



**GARDINER ROBERTS**

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## **Lonny J. Rosen**

Partner

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**L**onny is certified by the Law Society of Upper Canada as a Specialist in Health Law. Lonny practices in the areas of health law advocacy and civil litigation.

Lonny's practice consists of representing clients in a wide range of civil and administrative proceedings, and of providing opinions and advice. His clients include health care professionals, administrators of health care facilities, professional associations, providers of health care services, and individuals. Lonny advises clients on a wide variety of health law issues, including with respect to health care legislation and policies, professional and ethical obligations, privacy, the delivery of private health care and other aspects of practice management, and consent, capacity and mental health issues.

Combining his health law knowledge with his advocacy skills, Lonny assists health professionals in complaint and discipline matters, investigations, audits and peer reviews, as well as in hospital privileges disputes. Lonny's advocacy practice involves representing clients in civil actions and applications, and before a variety of administrative bodies, including College Discipline Committees, the Consent and Capacity Board, the Health Professions/Health Services Appeal and Review Boards, and other health tribunals.

With the implementation of the *Personal Health Information Protection Act, 2004*, health privacy compliance has become a major focus of Lonny's practice. In this regard, Lonny advises public and private sector clients on the new legislation, and he regularly writes and delivers presentations on this topic. Additionally, Lonny has worked with the Information and Privacy Commissioner/Ontario and the Ontario Bar Association to assist professionals in complying with their privacy obligations.

Lonny is a past Chair of both the Canadian Bar Association's National Health Law Section and the Ontario Bar Association Health Law Section, and is a Member of Council of the Medico-Legal Society of Toronto. Since 2009, Lonny has represented the Canadian Bar Association as a member of the National Advance Care Planning Task Group, a group comprised of over 25 national Associations and established under the auspices of the Canadian Hospice and Palliative Care Association. Lonny also serves as a member of the Hospital for Sick Children's Research Ethics Board and is a faculty member for Osgoode Professional Development's Certificate Program in Mental Health Law.

Lonny is frequently called upon to provide expert commentary on health law matters, and he has appeared on the television show *Strictly Legal* and on CTV newscast, and has been interviewed by both the *National Review of Medicine* and the *Medical Post*. He regularly speaks and writes on health law matters.

## **Areas of Practice and Industry Specialty**

- **Health Law** - representation of health professionals - complaints, discipline, quality assurance, billings audits, hospital privileges matters; opinions and advice - personal health information, privacy, hospital policy, governance, private health care, policy work for facilities and providers, set up and operation of facilities and nursing homes
- **Dispute Resolution** - insurance matters and general litigation



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## Education

- Called to the Ontario Bar 1998
- Osgoode Hall Law School, LL.B. 1996

## Memberships

- Canadian Bar Association National Health Law Section – Past Chair
- Ontario Bar Association Health Law Section - Past Chair
- *Risk Management in Health Care* newsletter, Editorial Board member
- The Hospital for Sick Children, Research Ethics Board member
- Faculty, Osgoode Certificate Program in Mental Health Law
- Medico-Legal Society of Toronto - Member of Council
- National Advance Care Planning Task Group – Member
- The Advocates' Society
- Law Society of Upper Canada

## Selected Lectures and Publications

- “Hospitals and their Medical Staff: A Changing Relationship?” Presentation to Law Society of Upper Canada Program: Emerging Issues in Health Law Conference
- “Consent under PHIPA” and “PHIPA: The Basics”, Presentations to PHIPA Summits
- “Consent, Capacity and Substitute Decision-Making” at Osgoode Certificate Programs in Health Law and Mental Health Law
- Managing Investigations: Using Powers of Investigation Effectively and Fairly” at Infonext Conference on Professional Regulation and Discipline: Current Trends and Recent Developments in Professional Regulation
- “Consent to Treatment and Informing the Patient – The Nurse’s Perspective” at Legal Risk Management for Nurses Conference
- “End of Life Cases: A Pandora’s Box with Ethical, Legal and Practical Implications”, Presentation to Insight Information Conference
- “Civil Liability for Revoking Privileges”, Panel Discussion, Medico-Legal Society of Toronto
- “Psychology and the Legal System: Elements of a Malpractice Action” at Ontario Psychological Association Course on Ethics and Jurisprudence
- “Mental Health Issues in the ER” at The Ontario Hospital Association’s “Mental Health and the Law: Managing Legal Risks and Responsibilities” Conference
- “Consent to Treatment in the ICU” Presentation to Senior Pediatric and Neonatal Intensive Care Hospital Staff
- “Dealing Effectively with Consent and Capacity Issues for Mental Health Patients” at The Canadian Institute’s “Managing Legal Risks and Responsibilities in Mental Health Care” Conference
- “Ask the Health Lawyer”, monthly column in the *National Review of Medicine*, 2007 - 2009
- Mandatory Reporting Obligations for Health Care Professionals” at OBA CLE Program: When Health Law and Labour/Employment Law Collide
- “An Update on Selected Issues in Health Law”, at the Ontario Bar Association/The Law Society of Upper Canada, Operation Update Continuing Legal Education Program, October 2006

For a complete list of Lonny’s lectures and publications, please contact Lonny.