



Rosa Anna Perconti

Discipline Committee Decision Summary

On July 18, 2014, a panel of the Discipline Committee of the College of Midwives of Ontario found Ms. Rosa Anna Perconti guilty of professional misconduct for contravening the standards of practice in respect of client care and practice management. The Panel also found Ms. Perconti to be incompetent. In its decision on penalty dated November 7, 2014, the Discipline Committee revoked Ms. Perconti's certificate of registration.

The Hearing

The Panel heard evidence from 34 witnesses and submissions from the lawyers for the College and for Ms. Perconti. Over 160 exhibits were entered into evidence. The hearing was held over 53 days in 2012 and 2013 and the hearing on penalty was held over an additional three days in October 2014. The hearing on costs was held over two days in January 2015.

The Findings

The Panel made 39 findings of professional misconduct against Ms. Perconti in respect of the following issues:

- Failing to ensure that two midwives were present at births;
- Failing to ensure that New Registrants in her practice attended births with a General Registrant;
- Failing to ensure that New Registrants in her practice only provided care at hospitals where they had privileges;
- Failing to communicate with her colleagues appropriately in relation to the care of their clients;
- Falling below the standards of the profession for antenatal care, intrapartum care, postpartum care and/or newborn care in respect of nine clients;
- Falling below the standard of the profession in respect of the performance of external cephalic versions;
- Failing to document care plans;
- Administering an unauthorized substance by injection to a client (Vitamin B12); and
- Acting unprofessionally in her management of the practice.

The Panel found that Ms. Perconti's practice management issues (including the size and geography of the catchment area, the turnover of staff, mentorship and supervision) "represent a consistent and repetitive theme in this case" and contributed to compromised client care. The Panel acknowledged the challenges facing rural midwifery practices, but noted that Ms. Perconti "failed in a number of ways and at a number of critical times to take the necessary steps to manage these challenges appropriately as she attempted to grow her midwifery practice."

In addition to finding that Ms. Perconti contravened the standards of the profession; the Panel found that she is incompetent within the meaning of the *Health Professions Procedural Code* in respect of the care that she provided to six clients. The Panel further stated that it "has grave concerns that the Member continues to fail to acknowledge any significant wrongdoing or responsibility with the issues surrounding the care she had provided, and is of the opinion she lacks the necessary judgment and self-reflection to recognize the deficits to her knowledge."

The Penalty

The Panel noted that Ms. Perconti engaged in a "repeated pattern of poor decision-making, lack of good clinical judgment, and a deliberate willingness to ignore the rules that govern safe practice". In addition, the Panel noted that Ms. Perconti lacked insight and showed no remorse for her actions.

In all the circumstances, the Panel held that the most serious sanction of revocation of Ms. Perconti's certificate of registration was necessary to protect the public and to ensure both specific and general deterrence.

The Panel noted that Ms. Perconti "is able to reapply after a period of one year to the College for reinstatement." However, "at that time the onus will be on Ms. Perconti to establish that she has corrected the significant deficits to her knowledge, skill, and judgment that have been identified."

Costs

In a separate decision dated January 28, 2015, the Panel ordered Ms. Perconti to pay costs to the College in the amount of \$155,000. The Panel heard evidence that the College's total hearing costs were over \$1.4 million. The College sought payment of \$900,000 which was 2/3 of the total hearing costs.

The Panel determined that it was appropriate to award costs so that the profession of midwives would “not be liable for the full costs of members who are found guilty of professional misconduct and/or incompetence.” The Panel was also concerned with the evasiveness demonstrated by Ms. Perconti on the witness stand and her actions in attempting to shield her existing assets, including mortgaging her properties after she was revoked. However, the Panel did not award the full amount sought by the College. The Panel felt that \$155,000 reflected an appropriate balance between the interests of the College in receiving substantial costs for such a lengthy hearing resulting in significant findings against Ms. Perconti and the interest of Ms. Perconti who has been revoked.

Note: A copy of the panel’s decision and reasons is available upon request by contacting iandh@cmo.on.ca.