

Medico Legal 2018

Australia's premiere medico legal event

1 – 2 March 2018 | Swissotel, Sydney



FEATURING KEYNOTE ADDRESSES FROM:

National Registration and Accreditation Scheme for Health Professions – Not yet 10/10...or 10



Kym Ayscough, *Executive Director, Regulatory Operations, AHPRA*

Compliance or Culture? Towards Targeting Zero or Improving Quality



Professor Euan Wallace AM, *Chief Executive, Safer Care Victoria*

Sexual Misconduct Allegations in Medical Practice – Protecting Patients and Treating Doctors Fairly



Professor Ron Paterson, *Professor of Law, University of Auckland and Independent Reviewer of the Use of Chaperones to Protect Patients in Australia*

Voluntary Assisted Dying



Nicholas Cowdery AM QC, *Adjunct Professor of Law and former Director of Public Prosecutions for NSW*

TOPICS TO BE ADDRESSED INCLUDE:

- Mapping the Contours of Complaint Risk Across the Health and Legal Professions
- Swimming Against the Tide – Parent Refusal of Treatment
- Psychiatrists' Liability for Violent Acts by Patients – Recent Coronial and Civil Decisions
- Documentation – The Doctor's Sword and Shield
- Help! I have a Letter from AHPRA: An In-Depth Examination of How your MDO can Assist
- COSMETIC SURGERY | Outcomes from Disappointment to Negligence

Plus more...



SUPPORTED BY:



8:50 OPENING | Opening remarks from the Chair

9:00 KEYNOTE OPENING ADDRESS

National Registration and Accreditation Scheme for Health Professions – Not yet 10/10...or 10

- What the numbers say – Annual double digit percentage increases in notifications and how we are responding
- What the practitioners say – How it feels to be the subject of a notification and how we are responding
- What the notifiers say – How it feels to be a notifier and how we are responding
- What the legislators say – Amendments to the Health Practitioner Regulation National Law decided and in contemplation

Kym Ayscough, *Executive Director, Regulatory Operations, AHPRA*

9:40 KEYNOTE ADDRESS

Compliance or Culture? Towards Targeting Zero or Improving Quality

Professor Euan Wallace AM, *Chief Executive, Safer Care Victoria*

10:20 Mapping the Contours of Complaint Risk Across the Health and Legal Professions

- Who is at highest risk of being named in a complaint to a regulator?
- How does practice context influence complaint risk?
- What role do patients, peers, and employers play as sources of complaint?
- What are the implications for the health and legal professions?

Dr Marie Bismark, *Associate Professor in Law and Public Health, University of Melbourne*

11:00 Morning refreshments and networking break

11:30 Swimming Against the Tide – Parent Refusal of Treatment

One of the most challenging situations for a clinical team is when the parents of child with a treatable condition refuse treatment. Most often with mediation the issues can be resolved - but not always. These cases are highly emotive and stressful for everyone involved. With the advent of social media ongoing negative exposure from inappropriate posts can impact on other patients and their families and adds further to the challenges faced by the clinical team. This presentation will discuss the challenges and lessons learnt from recent cases.

Denise Bowen, *Manager, Mediation & Legal Support Services, Child & Adolescent Health Service WA*

12:10 CASE STUDY

Psychiatrists' Liability for Violent Acts by Patients – Recent Coronial and Civil Decisions

Associate Professor Tina Cockburn, *Australian Centre for Health Law Research, QUT Faculty of Law, Brisbane*

Bill Madden, *Special Counsel, Carroll & O'Dea Lawyers*

12:50 Documentation – The Doctor's Sword and Shield

- What you do is your first line of defence
- What document is your second line of defence?
- How to avoid falling on your sword?

Dr Andrew Walby, *Director of Emergency Medicine, St Vincent's Hospital Melbourne*

13:30 Lunch and networking break

14:30 Help! I have a Letter from AHPRA: An In-Depth Examination of How your MDO can Assist

The lifecycle of an AHPRA notification from the perspective of an MDO in-house legal and risk management team, including case studies covering a variety of topical issues such as mandatory reporting, advertising, medical records and dealing with cautions and conditions.

Gae Nuttall, *Risk Adviser, MDA National*

Julie Brooke-Cowden, *Manager, Claims & Advisory Services (NSW), MDA National*

Puja Menon, *Claims Manager (Solicitor), MDA National*

15:30 CASE STUDY

A Review of Recent Inquiries Involving Fetal Deaths, Lessons to be Learned and Review of the Nature and Scope of the Duty to Warn and Informed Consent

- Consideration of the Coronial inquests into the deaths of Samara Hoy (QLD) and NA (NSW)
- Lessons to be learned from the above inquests
- Discussion of the Supreme Court of the United Kingdom appeal decision of *Montgomery v Lanarkshire Health Board* (Scotland) [2015] UKSC 11
- Review of the nature and scope of the duty to warn and informed consent

Sarah Lark, *Special Counsel, MinterEllison*

Anna Capsanis, *Associate, MinterEllison*

16:10 Afternoon refreshments and networking break

16:30 COSMETIC SURGERY

Outcomes from Disappointment to Negligence

- Who can perform cosmetic surgery? What is the difference between a cosmetic surgeon and plastic surgeon and why does it matter?
- A medical industry working with the allure and illusion of beauty
- When does a disappointing outcome constitute negligence?
- Case study

Ngairé Watson, *Barrister, Sir Owen Dixon Chambers*

17:10 PANEL DISCUSSION

What Does the Use of Social Media mean in Clinical Areas? How do you Control it?

