

Health Advocacy

SUMMARY

We represent hospitals, long-term care facilities and other healthcare facilities in consent and capacity hearings, human rights proceedings, coroner's inquests, privileges hearings, and billings matters. We also represent health professionals at disciplinary, registration and fitness to practice hearings before the various Colleges.

We strive to resolve situations efficiently. We mobilize to seek urgent court or board orders, such as in situations involving end of life care.

We have a great deal of experience collaborating with health care institutions in reviewing specific clinical situations with health care teams in order to avoid formal proceedings, where this is in our client's best interests. This involves providing advice prior to litigation in difficult matters, including end of life cases, and dealing with families having difficulties with substitute decision-making. In these cases, we assist health care teams, patients and families to reach an ethical and legal consensus. In cases where this is not possible, we have a depth of experience in bringing these issues before the Consent and Capacity Board (in Ontario) and before the Superior Court (in Quebec). We have been counsel in many leading decisions on issues such as end of life decision-making, discharge to alternate level of care and mental health treatment issues.

PUBLICATIONS

- *Canadian Health Law Practice Manual*, LexisNexis Butterworths.
- John J. Morris, *Canadian Nurses and the Law*, LexisNexis Butterworths.
- Morris & Clarke, *Law for Canadian Health Care Administrators – 2nd Edition*, LexisNexis Butterworths.
- Michael K. McKelvey, *Ontario Health Legislation: An Annotated Guide*, Canada Law Book.
- Michael K. McKelvey, *Ontario Consent and Capacity Legislation*, Canada Law Book.
- "Physician with privileges unsuccessful in allegations that Hospital breached Ontario Human Rights Code," July 2017.
- "New Legislation Coming to Protect Patients from Sexual Abuse," September 2016.

REPRESENTATIVE WORK

- Represented the Ontario Hospital Association at the Daniel/Dupont Inquest (Windsor, Ontario) and helped ensure a systemic hospital management perspective was brought to the inquest.
- Acted pro bono for the Schizophrenia Society of Canada in its intervention at the Supreme Court of Canada - *Starson v. Swayze* [2003] 1 SCR 722.
- Represented Sunnybrook Health Sciences Centre responding to application for injunction to prevent cessation of mechanical ventilation of comatose patient - *Rasouli v. Sunnybrook Health Sciences Centre et al*, 2011 ONSC 1500 (CanLII).
- Counsel for The Hospital for Sick Children, a party with standing before the Inquiry into Paediatric Forensic Pathology (the Grange Inquiry).

- Successfully defeated two attempts at Judicial review of hospital board decision to consolidate services at a single site - *ONA v. Rouge Valley Health System*, [2008] O.J. No. 4566, 302 D.L.R. (4th) 751 and *OPSEU v. Central East LHIN*, [2008] O.J. No. 3243.
- Acted for Community Care Access Centre at HSARB hearings regarding changes of plan of service - *V.K. v. North East CCAC*, 2011 CanLII 10017 (ON HSARB) and *S.P.K.V. v. Central CCAC*, 2010 CanLII 77378 (ON HSARB).
- Counsel for hospital responding to class action concerning infection control and patient notification securing very favourable ruling limiting claims of class members who were not actually harmed, *Healy v. Lakeridge Health Corp.*, [2010] O.J. No. 417 (S.C.J.).