Health

The Aird & Berlis Health Law Group is a multi-disciplinary team of lawyers and patent agents focused on helping clients succeed in Canada's highly-regulated healthcare sector. We provide a full range of strategic legal counsel and intellectual property services to a wide range of participants in the healthcare sector, including hospitals, regulated health professionals, laboratories, private health clinics, medical clinics, retirement homes, long-term care facilities, pharmacies, professional insurers, boards and foundations. We also represent a variety of health science, technology, biotechnology, pharmaceutical and life sciences companies, as well as medical device manufacturers.

The members of our Health Law Group are drawn from all practice areas at Aird & Berlis, which gives us a well-rounded understanding of the professional, business and personal issues facing clients in the healthcare sector. We understand the context in which you operate. Our experience extends to virtually every area in the healthcare sector, including leadership roles as board members and directors of prominent hospitals and healthcare foundations.

Our clients include a leading international provider of private healthcare services in Canada, one of the largest networks of dental clinics in Canada, the largest mutual defense association of Canadian alternative health care providers, cutting-edge pharmaceutical developers, one of Canada's most technologically-advanced hospitals, professional associations, provincial healthcare agencies and numerous professional corporations and individuals. From big pictures issues of governance and strategy to the nuts and bolts of professional liability and everyday practice, we provide advice that helps clients achieve their professional and business objectives.

We have particular healthcare expertise in the following areas:

**Corporate & commercial** - Aird & Berlis lawyers combine their technical law acumen with a contextual understanding of the healthcare sector to deliver a full array of corporate and commercial advice. Our lawyers advise on establishing and maintaining professional corporations; corporate structuring; buying, selling and financing matters; and all contractual arrangements and transactions. We draft and negotiate agreements related to research, licensing, financing, supply, service, privacy and procurement.

**Procurement** - Procurement in the healthcare sector requires expertise beyond the traditional procurement skillset. Our lawyers are recognized leaders in this area. We have advised on all manner of procurements, including public and private infrastructure and technology, with a focus on alternative finance and procurement of hospitals, healthcare facilities and e-Health. We draft RFQs, RFPs and similar procurement documents and negotiate the definitive contract documents that arise from them. We also assist clients in responding to bid requests and mounting procurement challenges.

**Privacy** - Privacy is one of the cornerstones of the Canadian healthcare system. We advise individuals and organizations involved in the delivery of healthcare services on obligations under the *Personal Health Information Protection Act* and other similar legislation. More broadly, we advise on general privacy, data protection and data security issues, especially as they relate to domestic and international commerce.

**Infrastructure** - Aird & Berlis infrastructure lawyers deliver innovative advice with respect to complex infrastructure projects and interests in the healthcare sector. We have advised on more than 20 major healthcare infrastructure projects across Canada. Aird & Berlis offers Canadian and international expertise in public-private partnerships, project finance, infrastructure procurement, real estate and construction. Our lawyers have acted on behalf of provincial and municipal governments and agencies as well as design-builders, O&M providers, equity sponsors, lenders, bond underwriters, institutional investors, subcontractors, construction and management companies with respect to various project and infrastructure procurements, financings, refinancings and divestitures.
Information technology - We advise on a range of technology-related matters for hospitals and healthcare organizations, including licensing and technology transfer, outsourcing/managed services, procurement, consultant and other service agreements. Our IT lawyers also have related privacy expertise to ensure that technological advances are considered within the framework of patient privacy and regulatory compliance.

Intellectual property - We are proud to provide a full-range of intellectual property services to participants in the healthcare sector, including prosecution and defense of intellectual property claims; drafting, filing and prosecution of patent, industrial design and trademark applications in Canada and around the world; development and evaluation of intellectual property portfolio strategies; prior art searching; patentability, infringement and validity analyses; preparation and negotiation of licenses, assignments and IP security interests; performing patent audits and due diligence in commercial transactions. We act for a variety of Canadian and international clients, including hospitals, Fortune 100 pharmaceutical companies, healthcare organizations and post-secondary research institutions.

Labour & employment - Our workplace law experts advise healthcare-sector clients on employment, labour and occupational health and safety issues. Areas of employment expertise include terminations, human rights issues, pay equity, employment standards appeals and executive contracts. In the sphere of labour law, we provide ongoing advice to management clients with respect to union certifications, collective bargaining, arbitrations and investigations.

Governance - Our lawyers’ governance expertise - gained through years of experience in leadership roles as board members and directors of prominent hospitals and healthcare foundations - helps to guide our clients through issues of strategic planning, restructuring and relations among boards, committees and management. We also assist with interactions between hospitals, foundations and their respective stakeholders.

Foundations - Healthcare foundations play an integral role in the Canadian healthcare sector by facilitating community engagement, funding research and providing operational financial support beyond government funding. We support foundations with advice related to governance, gift planning, endowments and the relationship with stakeholders and the associated healthcare organization.

Financing - Our financial services lawyers advise lenders and healthcare sector individuals and organizations on financing transactions. We have advised on the financing of dental clinic networks, long-term care and retirement homes, cardiology centres, radiology groups and all manner of professional corporations. We have excellent relationships with lenders and understand the nuances of financing in the healthcare sector.

Tax, Estate and Charitable Planning - We advise a range of individuals, not-for-profits and foundations in the healthcare space on all manner of tax and estate planning, including advance planning and structuring for individual health professionals, advising individuals or corporations making large charitable donations to healthcare organizations as part of their estate or through other methods, and providing advice to leading healthcare foundations on matters related to gift planning and endowments.

Professional Negligence - Healthcare professionals have enormous responsibilities and are subject to complex regulations and potential discipline. If disputes arise, Aird & Berlis is poised to provide immediate, proactive counsel with respect to professional negligence and liability. We act as corporate and defence counsel for a nationwide profession-run mutual defence association for healthcare professionals and are well-versed in matters of professional liability, professional discipline, regulatory matters and civil litigation. We also provide mediation and ADR services in connection with claims against healthcare professionals and hospitals.

In addition to the areas of healthcare expertise specifically highlighted above, we advise on related areas such as real estate, commercial leasing and regulatory approvals.
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