Alberta regulators gave licence to psychiatrist who had sex with patient

BY MARTY KLINKENBERG, EDMONTON JOURNAL  DECEMBER 3, 2014

The Alberta College of Physicians and Surgeons missed a step while conducting a background check before it granted a licence earlier this year to a psychiatrist who lost his privileges in two other provinces after admitting he had sex with a patient.

Alberta regulators never requested a certificate of conduct from their counterparts in New Brunswick before allowing Dr. James Bernard Hanley, 72, to practice at a clinic at 4 Wing Cold Lake, the Canadian Forces base northeast of Edmonton.

Kelly Eby, a spokeswoman for the Alberta College, said obtaining such a certificate is standard protocol when a doctor from elsewhere applies for a licence in Alberta.

But Dr. Ed Schollenberg, registrar for the New Brunswick College of Physicians and Surgeons, said Wednesday that authorities in Alberta never contacted him.

New Brunswick allowed Hanley to treat soldiers at CFB Gagetown from 2005 to 2007 while the complaint against him in Newfoundland and Labrador was heard. It joined Newfoundland and Labrador in revoking his licence after Hanley acknowledged having had sexual relationship with a patient there.

The offence of a psychiatrist having sex with a patient “is about as serious as it gets,” Schollenberg said.

In granting him a licence, Alberta placed certain restrictions on Hanley, including limiting the hours he can work and allowing him to see patients only when another regulated health official is present.

It is possible the Alberta College was aware of Hanley’s history and opted to issue a licence to him anyway.

“The only thing I can say for certain is that they never asked us,” Schollenberg said.

Eby said Alberta officials check to see if there are pending complaints against a doctor and check for disciplinary decisions when they are reviewing an application.

The fact that a doctor has previously had a licence revoked is taken into consideration, but does not necessarily preclude another from being issued, Eby said.

“There are all sorts of things we do as a regulating body to make sure the patient is safe, but it also has to be fair to the doctor,” Eby said.

The Alberta College will receive quarterly updates from one of Hanley’s supervisors in Cold Lake, and records will be checked to see how many hours he is billing. Spot checks may also be conducted to assure Hanley is adhering to the restrictions.

Schollenberg said he does not believe the restrictions are entirely relevant.

“They all deal with his behaviour in the office,” Schollenberg said. “As far as we are aware, he never was accused of misbehaving in the office. It was always somewhere else. The meetings he had with his patient occurred outside of the office and were planned events.

“So if what they are trying to do is address his past issues, it doesn’t really look like it does that.”

Hanley did not return a phone call from the Journal, and 4 Wing Cold Lake referred questions to a media liaison in Ottawa.

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Psychiatrist who lost licence in N.B., NL, practising in Alberta

Dr. James Hanley, who admitted having sex with patient, working at CFB Cold Lake

By Bobbi-Jean MacKinnon, CBC News Posted: Dec 02, 2014 6:49 PM AT Last Updated: Dec 02, 2014 6:49 PM AT

A psychiatrist who was stripped of his medical licences in both New Brunswick and Newfoundland and Labrador in 2007 after he admitted to having sex with a patient is now practising in Alberta, CBC News has learned.

Dr. James Hanley, 76, said he continued to see patients after receiving treatment from a private treatment program in 2007.

The conditions attached, said registrar Dr. Trevor Theman.

Hanley must only see patients when another regulated health professional is present in the clinic or hospital setting, he said.

“Is there any information that they should not be qualified to practise? Hanley promptly closed his office in St. John’s and relocated to New Brunswick, where he also held a licence.

Despite Hanley’s admission to having a relationship with a patient he was treating, military officials told CBC News in 2006 that they hadn’t

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“With respect to somebody who had lost his or her licence that something had changed to make us believe that now, whatever the circumstances were that led to loss of licensure, had been addressed and that we could put conditions or restrictions in place to ensure one couldn’t happen again,” he said.

“Right now, when a school kid transfers from one province to another, more information passes than when a doctor does,” said Schollenberg.

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The way it’s worded allows the provincial agency that’s issuing the certificate or professional conduct to decide what information to pass along, based on whether it thinks it could represent ongoing misconduct, he said.

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Reinstated doctor at 'high' risk of reoffending


An Atlantic Canadian doctor who lost his licence for having sex with a patient poses a high risk of re-offending and should not be reinstated, says the head of New Brunswick's licensing authority for physicians.

James Hanley used to practice psychiatry at Canadian Forces Base Gagetown in New Brunswick. In 2007, he admitted having sex with a patient at his St. John's practice in Newfoundland and Labrador and he lost his licence for both provinces.

