

The case of Doctor James B. Hanley
**Psychiatrist suspended in Newfoundland and Labrador for sexual encounters with
patient allowed to keep working in New Brunswick**

The Canadian medical profession has a serious problem on its hands when it comes to protecting the public from doctors suspended in one region who skip town and continue practicing in another. Remarkably, there is no national protocol for enforcing suspensions across the country.

This problem came to our attention when we discovered a psychiatrist suspended in Newfoundland and Labrador was allowed to keep working in New Brunswick. Dr. James B. Hanley's license had been suspended by the Newfoundland & Labrador College of Physicians and Surgeons while they investigated a complaint that Hanley had sex with a patient.

Hanley was licensed in both Newfoundland & Labrador and New Brunswick. Early in the investigation, he agreed to enter an official undertaking not to practice medicine in NL or in NB until the investigation was complete. This undertaking was important because of the seriousness of the complaint.

The NL College sounded the alarm bell. It issued a Canada-wide notification that Hanley had withdrawn from medicine. However, the NB College and the Department of National Defense allowed him to continue working at Canadian Forces Base Gagetown. The NB College said it would not take action because it did not have the full details of the patient's complaint. It did not find his suspension problematic. It was also not bothered that Hanley was breaching his undertaking.

In the spring of 2007, the NL College finished its investigation and officially stripped Hanley of his license. Finally, this prompted the NB College to temporarily suspend Hanley's license.

The Provincial Advisory Council wants to know how this happened. How could one College of Physicians and Surgeons sound the alarm and another ignore it? How could one province's College simply dismiss a suspension by another province and employ a doctor whom they knew was breaching an undertaking not to practice? If the NB College did not have a responsibility to protect the New Brunswick public from Hanley, who did?

Hanley's case shows there are different standards between jurisdictions. Right now, it seems suspended doctors who have licenses in more than one jurisdiction can simply move their practice to another region. That leaves the public very vulnerable. Canada desperately needs a national protocol for enforcing suspensions across the country.

The NL and NB Advisory Councils have been digging into the issues raised by this case for some time. We are alarmed at how badly it has been handled. The fact that neither the NB College nor the military saw fit to protect the public from Hanley raises many serious questions. In June, we wrote to each of the federal, provincial and territorial

governments, along with all the medical organizations across the country. We have yet to receive a reply from anyone.