



Newsletter

The College of Physicians and Surgeons of Newfoundland and Labrador

April - June 2007

Correct NLPDP fax number for special authorization

Officials at the Newfoundland and Labrador Prescription Drug Program (NLPDP) advise that a provincial government office other than NLPDP has received faxes from practitioners' offices for special authorizations.

While these faxes have been inadvertently misdirected to incorrect government offices, this is still a breach of patient confidentiality that medical practitioners will want to address. Please insure that the fax number used by your office for NLPDP is correct.

The correct number is:

709-729-2851

As a further safeguard to protect patient confidentiality, practitioners might also add a confidentiality notice to the cover page used on each transmission if they do not already do so.

Published under authority of the Registrar.

College of Physicians and Surgeons of
Newfoundland and Labrador
Suite 603, 139 Water Street
St. John's, NL, A1C 1B2

Telephone: 709.726.8546
Facsimile: 709.726.4725
e-mail: cpsnl@cpsnl.ca
Web: www.cpsnl.ca

Following is a sample confidentiality notice for inclusion:

"This facsimile transmission and any accompanying documents may contain confidential information intended only for the use of the individual or organization named above. If you are not the intended recipient, any disclosure, copying or distribution of this transmission is strictly prohibited. If you received this transmission in error, please contact us immediately by telephone."

Ω

Summary of Adjudication Tribunal Decision

(Subsection 45(2) of the *Medical Act, 2005*)

In the matter of a complaint against Dr. James B. Hanley (the "Respondent") and a hearing of the complaint pursuant to Section 41 of the *Medical Act, 2005*;

And in the matter of Adjudication Tribunal Decision dated March 28, 2007, in respect of the hearing of the complaint:

A. **Name of Respondent:** Dr. James B. Hanley

Address of Respondent's former practice:

Dr. James B. Hanley
35 Campbell Avenue
St. John's, NL A1E 2Z3

B. Date, location and brief description of the conduct found deserving of sanction:

Between November 2003 and May 2004 the Respondent, a licensed psychiatrist practising in this Province, had four sexual encounters with a patient, the Complainant, during a doctor-patient relationship. The Respondent acknowledged the four sexual encounters.

The Respondent also breached an undertaking given to the College of Physicians and Surgeons of Newfoundland and Labrador (the "College"). The undertaking had been given further to the Respondent's receipt of the allegation of the Complainant, and was an undertaking to the College not to practice medicine in the Province of Newfoundland and Labrador, the Province of New Brunswick and any other jurisdiction for which he may hold a license, effective November 8, 2005 and continuing until such time as further arrangements could be made with the College regarding his professional future. The Respondent acknowledged that after giving this undertaking he did practice in the Province of New Brunswick.

By its decision dated March 28, 2007, the Adjudication Tribunal found that Dr. James B. Hanley did engage in conduct deserving of sanction under section 44(1) of the *Medical Act, 2005* in the nature of:

(a). Professional misconduct for engaging in four sexual encounters with the Complainant during a doctor-patient relationship; and

(b). Conduct unbecoming a medical practitioner for breach of the undertaking to the College.

C. Name of the Complainant: Name withheld.

D. Order of the Adjudication Tribunal:

Pursuant to section 44(3) of the *Medical Act, 2005*, the Adjudication Tribunal, having decided that Dr. James B. Hanley had engaged in conduct deserving of sanction, ordered as follows:

1. Dr. James B. Hanley is allowed to surrender his license to the Council of the College, which surrender of licence to be made and to be effective as of the conclusion of this Hearing. [March 15, 2007]
2. Dr. Hanley's name is to be stricken from the medical and specialist registers kept under the *Medical Act, 2005*;
3. Dr. Hanley is to pay a portion of the costs incurred by the College in the investigation and hearing of the Complaint, in the agreed-upon amount of \$12,500.00; and
4. Publication of a summary of the decision pursuant to subsection 45(3) of the *Medical Act, 2005* not include the name of the Complainant, if the Complainant requests that her name be withheld.

Ω

New Mail or E-Mail Address?

Let us know within 30 days, please.

The College's register must contain your current mailing address and your primary practice address.

When you change your practice location, mailing address or other similar information, take a few minutes and forward the information to the College by e-mail, facsimile or regular mail.

Telephone: 709.726.8546
Facsimile: 709.726.4725
e-mail: cpsnl@cpsnl.ca