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WHEN A CLIENT CHOOSES CARE OUTSIDE MIDWIFERY STANDARDS OF PRACTICE

PREAMBLE:

The following document is to assist midwives to support a woman's decisions after an informed choice discussion has taken place (see CMO *Philosophy of Midwifery Care* and *Informed Choice Standard*). This document does not apply to situations where "...there is no longer a relationship of trust and confidence between the midwife and the client..." (see CMO *Professional Misconduct regulation*)¹

A woman in the care of midwives may occasionally choose care that is outside the scope or standards of practice of a midwife. It is also possible that a woman in midwifery care may choose care that the midwife judges is beyond her ability to safely manage, or decline care that the midwife considers essential for the provision of safe care. Ethical principles underlying health care and health law emphasize the importance of respecting the autonomy of those receiving health care and the rights of individuals to choose among alternative approaches, weighing risk and benefits according to their needs and values. Health professionals are responsible for being clear about their scope of practice and limitations, giving recommendations for care if appropriate and for informing clients about risks, benefits and alternative approaches.

Should a situation arise in which the woman chooses care outside the midwife's scope or standards, the midwife must engage with the woman and her family and hospital staff through identified channels² where applicable, in a thorough discussion of the request, looking for options and resolutions within midwifery standards to address the woman's needs.

In exceptional circumstances, the issue may not be able to be resolved to both the woman's

¹ However, the steps described on p. 3 regarding discontinuing care are a helpful description of how one can proceed to end care in that circumstance.

² For example may include Head of Obstetrics, Nurse Managers, Head Midwife, Chief of Staff

and the midwife's satisfaction. This standard is meant to assist midwives in addressing those occasions when a solution within midwifery standards cannot be found.

When a midwife advises a client that a certain course of action must be followed in order to comply with midwifery standards of practice, and the client refuses to follow that advice, the midwife should:

1. Advise the client not only of the standard but also of the rationale and the evidence behind the standard in this case;
2. Consult with at least one of the following:
 - a. another midwife,
 - b. a physician,
 - c. a peer review group or
 - d. an ethicist.

Consultation should include discussion of appropriate next steps if the client continues to choose care outside the midwife's scope or standards, and consideration of the safest and most ethical course under these circumstances, i.e. continuation of primary midwifery care or transfer of care;

3. Share the advice of the consultation with the client; and
4. Document in the client's records the informed choice process, when and with whom the consultation took place, the recommendations arising from the consultation, the date on which the client was advised of the recommendations and the client's response.

After completing steps 1 to 4 above, if a satisfactory resolution has not been achieved for the client or the midwife, the midwife has two choices. Using her ethical judgment, the midwife must decide to either:

- a) continue care and respect the client's choice for her care and:
 - 1) continue making recommendations for safe care;
 - 2) continue to engage other caregivers as appropriate who might become

- involved in provision of care (eg. Hospital staff, other midwives in practice);
- 3) continue to document all discussions and decisions.

b) discontinue care:

- 1) clearly communicate to the client that the midwife is unable to continue to provide care;
- 2) send a letter or alternate form of communication by registered mail that confirms the termination of care by a date that provides the client with a specific amount of time to find another caregiver. This time should be reasonable and will vary according to location and circumstance. If, during this time, the client cannot arrange alternate care, the midwife should make a reasonable attempt to find a caregiver who is willing to see the woman and provide alternate care;
- 3) maintain a copy of this letter or alternate form of communication, including the proof of receipt, in the client's health record.

In the course of labour or urgent situations, the midwife may not refuse to attend the client. (see CMO *Code of Ethics*) When the steps for discontinuing care of the client have not been undertaken or completed prior to the onset of labour, the midwife must attend the woman.

In circumstance where a client refuses emergency transport or transfer of care in the course of active labour, the midwife must remain in attendance as the primary care provider, and may be called upon to deal with an urgent situation, or one that is not within the midwife's standards, scope or abilities to perform.

In these situations the midwife should:

- Attempt to provide care within CMO standards
- Attempt to provide care to the best of her ability
- Attempt to access appropriate resources and/or personnel to provide any needed care