

October 6 - 7, 2020 • Virtual Conference

25th Annual Event!

Professional Regulation and Discipline

*Obligations in the Post-Covid-19 Environment
New Cases, Legislation, Trends, Concerns & Best Practices for Regulatory Bodies*

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YOUR FACULTY CONFIRMED PARTICIPANTS INCLUDE:



Claude Balthazard
Human Resources
Professional
Association



Joy Peacock
College and
Association of
Registered Nurses of
Alberta



Lise Betteridge
Ontario College of
Social Workers and
Social Service Workers



Lisa S. Braverman
Barrister & Solicitor,
Private Practice

... and more

Guidance from some of the most experienced experts in the field on:

- Overcoming the challenges of remote investigation
- Accommodating members fighting addiction or mental illness
- Managing sexual harassment and abuse allegations at Law Society of Ontario, College of Pharmacists and College of Massage Therapists
- Knowing what the public expects from regulators based on research at the College of Physicians and Surgeons
- Risk-based regulation: A winning approach for proactive prevention of harm, College of Early Childhood Educators
- Implementing best practices in complaint management at the College and Association of Registered Nurses of Alberta
- Meeting the challenge of regulatory performance measurement
- Protecting sensitive member data / responding effectively to inevitable cyber breaches
- Conducting effective interviews and investigations
- Establishing an external mediation program for disputes between members and patients/clients
- Managing disruptive members
- Maintaining professional boundaries and safeguarding client privacy online at the Ontario College of Social Workers and Social Service Workers



Professional Development

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Professional Regulation and Discipline

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DAY ONE PROGRAM AGENDA: TUESDAY, OCTOBER 6, 2020

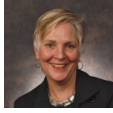
10:00 - 10:15 EDT



Welcome and Opening Remarks from the Chairs

Gillian Hnatiw, Hnatiw and Co.

Maryan Gémus, Manager, Ontario College of Pharmacists



10:15 - 11:00 EDT



New Cases, Legislation, Trends & Concerns, Impact of Covid

Natasha Danson, Lawyer, Steinecke, Maciura, LeBlanc

- Top 10 cases of 2020 involving:
 - Procedural fairness and the duty to accommodate
 - Charter challenges
 - Professional misconduct and defences raised
- A review of the way COVID-19 has affected investigations and disciplinary proceedings

11:00 - 11:45 EDT



What Does the Public Expect From Professional Regulators?

Craig Roxborough, Manager, Policy Department, College of Physicians and Surgeons of Ontario

- What consultation looks like to the CPSO
- Why and when to engage the public, patients, and caregivers?
- How to engage the public, patients, and caregivers?
- Putting the feedback to work
- What we've learned so far

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11:45 - 12:30 EDT



Measuring Up: Meeting the Challenges in Regulatory Performance Measurement

Claude Balthazard, V.P. Regulatory Affairs and Registrar, Human Resources Professional Association



Shenda Tanchak, Principal Consultant, Magnetic North Consulting; Former Registrar and CEO, College of Physiotherapists of Ontario

- A new voluntary framework for ensuring your registered professionals possess the relevant knowledge, skills, and behaviours to provide safe, ethical and effective care
- Outcomes Colleges are expected to achieve in four broad domains:
 - Regulatory Policy;
 - Suitability to Practise;
 - Openness and Accountability;
 - Good Governance
- Performance standards that form the basis of the performance measurement framework
- Results of each year's review to be compared with the results from previous years to determine how performance has improved or worsened over time

12:30 - 13:15 EDT Break

13:15 - 14:00 EDT



Human Rights and the Duty to Accommodate Professionals Fighting Addiction and Mental Illness

Tyler Boggs, Associate Lawyer, Cavalluzzo LLP

- Human rights, the duty to accommodate, the duty to protect the public
- Legislation and obligations
- How cases come to light
- How best to deal with members with problems and protect the public
- How do procedures relating to incapacity differ from procedures for discipline
- Transparency and duty to the public versus confidentiality - for the member and the complainant
- Is the duty to accommodate a mitigating factor in discipline?

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14:00 - 14:45 EDT



Risk-Based Regulation: A Winning Approach for Proactive Prevention of Harm

Marc Spector, Lawyer, Director of Professional Regulation, College of Early Childhood Educators



Cathi Mietkiewicz, Principal, Mietkiewicz Law

- How does risk-based regulation differ from rule-based regulation?
- Focussing resources and action on what are determined to be the riskiest activities
- Barriers to risk-based regulation
- Systematic collection of information to identify hotspots
- Identifying root causes of hotspots and trends
- Risk based interventions including Quality Assurance, Practice Supports and Education

14:45 - 15:00 EDT Break

15:00 - 16:00 EDT



Best Practices in Managing the Challenge of Sexual Harassment & Abuse Allegations

Moderator: Gillian Hnatiw, Hnatiw and Co.