The 69-year-old's name was also struck from Newfoundland and Labrador's medical register.

But a Newfoundland medical board tribunal recently agreed to let Hanley practice again in that province.

Ed Schollenberg, the registrar of the New Brunswick College of Physicians and Surgeons, said it was a bad decision.

"Based on what we've known, we were dealing with a physician whose risk of reoffence would have seemed very, very high," he said.

"There may be something new that has happened since we dealt with him, but certainly the facts that we had in 2007 suggested significant breaches of professional ethics. Taking advantage of a mentally ill patient is as low as it gets, we would think. And it wasn't just an accident — it happened four times and he clearly planned it to set himself up so he could be alone with her."

He wondered why Hanley needs a licence if he is not planning on seeing patients.

Schollenberg said he did not know why the panel made the decision it did. He said the lack of information added to the problem.

"The fact that nothing's come out on that doesn't help much. It's just not clear," he said. "If they do publish a report on that, maybe it will be enlightening and we might be able to figure out why they took the action they did."

Hanley unlikely to work in N.B.

Last Thursday a tribunal established by the College of Physicians and Surgeons of Newfoundland and Labrador decided that Hanley's name can be returned to the province's medical register, beginning the process of restoring his licence.

It was done on the condition he agrees not to see patients in private. Hanley said he plans to teach and consult. He was also ordered to pay more than $20,000 towards the college's costs for hearings related to his case.

Schollenberg said Hanley hasn't applied to have his New Brunswick licence reinstated and would not likely be successful if he did try.

"I think it's also worth noting that Dr. Hanley had promised the college in Newfoundland when he was first investigated that he wouldn't practice anywhere else and he continued to practice in New Brunswick for a full year after that. So we do have some real question regarding his ethical compass," Schollenberg said.

Hanley apologized Thursday to his patients and said he has struggled emotionally and financially since he lost his professional identity. After the tribunal made its decision Thursday, both Hanley and his lawyer told CBC News that they had no comment to make about the ruling.

Victim 'threw up' at news

The woman whose 2005 complaint sparked the sanctions said the tribunal had made a mistake in letting him practice again.

"It's infuriating...when I saw the tribunal's decision...so help me God...I literally threw up," Kathleen Wiseman told CBC News Monday.

"Isn't the tribunal supposed to protect people like me against someone like him? Are they not supposed to ensure that the doctors we see mean no harm? ...Because I'm disgusted with the tribunal's decision. He destroyed a human being's life."

Wiseman complained that Hanley had sex with her repeatedly while she was his patient. She began treatment years earlier to deal with depression and the consequences of abuse she had suffered. She said she was his patient for 17 years.
Psychiatrist in sex scandal wins back N.L. licence

Dr. Jim Hanley lost his licence in 2007 after admitting he had sex with a patient


A psychiatrist who lost his licence to work in Newfoundland and Labrador after admitting he had sex with a patient has won the right to practise again.

A tribunal of the College of Physicians and Surgeons of Newfoundland and Labrador ruled Thursday that Hanley, 69, can be licensed again, but with conditions that are expected to be announced on Friday.

Hanley gave up his medical licence and his name was struck from the medical register in 2007.

Hanley apologized to his patients Thursday, and said he is broke and has lost his professional identity. He also promised that he will not see patients again, but will instead teach and consult.

The college, which regulates the medical profession in Newfoundland and Labrador, has agreed to begin the process of restoring his licence.

Kathleen Wiseman complained that Hanley had sex with her repeatedly while she was his patient. She began treatment years earlier to deal with depression and the consequences of abuse she had suffered.

She filed her complaint against Hanley in 2005. He closed his office in St. John's and moved to New Brunswick, where he also held a licence.

He took a job treating military personnel at CFB Gagetown, but his past caught up with him and he lost his licence there, too.

Earlier this week, Wiseman told CBC News she never recovered from what happened to her and doesn't believe Hanley should get his licence back.

In 2007, Hanley told a board tribunal that his judgment was clouded during the period he was having sex with Wiseman because of extreme fatigue from overworking.

At that time, he lamented losing his medical practice in St. John's, which he described as the "jewel of my life."
Licence stripped from CFB Gagetown psychiatrist

CBC News  Posted: Dec 04, 2007 12:32 PM NT  Last Updated: Dec 04, 2007 12:29 PM NT

A former St. John's psychiatrist who had admitted to having sex with a patient has lost his medical licence in a second province.

