Who We Are

Breakthroughs in the health sciences offer tremendous hope to patients and the public. But with progress come new legal, policy, and ethical challenges. The University of Ottawa Centre for Health Law, Policy and Ethics (CHLPE) is an interdisciplinary hub facilitating exchange and collaboration among researchers, translation of new ideas and evidence to impact policymakers, practitioners, and the public, and training at the J.D. and graduate level. We draw our members from across the Faculties of Law, Social Sciences, Health Sciences, Management, and Medicine. With 28 core faculty, we are the largest centre of our kind in Canada and one of the largest in the world.

Visit us at ottawahealthlaw.ca and don’t hesitate to contact us at healthlaw@uottawa.ca.
Events

Each year CHLPE runs a vibrant roster of events. All are open to the public—if you would like to sign up for notifications please email healthlaw@uottawa.ca. Video archives of many events are available at ottawahealthlaw.ca/pastevents and /pastconferences, and news of upcoming events at /events. Following is a brief recap of 2018–19:

Machine M.D.

CHLPE hosts an annual national conference aiming to engage healthcare providers and policy makers on a timely topic. Following from last year's conference on two-tier care in Canada (edited collection forthcoming 2020), this year's conference was Machine M.D.: The Law, Policy and Ethics of Artificial Intelligence and Big Data in Healthcare, on 31 May–1 June 2019. In the near future artificial intelligence technologies will profoundly affect many aspects of society, healthcare being no exception. Speakers from Canada, the U.S., and France discussed these issues in the company of an audience of 120 attendees. This conference was jointly hosted with the Centre for Law, Technology and Society (techlaw.uottawa.ca). Full videos are available at ottawahealthlaw.ca/pastconferences.

Massey College Event on Organ Donation

In November 2018 CHLPE brought Professors Jennifer Chandler, Vanessa Gruben, and Colleen Flood together with Dr. Sonny Dhahani (at the time Chief Medical Officer – Donation, Trillium Gift of Life) to Massey College, Toronto for a special panel on challenges in organ donation and transplantation. The event was a unique opportunity to reach out to a Toronto audience.
Speaker Series

The centrepiece of CHLPE’s event each year is its ongoing series of lunchtime seminars, drawing speakers from Ottawa, Canada, and abroad. (Click for video where available.)

**The Cambie Case: Responding to a Constitutional Challenge to Canadian Medicare**
Theodore R. Marmor (Yale University, U.S.A.)
Martha Jackman (CHLPE)
Colleen M. Flood (Director, CHLPE)

**Brexit and Health Care**
Tamara Hervey (University of Sheffield, U.K.)

**Surrogacy in Canada: Critical Perspectives in Law and Policy (Book Launch)**

**Access to Medical Assistance in Dying for Persons with Mental Illness**
Dr. Mona Gupta (Université de Montréal)
Jennifer Chandler (CHLPE)
Colleen M. Flood (CHLPE)

**Law and the Front Lines of the Opioid Crisis**
Dr. Jeff Turnbull (Ottawa Inner City Health)
Bobby Jamison (Overdose Prevention Ottawa)
Vanessa Gruben (Ottawa Hub for Harm Reduction)

**A Feminist’s Reflections on Medical Assistance in Dying in Canada: Past, Present, Future**
Jocelyn Downie (Schulich School of Law)

**The Politics of Pharmacare and Health Insurance Reform: Lessons for Canada from the U.S.**
Theodore R. Marmor (Yale University, U.S.A.)
Pierre-Gerlier Forest (University of Calgary)
Patrick Fafard (CHLPE)

**Mapping the Evidence for Social and Public Policy**
Vivian A. Welch (Campbell Collaboration)
Christine Mathew (Bruyère Research Institute)
Funding Medicines in Canada: Recent Proposals to Increase Access to Medicines
Max Morgan (Structural Genomics Canada)
Jason Nickerson (CHLPE)
Kevin Perry (Government of Canada)
Colleen M. Flood (CHLPE)

Protection of Workers' Mental Health: Safety Delegates and the Implementation of the Swedish Provision on Organizational and Social Work Environment
Maria Steinberg (Örebro Universitet, Sweden)

Designer Babies: Why Let the Stork Decide?
Joséane Chrétien (McGill University)
Vanessa Gruben (CHLPE)
Michael Orsini (CHLPE)

Thinking about complexity and health: The implications of complexity theory for health policy and law
Robert Geyer (Lancaster University, U.K.)
Tom Webb (Lancaster University, U.K.)

