

## Patient Care

The laws surrounding patient care are complex and require expert advice. It's crucial to have a specialized team of advisors and advocates who can provide immediate answers and long-term solutions to regulatory, legal, reputational and human considerations.

### Experience

- Acted pro bono for an intervener (the Schizophrenia Society of Canada), in its intervention before the Supreme Court of Canada in *Starson v. Swayze* case, which considered the legal test for capacity to consent to treatment in psychiatric care under Ontario's Health Care Consent Act. The Court accepted our unique submissions as to the requisite burden of proof on health practitioners, thereby clarifying an important principle of law in a direction favourable to healthcare providers and families.
- Routinely represent the interests of forensic psychiatric facilities and health care providers before the Ontario Review Board and the Consent and Capacity Board.
- Provide general legal advice to the senior team and Board of Directors on patient care issues relating to the psychiatric patient population. As examples: hospital policies relating to the duties of the officer or person in charge, compliance with the legislation governing mental health care, privacy legislation, the use of restraints and seclusion, risk management, documentation, quality of care reviews, physician privilege issues and corporate governance.
- Represent psychiatric facilities and children's mental health centres and their staff at Coroner's Inquests and other public inquiries, and in civil litigation defending against claims in relation to suicide attempts, completed suicides, wrongful detention, adverse outcomes after elopements and other psychiatric issues.
- Routinely advise some of the leading providers of mental health services to children and youth, enabling the provision of treatment even in the face of oppositional behaviours, dysfunctional family relationships and scarce resources.

---

## **BLG | Canada's Law Firm**

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

[blg.com](http://blg.com)

### **BLG Offices**

#### **Calgary**

Centennial Place, East Tower  
520 3rd Avenue S.W.  
Calgary, AB, Canada  
T2P 0R3

T 403.232.9500  
F 403.266.1395

#### **Ottawa**

World Exchange Plaza  
100 Queen Street  
Ottawa, ON, Canada  
K1P 1J9

T 613.237.5160  
F 613.230.8842

#### **Vancouver**

1200 Waterfront Centre  
200 Burrard Street  
Vancouver, BC, Canada  
V7X 1T2

T 604.687.5744  
F 604.687.1415

#### **Montréal**

1000 De La Gauchetière Street West  
Suite 900  
Montréal, QC, Canada  
H3B 5H4

T 514.954.2555  
F 514.879.9015

#### **Toronto**

Bay Adelaide Centre, East Tower  
22 Adelaide Street West  
Toronto, ON, Canada  
M5H 4E3

T 416.367.6000  
F 416.367.6749

© 2021 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.