

# Kathryn M. Frelick

## Associé

Toronto

### BUREAUX

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## Secteurs et Expertises

### SECTEURS

Intelligence artificielle | Sciences de la vie | Santé

### EXPERTISE

Droit administratif et public | Protection de la vie privée et cybersécurité | Technologies, propriété intellectuelle et protection de la vie privée

## Biographie

### ADMISSION AU BARREAU

Ontario, 1998

### FORMATION

- LL.B., University of Windsor, 1996
- H.B.Sc., (biology and psychology), Queen's University, 1992

### LANGUES

Anglais

Kathryn Frelick has extensive experience in health and privacy law. As the Leader of Miller Thomson's National Health Group, she provides strategic and solution-focused advice to health industry clients from both the

public and private sectors. Kathryn assists businesses to navigate Canada's complex health regulatory and privacy regimes. Kathryn's practice includes experience in areas such as health information and privacy (including management of privacy and security breaches), quality and patient safety, mental health and consent and capacity, health profession regulation, private health care, technology and innovation and corporate regulatory compliance. Kathryn's legal advocacy extends to health and privacy administrative tribunals and regulatory bodies, as well as complex litigation before the courts as a subject matter expert, underscoring her role as a pivotal advisor in health and privacy matters in Canada.

Kathryn is a sought-after speaker at industry events and author of numerous legal publications. She encapsulates a dynamic blend of practical experience and legal acumen, making her a trusted advisor in the complex realm of health and privacy law.

Kathryn has been recognized for her knowledge and experience in health care law by The Best Lawyers in Canada. She is an active member of both the Canadian Bar Association and Ontario Bar Association Health and Privacy and Access sections. Kathryn engages in various professional bodies and has served on the Board of well recognized Research Ethics Committee.

## Engagement

### Reconnaissance

- *The Best Lawyers in Canada* – Health Care Law, 2021-2025

### Leadership éclairé

#### Book Chapters

- Legal Aspects of Health Information Management in *Fundamentals of Health Information Management*, Canadian Health Care Association/Canadian Health Information Management Association (2<sup>nd</sup> edition 2013)
- Canada's Anti-Spam Legislation (CASL) Update, Chapter 28, *Business Laws of Canada*, (A Thomson Reuters Publication) 2015 – 2018
- Privacy Update, *Business Laws of Canada*, Chapter 22, (A Thomson Reuters Publication) 2012 – 2018

#### Recent Presentations

- *The People's Health Care Act, 2019: What You Need To Know*, Miller Thomson LLP, Special Edition Coffee Talk: A Health Industry Seminar Series, April 2, 2019
- *Managing Complaints in the #MeToo Era*, Miller Thomson LLP, Coffee Talk: A Health Industry Seminar Series, February 27, 2019

- *Directors Series Seminar – Protecting Privacy: Obligations of Directors*, Miller Thomson LLP, Coffee Talk: A Health Industry Seminar Series, November 28, 2018
- *Institutional Obligations to Mental Health Patients*, Miller Thomson LLP, Coffee Talk: A Health Industry Seminar Series, October 17, 2018
- *Be Cyber Smart: Be Prepared to Effectively Respond to Data and Privacy Breaches*, Canadian Health Information Management Association Conference, September 16, 2018
- *Risk Management in Litigation – How to Proactively Manage and Effectively Respond to Civil Litigation Risk*, Miller Thomson LLP, Coffee Talk: A Health Industry Seminar Series, April 18, 2018
- *Board of Directors Series – What Directors Need to Know: The New H-SAA*, Miller Thomson LLP, Coffee Talk: A Health Industry Seminar Series, February 28, 2018
- *Strategies for Managing Difficult Clients / Family Members*, Miller Thomson LLP, Coffee Talk: A Health Industry Seminar Series, January 17, 2018
- *Transition in Care: Collaboration Across the Care Continuum*, OACRS Annual Conference, November 27, 2017
- *Privacy and Enterprise Risk Management*, AFHTO/GCE, November 22, 2017
- *Privacy and Cyber Risk and Information Governance for FHTs*, AFHTO Annual Conference, October 25, 2017
- *Privacy and Cyber Risk in the Health Industry – Survival Guide 101*, Miller Thomson National Health Series (Webinar), October 18, 2017
- *Directors Series What Directors Need to Know: Quality, Privacy, Accountability*, Miller Thomson Directors Series (Webinar), September 28, 2017
- *Cyber Risk in the Health Sector*, (CLEAR) Annual Educational Conference, (Denver, US), September 13, 2017
- *Transitions in Care: Collaborating Across the Care Continuum*, Miller Thomson LLP, Coffee Talk: A Health Industry Seminar Series, April 19, 2017
- *Beyond PHIPA: What Other Legislation Do You Need to Consider? [Health Law]*, Privacy Law Summit 2017, Ontario Bar Association, April 7, 2017
- *How to Cope: Managing Mental Health Issues in the Workplace*, Miller Thomson Labour and Employment Law Conference, April 6, 2017
- *Navigating the Legal Pall of Medically Assisted Death – What you need to know about Medical Assistance in Dying in Canada*, Miller Thomson CPD (In person and Webinar), March 7, 2017
- *Bill 41, the Patients First Act – What You Need to Know*, Miller Thomson LLP, Coffee Talk: A Health Industry Seminar Series, January 18, 2017
- *Ontario Health Teams: Digital Health Privacy and Data Sharing*, Miller Thomson LLP, Health Transformation Tuesdays, presented by K Frelick, May 7, 2019
- *Directors' Series "Managing Complaints in the #MeToo Era"*, Miller Thomson LLP, presented by K Frelick and L Spiegel, May 16, 2019
- *Health Transformation Tuesdays "Ontario Health Teams: Building Your Digital Plan"*, Miller Thomson LLP, presented by K Kanani and K Frelick, October 1, 2019