Dr. James Hanley, whose Newfoundland and Labrador licence was revoked in March, has now had his privileges taken away in New Brunswick.

Hanley, who had admitted that he had a sexual relationship with a patient, had been treating patients at Canadian Forces Base Gagetown.

The College of Physicians and Surgeons of New Brunswick, though, issued an interim suspension and review of his licence.

Hanley had argued that the military's dire need for psychiatric service should have helped him keep his licence.

But Dr. Ed Schollenberg, registrar of the New Brunswick college, said other factors were more important.

"The need was certainly real and it certainly needed to be thought of a great deal," Schollenberg said Tuesday.

"Inevitably, there is some harm to that access when you take action, but at the end of the day, you still have to decide that there are certain kinds of things which just cause you to forfeit your right to practice."

Hanley has a month to file an appeal of the New Brunswick college's decision.

Hanley's case became the first public hearing involving the Newfoundland and Labrador College of Physicians and Surgeons.

Hanley admitted to having had sex with patient Kathleen Wiseman, who had been under his care for 17 years. Wiseman brought a complaint to the Newfoundland and Labrador college, arguing that Hanley took advantage of her during a vulnerable period in 2003.

Hanley had voluntarily closed his office in 2005 and then relocated to CFB Gagetown.

Before the decision in March, the Canadian Forces had backed Hanley's work at the base. Defence officials have said there will be an increased need in the forces for psychiatric services as troops return from Afghanistan.
Improper to relay details on MD complaint: college

CBC News  Posted: Jul 04, 2007 7:02 AM NT  Last Updated: Jul 04, 2007 7:01 AM NT

The body that regulates doctors in Newfoundland and Labrador says it would have been wrong to have passed on an unproven allegation about a suspended psychiatrist to a similar authority in New Brunswick.

The College of Physicians and Surgeons of Newfoundland and Labrador revoked former St. John's psychiatrist James Hanley's medical privileges at a hearing in March, following a complaint by a former patient with whom he had had a sexual relationship.

Because Hanley had relocated to New Brunswick, the college there followed suit, and suspended his licence.

Last week, the New Brunswick college said it had learned that a second woman had filed a complaint in Newfoundland and Labrador against Hanley, but had withdrawn it.

N.B. registrar Ed Schollenberg said he ought to have been told that information.

Robert Young, registrar of the Newfoundland and Labrador college, said it had no obligation to share the detail.

"When we do something, we do it publicly. We don't do it under the table," he said.

Young said the New Brunswick board was given the information necessary to make its own decision.

Schollenberg said the fact that a second complaint had once been filed was salient, as it ran contrary to the assumption that Hanley's sexual relationship with a patient was an isolated incident.

Hanley had been working, until last Friday, at Canadian Forces Base Gagetown in New Brunswick, although he was not able to treat patients once his licence was suspended.

The New Brunswick college had been preparing a hearing on whether to reinstate Hanley's privileges.

However, the Department of National Defence says that in light of the second complaint, it is no longer interested in renewing Hanley's contract.
Military not keen to keep suspended psychiatrist

Military officials are now no longer interested in retaining the services of a former St. John's psychiatrist who has lost medical privileges in two provinces.

Dr. James Hanley had relocated to Canadian Forces Base Gagetown in New Brunswick before losing his medical licence in Newfoundland and Labrador.

Hanley lost his privileges because he had a sexual relationship with a woman he was also treating as a patient.

The College of Physicians and Surgeons of New Brunswick, which subsequently suspended Hanley's licence, had been planning a hearing on whether to reinstate Hanley's privileges.

Last week, the college disclosed that it had learned a second woman had filed a similar complaint with the College of Physicians and Surgeons of Newfoundland and Labrador, but had withdrawn it.

Cmdr. Dale Romeo, acting director of health services delivery with the Department of National Defence, said the military is no longer keen to keep Hanley at the base.

"The second complaint does change things, and at this time we have no intention of offering him a new contract," Romeo said.

Hanley's contract, by coincidence, expired on Friday. He had not been treating patients while his licence was suspended.

Ed Schollenberg, the registrar of the College of Physicians and Surgeons of New Brunswick, said he had been receiving pressure from military officials to reinstate Hanley's privileges.

Schollenberg, meanwhile, said that the Newfoundland and Labrador college ought to have to disclosed to him earlier that there had been a second complainant, even if the woman had withdrawn her complaint.

"We would have disclosed it. I think by all logic it tends to change one's perception of events," he told CBC News.

