



Health Law

Health Law and Governance Toolkit

Longwoods Publishing offers a searchable database – Law & Governance – that provides cases, commentary and policy reviews compiled from reliable sources. It is intended for governments, healthcare clinicians and administrators, insurance companies and all related institutes, boards and advisors. Subscribers can also receive our Law & Governance briefings – published 10 times a year. To access the full database, please visit: www.lawandgovernance.com.

Here is a sampling of what you will find on the website.

Healthcare Governance in Transition: From Hospital Boards to System Boards

Fran Brunelle, Peggy Leatt and Sandra Leggat

Single hospital boards have been the selected method of governance since the first hospitals were built in this country in the 1600s. However, in recent years, governance of the Canadian healthcare system has undergone a radical transformation. Single hospital boards have almost disappeared. Instead, hospitals have been clustered by governments into multiple-hospital consortia, or into regions, often with other non-hospital health care organizations that had previously enjoyed autonomous governance (e.g., boards of public health).

Top 10 Patient Safety Myths

Brian Shea

Many provider CIOs are reevaluating their institutions' processes for insuring patient safety. Some are seeking counsel to help break through the noise of the HIM marketplace. With that in mind, Cap Gemini Ernst & Young Health has compiled the following list of the most dominant patient safety myths, along with tips on how healthcare leaders can counter them.

Hospital Does Not Have to Disclose Quality Assurance Reports in Medical Malpractice Case

Michael Watts and Kathy O'Brien

The Ontario Superior Court of Justice released a significant judgment in November 2002, confirming that quality assurance reports prepared by a Quality Assurance Subcommittee of the Medical Advisory Committee are confidential and privileged and need not be produced by the hospital in a medical malpractice lawsuit. The case provides valuable guidance to risk managers and medical leaders about the steps they need to take to establish and protect the confidentiality of these QA reports.

Bill 8 – Accountability and Control

Simon Chester, Maureen Quigley and Graham Scott

The Ministry of Health and Long-Term Care (MOHLTC) and the hospitals of Ontario have for some time agreed that there has been little clarity as to their respective expectations in accounting to each other for their responsibilities in the delivery of healthcare. Bill 8, introduced in the Ontario Legislature in November 2003, provides the vehicle the government proposes to use to introduce formal accountability processes for hospitals. One major area of disagreement between the Ministry and the OHA concerns Sections 26 and 27, which would permit the Minister to intervene directly with a hospital's CEO. The authors believe that the Minister can exercise effective operational accountability without bypassing the hospital board, and thus avoid clouding accountability.

Governance and Management Roles

Ted Ball, Liz-Verlaan Cole and Dennis Pointer

As Ontario's healthcare system undergoes a fundamental change over the next three years, the degree of success achieved will depend on how the role of local governance, the role of local management and the role of Local Health Integration Networks are designed. This article provokes the thinking of board members and CEOs of hospitals, CCACs, community agencies and clinics, primary-care teams and public health units in the Ontario healthcare system.

Time Crunch: The Board Education Conundrum

Duke K. Bristow, Florencio Lopez-de-Silanes, Stephen M. Wallenstein

An influx of first-time directors is invading the boardroom as the pool of traditional directors shrinks. Not only must they become well educated on their company and industry, they must parcel their precious time between staying on top of new regulations and fulfilling their regular board duties.

Redefining Accountability in the Healthcare Sector

Bruce Harber & Ted Ball

Accountability is a word that is loaded with meanings that strike fear in the heart and soul of our healthcare system. That's because it has come to mean "Who is to blame?" And "How should they be punished?" So why are we surprised when the outcome of this approach is blame-avoidance, blame-shifting, coverups, infighting, defensive behaviours, and anti-learning dynamics and the cause of even further dysfunction in a health system that has already been diagnosed as being among "the least healthy work environments in the country?"