Lai-King Hum, Discrimination and Harassment Counsel, DHC Program, Law Society of Ontario; Founder, Hum Law Firm



Maryan Gémus, Manager, Ontario College of Pharmacists

Naakai Garnette, Director, Professional Conduct, College of Massage Therapists of Ontario

- How do we define “sexual harassment”?
- What do we know about the extent of the problem?
- How has the “#MeToo” movement impacted the issue for regulated professionals?
- How do various regulatory bodies handle complaints from patients, clients and/or employees about member professionals?
- From intake to investigation to hearing and all the stops in between
- Working with a complainant: protecting their privacy and securing their cooperation while advocating in the public interest
- Are no-contest pleas fair to complainants?
- Penalties
- What conditions may be imposed on regulated health professionals returning to practice after being disciplined for sexual harassment?
- Appeals/defending against appeals

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16:00 - 16:45 EDT



Update on Privacy and Cyber Security for Regulated Professional Bodies in the Covid-19 Environment

Richard Austin, Partner, Deeth Williams Wall LLP



Jennifer Davidson, Associate, Deeth Williams Wall LLP

As a series of recent incidents, the highly-publicized ones and those not-so-well-known, have demonstrated, the consequences of a privacy or security breach are dire. This session examines the steps organizations are taking to try to stay ahead of the attacks that are coming at them from all directions, with a special focus on the responsibilities of regulated professionals:

- Regulatory considerations affecting privacy and cyber security
- Preventing the threats: awareness and protection
- Responding to the incidents: best practices for incident response
- The role of employees and contractors
- Insurance: Ensuring you have, and have available, the right Insurance

16:45 EDT

End of Day One

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DAY TWO PROGRAM AGENDA: WEDNESDAY, OCTOBER 7, 2020

10:00 - 10:15 EDT



Welcome and Opening Remarks from the Chair

Lisa S. Braverman, Barrister & Solicitor, Private Practice

10:15 - 11:45 EDT



Overcoming the Challenges of Remote Investigation

Dean Benard, President and Founder, Benard + Associates

- Gaining co-operation of everyone involved
- Managing the various technologies
- Dealing with the issues of maintaining confidentiality
- Gathering and sharing information before during and after interviews
- Interviewing strategies for overcoming obstacles in remote interviews

11:45 - 12:45 EDT



Mediating Disputes Between Members and Patients

Jane Kidner, LL.M. (ADR), J.D., B.A., Q.Med.



Lori L. Long, Director, Professional Conduct and Regulatory Affairs, Royal College of Dental Surgeons of Ontario

- Why use an external, independent mediator
- What disputes are mediated and which are not?
- The process
- The cost
- Satisfaction level of the parties
- Is the process open or closed?
- Cost/benefit analysis
- Statistics and facts about the program
- Ensuring the appropriate level of transparency
- Remembering the public is at the table

12:45 - 13:30 EDT Break

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DAY TWO PROGRAM AGENDA: WEDNESDAY, OCTOBER 7, 2020

13:30 - 14:15 EDT



Best Practices in Complaint Management: What CARNA Learned from Its Review by the Professional Standards Authority

Joy Peacock, Chief Executive Officer (CEO) and Registrar, College and Association of Registered Nurses of Alberta

- Review by the Professional Standards Authority
- Processes and outcomes assessed against the Standards of Good Regulation developed by the Professional Standards Authority in the UK.
- Findings
- The 14 recommendations for action and improvement
- Action plans
- What's changed for the better?
- What are the current challenges?

14:15 - 15:15 EDT



Procedural Fairness in Professional Complaints and Discipline Proceedings

Lisa S. Braverman, Barrister & Solicitor, Private Practice

- Principles of administrative law
- Application of natural justice
- Application of fairness
- Content of duty of fairness and implications for professional regulators
- Right to be heard
 - Notice - Complaints/Investigative Process
 - Notice - Discipline Hearing
 - Disclosure - Complaints/Investigative Process
 - Disclosure - Discipline Hearing
- Right to unbiased decision maker
- Practical exercises

15:15 - 15:30 EDT Break

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Managing a Member's Unprofessional Interpersonal Behaviour to Protect the Public Interest

Ted Bober, Director, Clinical Services, Physician Health Program, Ontario Medical Association

- Relationship of the program to the Regulatory College
- Options for dealing with members who have behaved inappropriately
- What are the options if the problem is addiction, mental health related or incurable?
- What happens if the good will of those dealing with the member in his or her workplace has been lost? When have too many bridges been burned?
- Program track record
- Resources and referrals

16:15 - 17:00 EDT



Online Communication - Supporting Ethical and Professional Practice in the Age of Social Media

Lise Betteridge, MSW, RSW, Registrar and CEO, Ontario College of Social Workers and Social Service Workers

Do your members reach out regularly with questions about communicating with clients online? Are professional boundaries any different now? Have you had concerns about Council or Board members' use of social media? This session will explore:

- Pressure points - how members and Council members can get into trouble using social media and communicating online
- How regulators can respond to members breaching clients' privacy and confidentiality online
- How practice resources and governance policies can support the maintenance of clear and appropriate professional boundaries

17:00 EDT

End of Day Two

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Professional Regulation and Discipline will be held as a virtual on-line conference. Details on how to access and participate in the event will be sent to all confirmed delegates prior to run date.

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Registrants who cancel after **September 22, 2020**, will not be eligible to receive any credits and are liable for the entire registration fee.

Confirmed registrants who do not cancel by **September 22, 2020** and fail to attend will be liable for the entire registration fee.

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