The Newfoundland and Labrador college issued a statement Friday saying that it could neither neither confirm nor deny any allegations regarding Hanley.
Second woman complained about psychiatrist: N.B. board

A New Brunswick regulatory body, which will soon consider a former St. John's psychiatrist's application to have privileges reinstated, says it has been contacted by a second woman who had filed a complaint of misconduct.

James Hanley's medical licence was revoked in March by the College of Physicians and Surgeons of Newfoundland and Labrador. Weeks later, a similar college in New Brunswick followed suit.

Hanley had closed his St. John's practice in 2005, and moved to New Brunswick, where he worked at Canadian Forces Base Gagetown.

The Newfoundland and Labrador college made its decision based on the complaint of former patient Kathleen Wiseman, who said Hanley acted inappropriately by having sex with her while he was treating her.

Hanley recently asked the College of Physicians and Surgeons of New Brunswick to consider reinstating his privileges.

Ed Schollenberg, registrar of the college, said he has since been contacted by a second woman who had once made an allegation against Hanley in Newfoundland and Labrador, but later withdrew it.

Schollenberg said the woman decided to contact him after she learned Hanley wishes to be licenced again.

"It does suggest there might be a pattern," said Schollenberg.

"It doesn't mean there is a pattern— it doesn't mean anything beyond that— but I think that's rather different from the sense which we had been working under, and the military had been operating under, that they were dealing with a psychiatrist that had made one error."

Wiseman, who laid a complaint with the Newfoundland and Labrador college in 2005, said she has plenty of questions about the other complaint.

She said she had been certain that she was not the only patient who had sex with Hanley. She learned of the second complainant in a letter from the New Brunswick college.

"I wasn't surprised at all, to be honest, because I've always maintained that I'm nothing special," she said. "I've always said that [so it's] totally believable that there are other victims out there."

Schollenberg said he is receiving pressure from the Armed Forces to reinstate Hanley's licence.

The military has a severe shortage of psychiatrists, and officials have said they need Hanley to treat troops returning from combat in Afghanistan.

Officials with the Armed Forces and the Newfoundland and Labrador College of Physicians and Surgeons have not been available for comment.
Forces stand by psychiatrist, despite patient's complaint

N.L. College investigating complaint of sexual relationship with patient

A psychiatrist now working at a Canadian Forces base in New Brunswick gave up his medical licence in Newfoundland and Labrador after a patient complained that he had had sex with her.

James Hanley voluntarily closed his practice in St. John's in 2005, but did not tell his patients in advance. He moved to New Brunswick and is now practising at CFB Gagetown.

Despite Hanley's admission that he had a sexual relationship with a patient he was treating, military officials say they face a severe shortage of psychiatrists in Atlantic Canada.

"There's very limited psychiatric services in the Gagetown area," said Cmdr. David Wilcox, who is responsible for medical services for the military in Atlantic Canada.

"If his services were to be withdrawn, we would have a hard time filling that gap."

Patient attempted suicide

Kathleen Wiseman, 44, who lives on Bell Island near St. John's, became Hanley's patient in 1987.

In 2003, their relationship changed. Wiseman said she was depressed and abusing prescription drugs at the time.

"You know, I trusted him," Wiseman said in an interview.

"I was not in charge of myself. I went to him and I said, 'I need you to help me,' and the next thing you know, I'm in bed with my psychiatrist."

At the time, Hanley was working part-time for the military in New Brunswick, where he still holds a licence.

The relationship between Hanley and Wiseman ended, and in late 2004 Wiseman made a suicide attempt.

Wiseman has registered a statement of claim against Hanley and the Eastern Health regional authority, his employer at the time, with the Newfoundland Supreme Court.

Could lose licence in other provinces

She has also filed a complaint with the Newfoundland and Labrador College of Physicians and Surgeons, which regulates the medical profession.

Dr. Robert Young, the college's registrar, said the issue is a serious one.

"If it's established that the physician has had sexual contact with a patient, that is inappropriate and may be professional misconduct," Young said.

Hanley does not want to speak publicly about the case. In a written response delivered to medical authorities, Hanley admitted that he and Wiseman had a sexual relationship.

The Canadian Forces did a risk assessment of Hanley. It concluded that, with troops returning from combat in Afghanistan, the Forces need Hanley too badly to let him go.

The Newfoundland and Labrador College of Physicians and Surgeons has not yet set a date for a hearing.

If a college panel finds Hanley guilty of professional misconduct, he could lose his licence to practise in other provinces, as well.