

IN THE MATTER OF
THE *MEDICAL PROFESSION ACT*,
S.N.W.T. 2010, c.6

and

IN THE MATTER OF an Investigation regarding
Dr. LANCE CROOK, a Medical Practitioner

**DECISION OF THE BOARD OF INQUIRY
UNDER THE MEDICAL PROFESSION ACT**

I. INTRODUCTION

A Panel of the Board of Inquiry (hereafter "the Panel") held a virtual Hearing into the conduct of Dr. Lance Crook on November 1, 2021. The members of the Panel were:

Dr. Ian MacNiven of Yellowknife as Chair;
Dr. Eric Wasylenko of Okotoks, Alberta; and
Ms. Linda Whitford of Yellowknife (public representative).

Mr. Fred Kozak, QC acted as independent Legal Counsel for the Panel.

In attendance at the Hearing was Mr. Craig Boyer, Legal Counsel for the Complaints Officer. Also present was Mr. Jon Rossall, QC, Legal Counsel for Dr. Lance Crook. Dr. Lance Crook attended the Hearing, as did his mother, Ms. Abby Crook, who attended as an observer.

II. PRELIMINARY MATTERS

Neither party objected to the composition of the Panel or its jurisdiction to proceed with the Hearing. The Chair stated that pursuant to section 68 of the *Medical Profession Act*, the Hearing was open to the public, unless the Panel ordered all or some portion of the Hearing closed to the public. On behalf of the Complaints Officer, Mr. Boyer noted that once the Hearing moved into the sanction phase, the person impacted by the conduct ("A.M.") wanted to make an impact statement, which the Panel might wish to consider the Hearing in camera. Mr. Rossall supported Mr. Boyer's suggestion. No other preliminary issues were raised.

III. CHARGES

The Chair noted that the Notice to Practitioner referenced a Hearing date of December 1, 2021. The parties agreed that that reference was a typographical error, and that the only Hearing in relation to this matter was occurring on November 1, 2021.

The Notice to Practitioner listed the following allegations:

1. during the period of June to October 2016 you did inappropriately have a sexual relationship with A.M., the mother of a minor male patient, B.A.M., who you treated on June 8, 2016;

2. you did inappropriately access the personal health records of A.M. on or about October 1, 2016 and on December 15, 2016 when you had no medical reason for doing so.

IV. EVIDENCE

The following Exhibits were entered into evidence during the Hearing:

Exhibit 1, "Agreed Exhibit Book", comprised of 12 Tabs:

1. Notice to Practitioner dated August 25, 2021
2. Letter from Hay River Health & Social Services Authority to NWT Complaints Officer dated November 14, 2017
3. Letter of Response from Dr. L. Crook dated February 21, 2018
4. Letter from A.M. to NWT Complaints Officer dated February 23, 2018
5. Employment Agreement between Hay River Health & Social Services Authority and Dr. L. Crook dated January 4, 2016
6. GNWT Employee Code of Conduct
7. Hay River Health and Social Services Authority Confidentiality Policy signed by Dr. L. Crook on March 29, 2011
8. Attendance sheet for Privacy and Confidentiality Training for Dr. L. Crook on August 5, 2015
9. GNWT HealthNet Viewer End User Terms dated May 2014
10. Record of Access by Dr. L Crook to health records of A. M.
11. Certificate of Attendance at the Schulich Continuing Professional Development Program for Medicine and Dentistry on October 26 and 27, 2018
12. Canadian Medical Association Code of Ethics

Exhibit 2, "Admission and Joint Submission Agreement"

V. SUBMISSIONS

Submissions by Mr. Boyer

Mr. Boyer provided a summary of the evidence from Exhibit 1.

The complaint, found at Tab 2 in Exhibit 1, is a 4-page letter from Hay River Health and Social Services Authority to Northwest Territories Complaints Officer, dated November 14, 2017. The complaint letter set out the basis of the two charges. One charge related to an inappropriate relationship with the parent of a minor patient who was treated in June, 2016. The relationship continued over a number of months following the care provided to the child.

The second charge related to two episodes of inappropriately accessing the health records of the parent when there was no medically justified purpose for doing so. Mr. Boyer presented a summary of the evidence found at Tabs 2-12 of Exhibit 1.

Mr. Boyer then referred to Exhibit 2, indicating that the allegations set out in the Notice to Practitioner were acknowledged and admitted by Dr. Crook. He submitted that, notwithstanding the admission by Dr. Crook of unprofessional conduct found in Exhibit 2, it was incumbent on the Panel pursuant to section 73 of the Medical Profession Act to review the evidence and make findings that the evidence supported the admission of unprofessional conduct, before proceeding to the sanctions phase of the Hearing.

