Miller Thomson



Scope of Miller Thomson On Call™ and Guidelines for Determining Fee-For-Service Matters

Purpose

This document has been created to provide guidance to members of the Ontario Association of Optometrists ("OAO") with respect to the scope of Miller Thomson On Call™ ("MTOC") and considerations used in determining whether or not a matter ought to be conducted on a fee-for-service basis. For matters that fall outside the scope of MTOC, Miller Thomson LLP is pleased to offer legal services to optometrists on a fee-for-service basis at a reduced rate for OAO members.

Scope of Miller Thomson On Call™ for Health Industry Clients

Miller Thomson On Call™ for Health Industry Clients is designed to provide access to legal advice from our dedicated roster of legal counsel relating to optometry professional practice requiring a single telephone exchange of information. This exchange is intended to be brief or preliminary in nature and address matters that can be successfully concluded within a half hour. In our experience, the majority of situations can adequately be addressed in this time frame.

There is no limit upon usage for matters that fall within the scope of MTOC. Please note that legal advice on personal or business matters not related to professional practice is not covered under MTOC.

Guidelines for Opening Files on a Fee-For-Service Basis

Where a matter falls outside the scope of MTOC, it is the responsibility of Miller Thomson LLP to inform our client and to seek instructions to provide the services on a fee-for-service basis.

Matters are generally conducted on a fee-for-service basis when a comprehensive analysis of applicable legislative, risk management, professional practice and/or operational issues is required in order to provide an opinion or perform a service. A matter will fall outside the scope of MTOC when it requires our ongoing involvement, original research, court or tribunal appearances, review or development of organizational policies and procedures, drafting of original materials for a contract or review of a longer-form contractual arrangement.

The determination of whether or not a matter falls outside the scope of MTOC is within the discretion of the lawyer providing the service. Upon request, we would be pleased to provide an estimate of the cost involved in providing the service or, where possible, provide the service for a set fee.

While it is not possible to offer fixed rules with respect to the scope of MTOC, the following examples are intended to provide clarification with respect to the types of matters that we regularly deal with:

Matters generally falling within MTOC

- advice with respect to a discrete aspect of an administrative or clinical policy and procedure
- advice with respect to a specific provision in a short-form contract
- review and advice in regard to summons to witness, subpoena or release of information request
- review of simple consent forms, waivers or releases
- advice regarding specific statutory, regulatory or common law obligations
- advice and direction concerning consent and capacity matters or other patient care issues
- preliminary advice relating to potential claims, incident or error management
- preliminary assistance with investigation, production of documentation and preparation of witnesses in legal or administrative proceedings

Matters generally falling outside MTOC

- detailed review or development of clinical and administrative policies and procedures
- review and opinion with respect to a longer-form contract or original drafting of contractual arrangement
- detailed review or drafting of corporate constituting documents or administrative by-laws
- court attendance in relation to a request for information; issues requiring ongoing legal advice
- development of forms or waivers in conjunction with policy and procedure development or contract review
- opinions with respect to statutory, regulatory or common law obligations where original research is required
- ongoing advice with respect to complex patient care issues where administrative, regulatory or civil proceedings are likely
- ongoing assistance, individualized preparation of witnesses, interview attendance or representation in legal or administrative proceedings
- ongoing advice with respect to potential claims, incident or error management
- legal advice on personal or business matters not related to optometry professional practice

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