- *Up to the Minute COVID-19 Developments*, Miller Thomson LLP, Coffee Talk, presented by K Frelick and G Bush, March 26, 2020
- *Health Law Now – Emergency Management Virtual and In-Person Care Lessons from SARS*, Ontario Bar Association – March 26, 2020
- *Virtual Care: A Legal Checklist*, Miller Thomson LLP, Coffee Talk presented by K Frelick and K Kanani, April 22, 2020
- *COVID-19 Lockdown Lifting: Expert Panel on Resumption of Health Care Services*, Miller Thomson LLP, Coffee Talk presented by K Frelick, K Kanani, H Dyer and R England, May 26, 2020
- *Back to Basics: Patient Safety, Quality & Risk – Getting the Balance Right*, Miller Thomson LLP, Coffee Talk presented by K Frelick, May 25, 2022
- *Back to Basics: Consent & Capacity*, Miller Thomson LLP, Coffee Talk presented by K Frelick, November 23, 2022

### **Select Publications**

- Mitigating the risks of generative artificial intelligence in the health industry, Health Communiqué, September 29, 2023
- Privacy Commissioners call on Health Industry to phase out use of traditional fax and unencrypted email in shift to digital healthcare, Health Communiqué, October 31, 2022
- New Mandatory Regulations Require Hospitals to Report Serious Adverse Drug Reactions and Medical Device Incidents, Health Communiqué, July 12, 2019
- *Connecting Care Act*, 2019 is in Force, Health Communiqué, June 18, 2019
- Ontario Government Introduces Legislation to Create New Mental Health and Addictions Centre of Excellence and Enable the Province to Sue Opioid Manufacturers, Health Communiqué, June 3, 2019
- Domestic Violence in the Workplace, CDA Essentials Issue 1: 22 – 26, The Canadian Dental Association Magazine, 2019
- Court of Appeal Confirms that Physicians are Statute-Barred from Claiming for Damages Arising from Hospital Decision to Cease Providing a Service, Health Communiqué, November 15, 2018
- Mandatory Breach Draft Guidance Released, MT Cybersecurity Blog, September 21, 2018
- Do you have a Duty to Report A Medically Unfit Driver? New Reporting Requirements in Effect, Health Communiqué, August 24, 2018
- Court Affirms Physician Requirements to Provide Effective Referrals for MAID, Health Communiqué, May 9, 2018
- It's Official: Mandatory Data Breach Notification Coming on November 1, 2018, Intellectual Property (IP) and Information Technology (IT) Law Practice Group Alert, April 6, 2018
- Public Hospital Advisory: New Accountability Agreement for Hospitals (H-SAA), Health Communiqué, February 20, 2018

- Strengthening Quality and Accountability for *Patients Act*, 2017 Becomes Law in Ontario, Health Communiqué, January 16, 2018
- Privacy Commissioner Gearing Up for Tougher Enforcement, Intellectual Property (IP) and Information Technology (IT) Law Practice Group Alert, October 5, 2017
- Mandatory Notification Requirements under PHIPA in force October 1, 2017, Health Communiqué, September 26, 2017
- Mandatory Notice Requirements under PHIPA and Public Consultation on Proposed Regulation Regarding Notices to the Commissioner, Health Communiqué, April 13, 2017
- Confronting the opioid crisis, *The Lawyer's Daily*, November 24, 2016
- Public Consultation on Proposed Regulations to *Quality of Care Information Protection Act*, 2016, Health Communiqué, November 1, 2016
- What Health Facilities Need to Know About QCIPA 2016, Risk Management in Canadian Health Care, Volume 18, No. 4, August, 2016
- Dear Health Care Facility: Are You Prepared for a Request for Medical Assistance in Dying?, Risk Management in Canadian Health Care, Volume 18, No. 4, August, 2016
- What Health Facilities Need to Know About QCIPA 2016, Health Communiqué, May 11, 2016
- What Health Industry Clients Need to Know in Relation to Bill C-14 on Medical Assistance in Dying, Health Communiqué, April 14, 2016

**Speaking Engagements:**

- Kathryn Frelick presents at The 2020 Guide to Legal Risk Management in Long-Term Care

**Health Communiqués:**

- Privacy Commissioners call on Health Industry to phase out use of traditional fax and unencrypted email in shift to digital healthcare
- Tragic death of patient in German cyberattack a reminder of vital importance of cybersecurity in healthcare
- Ontario passes new law to extend certain COVID-19 Emergency Orders beyond declared state of emergency
- Patchwork of face covering By-Laws, Orders, Directives and Instructions issued across Ontario to protect against COVID-19
- Public Hospital Advisory: Emergency Order allows Government to institute hospitals as temporary management for long-term care homes experiencing COVID-19 outbreak
- Injunction requires Long-Term Care homes to provide nurses access to PPE
- COVID-19 efforts shift to the protection of seniors and vulnerable persons
- Privacy and cybersecurity during COVID-19 – Tips for Canadian organizations
- COVID-19: The power of the government in a public health emergency

- COVID-19 Pandemic Update: Can my organization be shut down and other questions about public health events and emergency management powers
- Passing of Bill 138 Brings More Change to the Health Industry
- Significant Health System Changes in Effect December 2, 2019

### **Adhésions et affiliations**

- Member, Canadian and Ontario Bar Associations
- Member, Privacy and Health Sections of the Ontario Bar Association
- Former Member, Centre for Addiction and Mental Health Research Ethics Committee
- Member, Medico-Legal Society of Toronto