Submissions by Mr. Rossall

Mr. Rossall confirmed that Dr. Crook acknowledged and admitted that his conduct constituted unprofessional conduct, and that the evidence supported that finding. He pointed out that in Dr. Crook's initial response to the letter of complaint, he accepted responsibility both for the inappropriate sexual relationship and also for the inappropriate access to medical records.

VI. FINDINGS

After adjourning to deliberate, the Panel found that the 2 allegations in the Notice to Practitioner had been proven on a balance of probabilities, and that the proven allegations constituted unprofessional conduct.

All of the evidence in Exhibit 1 is consistent with the allegations contained in the letter of complaint, as well as the admission and acknowledgement of unprofessional conduct in Exhibit 2. Dr. Crook treated A.M.'s minor son at the Hay River Regional Health Center on June 8, 2016 for a minor medical issue. Shortly thereafter, Dr. Crook began a consensual sexual relationship with A.M. Their sexual relationship continued for a period of approximately four months, ending in September, 2016. Mr. Boyer referred the Panel to the decision of *Dicken*, where a Hearing Tribunal of the College of Physicians and Surgeons of Alberta held that because a parent is the legal guardian of a minor patient and is the one who gives informed consent on behalf of the minor patient, it was inappropriate and contrary to the Code of Ethics for a physician to have a sexual relationship with the person who is providing consent to treatment and is speaking on behalf of the minor patient. In relation to the second charge, when the relationship ended, Dr. Crook inappropriately accessed A.M.'s medical records on 2 occasions when there was no medical reason to do so, in contravention of the Code of Ethics, his Employment Agreement dated January 4, 2016, the GNWT Employee Code of Conduct, the Hay River

Health and Social Services Authority Confidentiality Policy, and the GNWT HealthNet Viewer End User Terms dated May 2014.

VII. ORDERS

The parties presented the Panel with an Admission and Joint Submission Agreement in the event of a finding of unprofessional conduct, which was marked during the Hearing as Exhibit 2, and which is attached to this Decision.

The Panel was referred to several professional discipline decisions, including *Bell, Dicken, Ferrari, Faul and Healley*, which Mr. Boyer submitted established that a licence suspension in the range of 6-12 months was warranted for the conduct in issue in this case. After hearing the sanction submissions from counsel for the Complaints Officer and counsel for Dr. Crook, and after hearing and taking into consideration the testimony from A.M. about the ongoing impact the unprofessional conduct has had on her over an extended period of time, the Panel determined that the joint proposed sanction order was appropriate and consistent with the factors enumerated in *Jaswal v Newfoundland Medical Board*, and with previous professional conduct decisions dealing with inappropriate sexual relationships with the parent of a patient warranting a suspension. Accordingly, the Panel accepted the joint sanction proposal and makes the following orders:

- a. a suspension of Dr. Crook's medical license under the *Medical Profession Act* of the Northwest Territories for a period of nine months, of which six months is to be served and three months held in abeyance pending fulfillment of the other terms of sanction. (The Complaints Officer does not oppose Dr. Crook's request that the period of suspension should be deemed to have been served given the time that Dr. Crook has been out of practice due to the reporting of the Complaint);
- b. within three months of the date of the written decision of the Inquiry Panel, that Dr. Crook undergo a multi-disciplinary assessment at a program acceptable to the Complaints Officer to assess his fitness to practice and the risk of re-occurrence (a program such as the C.O.P.E. Program run by Dr. Janet Wright and her team in Edmonton is acceptable to the Complaints Officer);
- c. that Dr. Crook complete a boundaries course acceptable to the Complaints Officer (this condition will have been satisfied as completed by the Certificate of Attendance at the program in London, Ontario in October 2018);

- d. that Dr. Crook's license be subject to any condition or conditions recommended in the report from the multi-disciplinary assessment program and if Dr. Crook and the Complaints Officer are unable to agree on the nature, scope or duration of the condition or conditions, that the Inquiry Panel retain jurisdiction to determine the nature, scope and duration of any practice condition or conditions;
- e. that Dr. Crook be responsible for the costs of the investigation and the Hearing before the Inquiry Panel about the conduct admitted in this proceeding.

In accepting the Joint Submission Agreement, the Panel determined that the sanction orders fall within an acceptable range of outcomes for the admitted conduct. The Panel notes the following:

Dr. Crook has acknowledged that he began a consensual sexual relationship with A.M., the mother of a minor patient that he treated. The relationship lasted for a period of approximately four months, ending in September, 2016. Thereafter, Dr. Crook accessed A.M.'s medical records on 2 occasions when there was no medical reason to do so. All of this conduct is unprofessional, which Dr. Crook has accepted and admitted, based on the joint submission. Furthermore, Dr. Crook's behaviour contravenes both the GNWT Employee Code of Conduct and the Canadian Medical Association Code of Ethics. The admitted unprofessional conduct has had a significant and long-lasting adverse impact on the complainant, A.M.