Cafés Scientifiques

Café events bring talks on issues of special public interest out of the usual university environment and into a local pub or café over snacks and drinks. The focus of these events is weighted heavily toward audience engagement and participation. In 2018–19 CHLPE collaborated with the Ottawa Hub for Harm Reduction (ottawaharmredux.org) to host two Cafés, one in October on Legal Cannabis and one in May on Vaping. Our next Café will be on Organ Donation and Transplantation, scheduled for 13 February 2020.
Research

Our faculty’s research reflects the interdisciplinary reach of the Centre. Research streams touch on healthcare governance and regulation, medicare and healthcare finance, psychiatry/neuroscience, end of life and medical assistance in dying, health technologies and innovation, personal information and privacy, occupational health and safety, migrant health, global health, and more. In 2018–19 Centre faculty published 75 peer-reviewed articles, 32 book chapters, 7 books (edited or authored), and gave over 250 academic presentations at conferences, seminars, and similar events.

Research Theme Groups

In parallel with its faculty’s individual research programs, CHLPE facilitates cross-pollination and collaboration through four organized themes:

**Public Health Law and Policy**

In 2018–19 the main focus of the Public Health theme was development of the Ottawa Hub for Harm Reduction (ottawaharmredux.org), a forum and resource base for scholars and community organizations who work in the field of innovative harm reduction strategies. For 2019–20 the theme, in collaboration with the Global Strategy Lab (globalstrategylab.org) began working with Health Canada to map and harmonize the disparate systems governing organ donation and transplantation across provinces.

**Indigenous Health**

Indigenous health in Canada is in crisis, with the life expectancy of First Nations and Métis people being four to seven years less than the Canadian average, and 12 years less in Inuit-inhabited areas. The Indigenous Health theme was led by Professor Yvonne Boyer and is now in transition following her appointment to the Senate of Canada in 2018.
Technology and Innovation

The Technology theme's main project in 2018–19 was our Machine M.D. conference (see under Events). In 2020 the theme will continue with activities such as a CIFAR-funded workshop that will bring together an international group to explore the effects of AI on the legal structures that protect patients as well as caregivers in healthcare systems in Canada and abroad.

Multidisciplinary Bioethics

The Bioethics theme links a broad range of people and activities across Ottawa universities and hospitals. It runs a listserv for bioethics news, and coordinates events such as 2018’s Ontario Brain Death Cases at the Ottawa Hospital (TOH) and Professor Jennifer Chandler's ongoing mind-brain-law discussion group. It is currently collaborating with TOH Palliative Care to organize a line of events pertaining to end-of-life ethics and law.

Fulbright Visiting Scholar: Ted Marmor

Our Fulbright Visiting Scholar from the U.S. this year was the distinguished Professor Ted Marmor of Yale University. Professor Marmor co-taught courses, met with CHLPE's students and fostered collaborations with its researchers, and spoke on two panels on pharmacare in our lunchtime speaker series. Professor Marmor credits his experience at CHLPE with informing his upcoming testimony for the Attorney General of British Columbia in the Cambie constitutional challenge to the Canada Health Act.
Projects

Following are examples of research projects Centre members are currently engaged in. For a list of all projects and open-access publications, please visit ottawahealthlaw.ca/projects and /pubs.