Denise Bowen, *Manager/ Mediation & Legal Support Services, Child & Adolescent Health Service WA*

Dr Andrew Walby, *Director of Emergency Medicine, St Vincent's Hospital Melbourne*

Bill Madden, *Special Counsel, Carroll & O'Dea Lawyers*

Gae Nuttall, *Risk Adviser, MDA National*

17:50 Closing Remarks from the Chair

18:00 NETWORKING FUNCTION | Informa invites all speakers and delegates to an informal reception to discuss the day's issues and network with their peers.

8:50 OPENING | Opening Remarks from the Chair

9:00 KEYNOTE ADDRESS

Sexual Misconduct Allegations in Medical Practice – Protecting Patients and Treating Doctors Fairly

Professor Ron Paterson, *Professor of Law, University of Auckland and Independent Reviewer of the Use of Chaperones to Protect Patients in Australia*

9:40 KEYNOTE ADDRESS

Voluntary Assisted Dying

When and how we die are unknown to most of us, but some who suffer greatly would like to be able to choose. The issue of voluntary assisted dying remains alive in Australia and elsewhere and both medicine and the law have stakes in the resolution of the issues that arise. This paper will explore the current state of play and some questions that remain.

Nicholas Cowdery AM QC, *Adjunct Professor of Law and former Director of Public Prosecutions for NSW*

10:20 Legal Duties of Doctors and Nurses to Report Child Abuse and Neglect Across Australia

- The current law in every state and territory for each form of child abuse and neglect
- Historical, policy and bioethical context
- An overview of data from a 10 year national study

Professor Ben Mathews, *Principal Research Fellow, Faculty of Law, Queensland University of Technology (QUT), Director, Children's Health Program, Australian Centre for Health Law Research, Adjunct Professor, Johns Hopkins University, Bloomberg School of Public Health*

11:00 Morning refreshments and networking break

11:30 PANEL DISCUSSION

Sexual Harassment in the Medical Profession

- How is sexual harassment defined, in Australian law, institutionally, and in the community?
- How does sexual harassment manifest in medical contexts?
- What are the underlying causes of sexual harassment and why does it remain a problem despite 30 years of prohibition?
- How should individuals, bystanders and organisations respond to sexual harassment to redress the problem and mitigate legal and reputational risks?

Professor Ben Mathews, *Principal Research Fellow, Faculty of Law, Queensland University of Technology (QUT), Director, Children's Health Program, Australian Centre for Health Law Research, Adjunct Professor, Johns Hopkins University, Bloomberg School of Public Health*

Dr Marie Bismark, *Associate Professor in Law and Public Health, University of Melbourne*

Ngairé Watson, *Barrister, Sir Owen Dixon Chambers*

Professor Paula McDonald, *QUT Business School and Director of the Work/Industry Futures Research Program, QUT*

Julie Brooke-Cowden, *Manager, Claims & Advisory Services (NSW), MDA National*

12:20 A Turf War: Conventional v Complementary Medicine and its Impact on Legal Claims

- Complementary and alternative medical treatment and standards of care
- Legal issues flowing from claims against complementary and alternative medical treatment
- How standards may be derived and what may flow from registration
- Scope of duty and where is the line drawn?

Awash Prasad, *Associate, Accredited Specialist in Personal Injury Law, Slater and Gordon Lawyers*

13:00 Whose Duty of Care is it Anyway?

Lessons learned from *Stefanyszyn v Brown*; *Brown v Newcastle Private Hospital Pty Ltd t/as Newcastle Private Hospital* [2016] NSWSC 826?

Associate Professor Bernadette Richards, *Associate Dean, Research Director, Research Unit for the Study of Society, Ethics & the Law (RUSSEL), Adelaide Law School, The University of Adelaide*

13:40 Lunch and networking break

14:40 The Dentistry/Law Interface – Facts, Misconceptions and Trends in Disciplinary and Civil Issues

- Themes in complaints and claims against dentists
- The old and the new – Data around recurring issues and newer trends
- Case studies and lessons learned
- A model of practitioner support – Achieving better outcomes

Marianne Nicolle, *Principal, Meridian Lawyers*

Dr Craig Brown, *Consultant, ADA NSW Advisory Services*

15:20 CLOSING ADDRESS

AI Developments in Healthcare

Paulina Moncrieff, *Special Counsel, Norton Rose Fulbright*

16:00 Closing remarks from the Chair and close of congress

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Two day conference	\$2,295	\$229.50	\$2,524.50	\$400	\$2,695	\$269.50	\$2,964.50
Two day conference (Hospital • Government rate)	\$1,795	\$179.50	\$1,974.50	\$400	\$2,195	\$219.50	\$2,414.50

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