

## Health Law

Owners, operators, professionals and managers in the health care sector face a range of legal issues every day. Professional complaints must be responded to and discipline matters must be defended. Appropriate premises must be purchased or leased. Operating licenses must be secured and compliance requirements met. Contracts must be negotiated with suppliers. Collective agreements must be negotiated with unions. Privacy of patient information must be protected. Workplace disputes must be settled or fought. Human rights issues must be tackled. Several different areas of legal expertise are engaged when operating health professional practices and facilities in Ontario. For that reason, our group is comprised of lawyers with expertise in regulatory compliance, professional discipline, civil litigation, real estate, business law, labour relations and employment, privacy, and technology and data management.

With Torkin Manes, you only need to make one call to have our full range of legal skills and experience at your service. We have organized ourselves to serve the legal needs of the health care sector in every respect, including specialised areas unique to regulated health professionals, long-term care facilities and retirement homes. We understand not only the legislative requirements but also the day-to-day operational challenges facing each of these individuals and institutions.

### Health Professionals

At Torkin Manes, we routinely offer legal advice and representation to all regulated health professionals in Ontario. We have extensive experience representing health professionals in disputes with their regulatory bodies (the "Colleges"), where we work to avoid litigation if possible, but aggressively defend our clients when necessary. We also regularly represent clients in public hospital disputes and in civil litigation.

Our services include:

- Drafting of responses to formal complaints made to the Colleges
- Drafting of responses to formal investigations commenced by the Colleges
- Defending health professionals at formal hearings before the Colleges' Discipline Committees
- Defending health professionals at formal hearings before the Colleges' Fitness to Practice Committees
- Drafting of submissions to, and appearances before, the Colleges' Registration and/or Accreditation Committees
- Representing health professionals at formal hearings before the Medical Advisory Committees and Boards of Directors of public hospitals
- Representing health professionals in all manner of disputes with insurers
- Representing health professionals at appeals and reviews before the Health Professions Appeal and Review Board

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- Representing health professionals in court on appeals from all types of administrative decisions, including those referenced above
- Representing health professionals in all manner of civil litigation

For more information with regards to our Health Professionals Practice, contact Neil M. Abramson, Practice Group Lead.

## Health Facilities

For many years, Torkin Manes has represented the interests of long-term care facilities and retirement homes across the province – from small operators to large chains. We are very knowledgeable about the various statutes which regulate your homes and understand how they affect your operations, employees and residents. We know how to deal with government ministries and other regulatory bodies and we can assist with statutory compliance. Our services include:

- Assisting with licensing applications and related issues
- Preparing residency agreements, unfunded services agreements, information packages and policies
- Certifying regulated documents
- Advising on all matters of compliance including resident rights, care and safety standards, mandatory reporting, and hiring and training of staff
- Dealing with reviews and appeals of inspection and Director's/Registrar's orders, including to the Divisional Court
- Advising and preparing submissions on proposed changes to legislation and accountability agreements
- Responding to requests for access to and disclosure of resident information and records
- Negotiating data sharing and network sharing agreements with third parties
- Assisting with employee discipline and dismissal, including grievances, complaints and wrongful dismissal proceedings
- Dealing with residential tenancy disputes, including under the *Residential Tenancies Act*
- Advising on sensitive situations involving residents, substitute decision-makers and family members
- Conducting investigations into complaints and workplace disputes, including allegations of abuse, discrimination, harassment, and theft

For more information with regards to our Health Facilities Practice, contact David M. Golden, Practice Group Lead.

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Our lawyers also understand how to negotiate the acquisition, sale and financing of health care businesses, including health care facilities, medical and dental practices and medical laboratories, while protecting the rights of the buyer or seller.

Our Health Law Group meets regularly to update each other on changes in legislation affecting the industry and discuss ways in which our clients can be served efficiently and cost-effectively. We offer seminars on legal matters of specific concern, bringing together our unique combination of litigation, labour and employment, business, real estate, and health law experience to help our clients achieve maximum efficiencies and sound regulatory compliance.

The lawyers who comprise our Health Law Group are recognized leaders in the profession, widely published, and frequently invited to participate in government task forces and industry conferences.

#### **Practice Group Leads**

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