**EU Joint Programme in Neurodegenerative Disease Research**  
- Jennifer Chandler (Co-Investigator)

**Protecting Refugees’ Health: How Is the Reinstated Interim Federal Health Program Working?**  
- Y.Y. Chen (Principal Investigator)

**Reaching a Legally Effective, Ethically Fair, and Politically Feasible International Agreement on the Global Antimicrobial Commons**  
- Patrick Fafard (Co-Investigator)

**Scaling Up Shared Decision Making for Patient-Centred Care**  
- Audrey Ferron Parayre (Co-Investigator)

**Surrogates’ Voices: Exploring Surrogates’ Experiences and Insights**  
- Vanessa Gruben (Principal Investigator)

**An Approach to Support Primary Care Practices in Optimizing the Management of Patients with Complex Needs**  
- Craig Kuziemsky (Co-Investigator)

**Policy and Practice in Return to Work After Work Injury: Challenging Circumstances and Innovative Solutions**  
- Katherine Lippel (Principal Investigator)

"Smoking Is Better Than Taking Pills": A Longitudinal Qualitative Study of Cannabis Use and Symptom Management Among People Living with HIV  
- Jason Nickerson (Principal Investigator)

**Tackling the Home Care Challenge: A Mixed Methods Study of Publicly Funded Home Care Services in Four Canadian Cities**  
- Ivy Lynn Bourgeault (Principal Investigator)

**Exploring the Intersections of HIV Treatment Interventions and the Ongoing Criminalization of HIV in Canada**  
- Michael Orsini (Co-Investigator)

**Long Term Worries: Testing New Policy Options for Financing Long Term Care**  
- Colleen M. Flood (Principal Investigator)
Media

Centre faculty contribute opinion editorials, interviews, and other media throughout the year when their research and expertise intersect with issues in the spotlight. Following are selected highlights...

*Five decades in the making, our national pharmacare still has a long way to go.*

*A federal committee’s final report recommends a universal, single-payer system, but differs in some key ways from universal health care.*

*New technologies for the brain require ethical approaches to innovation.*
Judy Illes, Jennifer Chandler. The Conversation, 26 June 2019.

*Le vapotage, populaire et... dangereux ?*
Patrick Fafard. CBC Radio-Canada.

*Nova Scotia now a leader in medical assistance in dying.*

*New reproductive technology regulations don’t go far enough.*

*Ebola au Congo : les vaccins sont rationnés, dénonce Médecins sans frontières.*
Jason Nickerson. La Presse, 2 October 2019.

*‘We’re focusing on the most invisible of injuries’: Research project targets mental health at work.*

*Vaccination records startup CANImmunize spins out of Ottawa Hospital.*

*To combat anti-vaxxer myths, teach children – not parents – to be immunity warriors.*
When the oral history of a medicinal plant as a genetic resource is used to develop a blockbuster drug, how is the contribution of Indigenous peoples recognized in research and commercialization? Edited by Chidi Oguamanam, *Genetic Resources, Justice and Reconciliation: Canada and Global Access and Benefit Sharing* is the result of research conducted in partnership with Canadian Indigenous peoples on access and benefit sharing policies over genetic resources and Indigenous knowledge.

Decision makers must continuously seek scientific advice as part of a well-functioning policy advisory system. Scientific advisory committees (SACs) are often a critical part of this process. *Optimizing Scientific Advisory Committees* is a special edition of the journal *Global Challenges* co-edited by Patrick Fafard. It brings insights from researchers across public health, medicine, economics, history, law, and political science.

Authored by Colleen M. Flood, *the Public Health title of Halsbury's Laws of Canada* examines the Canadian law that empowers public health officials and institutions to carry out various functions to deliver public health programs and services, prevent the spread of disease, and promote and protect the health of the population. Halsbury's Laws is a staple reference for legal professionals and scholars in common law systems.

Edited by Vanessa Gruben, Alana Cattapan and Angela Cameron, *Surrogacy in Canada: Critical Perspectives in Law and Policy* brings together a range of critical perspectives on the governance of surrogacy in Canada. Its chapters offer insight into how to address the challenges of regulating surrogacy and how to (re)think the governance of surrogacy in ways that address the health, wellbeing, and autonomy of surrogates.
Tobacco Control Policy in the Netherlands examines why governments have done so little to combat smoking when they have been aware of the problem and its solutions for decades, and why the complex policy process at the national level so often appears irrational. Patrick Fafard is co-editor of the Palgrave Studies in Public Health Policy Research series.

