

## Discipline Hearing Summary

**Hearing Date:** September 4, 2003

**Member:** Katherine Duncan, R.M. (Registration #1010)

---

### Summary of Allegations

1. In or about September 2002, when Ms. Duncan was on leave, she contacted a practice associate and requested a copy of the associate's Neonatal Resuscitation Program ("NRP") Provider Certificate, saying she wished to alter the associate's Certificate to reflect her own name and submit it to the College of Midwives of Ontario as evidence of Ms. Duncan's current certification.
2. It is alleged that the conduct described above constitutes professional misconduct as defined in paragraph 32 (disgraceful, dishonourable or unprofessional) of section 1 of Regulation 858/93 under the *Midwifery Act, 1991*.
3. Ms. Katherine Duncan is a midwife registered with the College of Midwives of Ontario.
4. At all relevant times, Ms. Duncan was a practice member of the Midwife Alliance in Toronto, Ontario.
5. In or about September 2002, Ms. Duncan was on leave from the practice at Midwife Alliance, and her registration status with the College of Midwives was on leave of absence.
6. A requirement for return to active practice at that time was evidence of current certification in both neonatal resuscitation and cardiopulmonary resuscitation.
7. On or about September 23, 2002, Ms. Duncan contacted an associate at the Midwife Alliance and requested that the associate provide Ms. Duncan with a copy of the associate's Neonatal Resuscitation Program ("NRP") Provider Certificate. Ms. Duncan advised the associate that she wished to alter the Certificate to reflect her own name and then planned to submit it to the College of Midwives of Ontario as evidence of Ms. Duncan's current certification, so that Ms. Duncan could return to active practice on or about October 1, 2002.

8. The associate refused to provide Ms. Duncan with the NRP Provider Certificate. The Midwife Alliance then ended its professional relationship with Ms. Duncan.

It is alleged that the conduct described above constitutes professional misconduct as defined in paragraph 32 (disgraceful, dishonourable or unprofessional) of section 1 of Regulation 858/93 under the *Midwifery Act, 1991*

### **Summary**

The CMO held its third discipline hearing on September 4, 2003. The member who was the subject of the hearing was Katherine Duncan. Ms Duncan pled guilty to professional misconduct. A Statement of Agreed Facts (see definition below) was presented supporting one count of professional misconduct. A Joint Submission on Penalty (see definition below) and costs was considered and accepted by the Discipline Panel.

The facts of this case were that Ms Duncan was scheduled to return to practice after a leave of one and a half years. She was scheduled to attend a Neonatal Resuscitation Certification (NRP) course prior to her return to practice; however, personal circumstances prevented her participation in the scheduled course. Ms Duncan then contacted a locum working in her practice and requested that the locum provide a copy of her NRP certificate to Ms Duncan. Ms Duncan advised the locum that she wished to alter the NRP certificate to reflect her own name and planned to submit it to the College as evidence of current certification in NRP. The locum did not provide her NRP certificate to Ms Duncan.

In the joint submission on penalty, the College and the member agreed that Ms Duncan will be reprimanded and this will appear on the Register. Ms Duncan will attend an ethics course at her own expense. Ms Duncan's certificate of registration will be suspended for six months. Ms Duncan will pay a fine of \$500 and costs of \$500.

**Statement of Agreed Facts:** (definition from Federation of Health Regulatory Colleges of Ontario Discipline Committee Orientation Manual)

The Statement of Agreed Facts outlines the facts agreed on by both the College and the member. The statement is always the product of negotiation between the prosecution (the College) and the defense (the member) and tendered for a number of reasons:

to reduce the time and expense of calling witnesses to testify on matters not in dispute, and as part of the negotiations that result in an agreement to admit some or all of the allegations.

**Joint Submission on Penalty:** (definition from Federation of Health Regulatory Colleges of Ontario Discipline Committee Orientation Manual)

When the member has admitted to allegations of misconduct, College counsel and the member's counsel may provide the Discipline panel with a Joint Submission on Penalty, i.e. a single submission which both counsel agree on the appropriate penalty.