As mitigating factors, the Panel of the Board of Inquiry notes that Dr. Crook has taken responsibility for his unprofessional behaviour, has demonstrated remorse, has engaged in self-reflection, and has completed a boundaries course. He has left the community where this unprofessional behaviour occurred, and did not continue providing any medical care for the child of A.M. Following these series of events, he has not demonstrated any behaviours or actions that would reasonably suggest that he is at risk for another boundary violation. He has agreed to complete and follow the recommendations of the multidisciplinary assessment program. He reports having experienced significant personal financial loss already, having had to close his medical practice in NWT and move to another province.

Based on the information provided, the Exhibits, testimony during the Hearing provided by Dr. Crook and A.M., and the submissions of Legal Counsel, the Panel of the Board of Inquiry finds the Joint Submission on Sanction reasonable and appropriate.

Signed on behalf of the Panel by
the Chair

Dated:

2/14/2022



Dr. Ian MacNiven

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**DECISION OF THE BOARD OF INQUIRY
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I. INTRODUCTION

A Panel of the Board of Inquiry (hereafter "the Panel") held a Zoom hearing into the conduct of Dr. Lance Crook on September 15, 2022. The members of the Panel were:

Dr. Ian MacNiven of Yellowknife as Chair;
Dr. Eric Wasylenko of Okotoks; and
Ms. Linda Whitford of Yellowknife (public representative).

II. BACKGROUND AND FINDINGS

The Board of Inquiry issued its written decision on February 14, 2022. In that decision, the Board of Inquiry endorsed the joint submission on sanction which (amongst other things) required that Dr. Crook undergo a multidisciplinary assessment, and comply with any conditions for practice determined as a part of that multidisciplinary assessment. The Board of Inquiry also retained the jurisdiction to determine the nature, scope and duration of any practice condition or conditions arising from that assessment, in the event of a disagreement between Dr. Crook and the Complaints Officer, Dr. Hartfield.

The assessment by the COAP team was undertaken on March 18 and 19, 2022. Its report was issued, dated April 14, 2022. The assessment and report recommended that Dr. Crook engage in intensive psychodynamic therapy, and have the following conditions imposed on his practice permit:

1. that he have a chaperone present when seeing female patients and when seeing a minor patient accompanied by a female parent or guardian; and
2. that he be restricted in the number of hours of work undertaken by him each week.

The Complaints Officer wrote for further guidance from Dr. Wright and her team regarding those conditions and whether those conditions were required. Dr. Wright provided a further report dated May 16, 2022.

Dr. Crook's position (advanced by his legal counsel in writing) is that the conditions recommended in the report are not warranted, given the passage of time he has practised without a chaperone having been required with no further complaints about Dr. Crook arising, and further, the restriction on hours worked was not an issue of concern originally before the Board of Inquiry.

The Board of Inquiry convened by a Zoom hearing on September 15, 2022. The Board determined that it had retained jurisdiction to deal with any recommended practice restrictions or conditions arising from its decision, dated February 14, 2022. The Board considered the assessment report dated April 14, 2022, the

further report dated May 16, 2022, Mr. Rossall's letter of September 2, 2022 and Mr. Boyer's letter of September 2, 2022.

The Board of Inquiry is grateful to Dr. Wright and her team in undertaking a very comprehensive and thorough assessment and report. However, the practice restrictions recommended by the COAP team appear to be inconsistent with a joint submission on sanction from the Complaints Officer and Dr. Crook, which could have, but did not, include the need for a chaperone, or a restriction on the number of hours spent practising medicine. In fact, the evidence considered by the Board in reaching its original decision made it clear that the allegations against Dr. Crook did not involve interactions with a patient, nor was there any evidence to suggest that there was any risk to Dr. Crook's patients. Moreover, the conduct in question did not arise from a doctor/patient relationship, and in the six years since the incident in question, there was no evidence of repetition of the conduct or behaviour outlined in the allegations. Finally, there was no evidence before the Board that suggested that the number of hours worked by Dr. Crook was a factor leading to the incident outlined in the allegations.

The Board is mindful of Dr. Crook's assurance, through his legal counsel, that he has accepted the recommendation of the COAP team to embark on appropriate therapy and counselling, the duration of which will be determined by his therapist. For all of the foregoing reasons, the Board declines to impose the practice restrictions recommended by the COAP team.

Signed on behalf of the Panel by the
Chair

Dated:

9/27/2022

Ian MacNiven

Dr. Ian MacNiven