION

FAX: 1.800.558.6520

EMAIL: register@infonex.ca

TELEPHONE: 1.800.474.4829

WEBSITE: www.infonex.ca

MAIL: INFONEX INC.
67 Richmond St. W., 7th Floor
Toronto, Ontario M5H 1Z5

CANCELLATION POLICY:

Substitutions may be made at any time. If you are unable to attend, please make cancellations in writing and fax to 1-800-558-6520 **no later than April 6, 2010**. A credit voucher will be issued to you for the full amount, redeemable against any other INFONEX course and which is valid for twelve months (one year) from the date of issue. If you prefer, you may request a refund of fees paid, less a 15% administration fee.

Registrants who cancel after **April 6, 2010**, will not be eligible to receive any credits or refunds and are liable for the entire registration fee.

Confirmed registrants who do not cancel **by April 6, 2010**, and fail to attend will be liable for the entire registration fee.