Another piece in the Palgrave series, Behavioural Policies for Health Promotion and Disease Prevention aims to develop a theoretical understanding of how policymakers take up public health challenges and how policies change over the course of time. In particular it discusses the rise of behavioural health policies in various countries.

Opeyemi Oke: A Benchmark on the Bench curates a rich tapestry of the life and career of one of Nigeria’s finest trial judges, Hon. Justice Opeyemi Oke. Chidi Oguamanam explores an epic personal journey and the making of a remarkable woman, lawyer, and jurist in modern Nigeria.
Training

CHLPE offers its students both the largest group of health law faculty and the broadest selection of health law courses in Canada, including courses in English and French, and common law and civil law. It also folds in courses and graduate supervision (or co-supervision) in the Faculties of Social Sciences, Health Sciences, Medicine, and the Telfer School of Management, for a truly interdisciplinary pedagogy. Students benefit from CHLPE's rich lineup of extras, including our seminar series, Mind-Brain-Law reading group, research workshops and colloquia, grant writing workshops, local and international internship opportunities, and more. The Centre also provides valuable opportunities to engage with provincial, national, and international policy makers and stakeholders.

2020 will be the inaugural year for the J.D. Option in Health Law, allowing formal recognition on a student's transcript when they complete a sufficient portion of their J.D. degree requirements in the area. Meanwhile, our LL.M. in Health Law continues, training students to meet pressing challenges such as growing health care budgets, Canada’s aging population, new disease threats, and the emergence of new forms of care such as medical aid in dying (MAiD).
Graduate Colloquium in Health Law, Policy and Ethics

Our annual Graduate Colloquium is jointly organized and alternately hosted by CHLPE and the McGill Research Group on Health and Law (www.mcgill.ca/healthlaw), with this year’s held at McGill. Graduate students in health law and policy present their research to an open audience of academics, practitioners, and policy makers. For students this is an opportunity to showcase their work and receive critical feedback. For the audience it is an opportunity to see snapshots across the front line of research. This year’s presentations covered topics ranging across reproductive technologies and surrogacy, comparative health law and policy, genetic technology, MAiD, healthcare regulation, and mental illness and policing/criminal law. Next year’s Colloquium will be held in Ottawa on 7/8 May 2020.

Health Law Students’ Association

The Health Law Students’ Association (HLSA) is a club run by J.D. students interested in health law. The HLSA is busy each year connecting students, professors, and other professionals, including running an annual careers event with talks by people in the field. This year’s president was Sarah Stirling-Moffet.

Internships in Health Law

CHLPE runs a number of health law internships with professors, “Santéships”, for first-year J.D. students. This year’s interns worked on projects including mind-brain law, organ donation, reproductive technologies, MAiD, and global health. We also coordinate external internship programs, including at the Ottawa Hospital (TOH) working with its Chief Privacy Officer on projects relating to corporate hospital law, governance and legislative compliance, freedom of information, and privacy. This year’s TOH interns were Romina Hassanzadeh, Hubie Yu, Nicole Hilliard, and Anika Winn.
Public Service and Innovation

Centre scholars lend their time outside the university where their expertise can make a difference. This work takes many forms—including serving on committees, providing advice or expert testimony in court or Parliament, drafting technical or policy reports, pro bono professional work, community outreach, technology development, and more. Following are selected highlights...

Directed by Professor Vanessa Gruben of CHLPE, the Ottawa Hub for Harm Reduction (ottawaharmredux.org) is a “network of networks” of researchers and professionals across Canada and the U.S. working in the diverse field of harm reduction. It hosts public outreach talks and events (e.g. this year’s Café Cannabis and Café Vape, mentioned earlier), curates an open-access online database of literature ranging from academic articles to policy papers to case law to media, runs its own regular blog, and organizes collaborations on research and public interest projects.

Centre members Colleen Flood, Bryan Thomas, and Patrick Fafard together with Asad Ali Moten authored a major report, *Universal Pharmacare and Federalism: Policy Options for Canada* for the Institute for Research on Public Policy, identifying and analyzing pathways for the federal government to establish a national pharmacare scheme. Drawing on international evidence, the report identifies key factors in the design of fair and cost-effective pharmacare schemes, and applies those insights to the Canadian context. The report was timed to coincide with the federal government’s *Advisory Council on the Implementation of National Pharmacare.*
Jennifer Chandler and Vanessa Gruben testified before the Senate Standing Committee on Social Affairs, Science and Technology on the subject of the proposed Voluntary Blood Donations Act (Bill S-252), amending blood donation regulations. Professor Chandler also presents to the Board of Directors of the Trillium Gift of Life Network, Ontario’s agency charged with overseeing organ and tissue donation, and serves on ethics working groups for both Trillium and the Canadian Society for Transplantation.

Katherine Lippel testified at both Parliamentary and Senate committees in 2018 on draft legislation modifying the Canada Labour Code with regard to workplace violence (Bill C-65), subsequently adopted in 2019. She also presented to the Tripartite Roundtable on International Labour Issues for the purpose of preparing the Canadian delegation to the International Labour Organization in negotiating a Convention on Occupational Violence, adopted in draft form in early June 2018.

Jason Nickerson serves as Humanitarian Affairs Advisor at Doctors Without Borders. He submitted a written brief and testified before the House of Commons Standing Committee on Health with respect to its study on federally funded health research. The study resulted in a strong report, Towards Open Science: Promoting Innovation in Pharmaceutical Research and Development and Access to Affordable Medications both in Canada and Abroad, with many recommendations from Jason’s testimony adopted.

Dr. Kumanan Wilson’s CANImmunize app continues to expand and garner media attention. CANImmunize allows users to automatically track their family’s vaccine status on a phone app linked to central records, replacing old paper vaccination cards. Dr. Wilson led a team to develop the app after seeing in practice the importance of patient access to their health information, which facilitates them to be partners in their own care.
In Memoriam: Professor Ian Kerr

It was with great sadness that we learned that our friend and colleague Ian Kerr passed away on August 27, 2019 due to complications arising from cancer. Ian held a unique four-way appointment in Law, Medicine, Philosophy, and Information Studies, as well as the Canada Research Chair in Ethics, Law and Technology. He was a member of our Centre as well as a founding member of the Centre for Law, Technology and Society.

Ian was a singular talent whose impact on the field as well as his colleagues, students, and the Faculty will be felt for decades to come. He led many pathbreaking initiatives, including one of the largest funded SSHRC grants in history, *On the Identity Trail*. He was also a great advocate—for example, addressing the United Nations in support of a global ban on lethal autonomous weapons and rallying some of the world’s greatest computer scientists to the cause.

Foremost in our minds is Ian’s renown at the Faculty of Law for his dedication as a teacher and mentor. He helped create the Faculty’s LL.M. in Law and Technology, which counts hundreds of students as alumni. His devotion to his students was legendary. Working with Ian was not simply a project or a job or even a law school experience—it became a lifelong connection to him and other members of his team. It is no coincidence that Ian was the one to give the two-hour welcoming talk for new students in their first week of law school every year.

Ian is survived by his partner Erin Smith and their daughter Ruby. We extend our deepest condolences to them.
Looking Ahead

We are excited for what’s coming in 2019–20. Our next annual conference on May 14–15 2020 is a joint venture between CHLPE and the Ottawa Hub for Harm Reduction: First, Do Less Harm: Harm Reduction as a Principle of Health Policy and Law. The conference will explore current challenges and opportunities for developing innovative harm reduction approaches in Canada in areas such as opioids, cannabis, and tobacco. Please go to ottawaharmredux.org for information. We also welcome Jennifer Herbst from the Quinnipiac University School of Law as next year's Fulbright Visiting Scholar, who will be working on issues of resource allocation in healthcare, ethics, and surrogate decision making. As always, our lineup of seminars, workshops, and Cafés Scientifiques will continue—check ottawahealthlaw.ca/events regularly for the most current list. Hope to see you there!