

The College Bulletin



A forum for members of the College of Midwives of Ontario

Fall 2000

Discipline Hearing Report

The College of Midwives of Ontario held its first Discipline hearing on September 26, 2000. A Complaints panel referred allegations of professional misconduct against the member, Susan Columbia-Rains, to the Discipline Committee according to Section 26 (2) of the Health Professions Procedural Code.

According to Section 56 of the Health Professions Procedural Code, the College is required to publish Discipline decisions and reasons in its annual report and may publish the decision and reasons or a summary in any other college publication.

The College of Midwives is publishing this summary in order to educate the public and members about the disciplinary process, practice standards and professional behaviour.

CASE SUMMARY:

The College received a letter of complaint from a former client and her partner. Their complaint was that they did not receive appropriate support during labour. They were left wondering if the cesarean birth of their daughter could have been avoided if Ms. Columbia-Rains had not left them in the care of a birth assistant and if she had provided support and guidance that they felt was needed.

A Complaints panel consisting of two midwives and a public member of the Complaints Committee was appointed to review this complaint. The panel reviewed the letter of complaint, the member's response, the midwifery records, the hospital records and all relevant CMO regulations, standards and policies. The panel's decision was to refer allegations of professional misconduct against the member to the Discipline Committee.

A Discipline Hearing was scheduled to be held before a three-person panel of the Discipline Committee on September 26 through 29 in Toronto. A statement of agreed facts and a joint submission on penalty were presented to the Discipline panel. Ms. Columbia-Rains entered a plea of guilty.

Discipline Panel Decision and Reasons

The facts before us are as follows:

- ♦ Susan Columbia-Rains is a registered midwife in a solo practice under Temporary Alternate Practice Arrangements approved by the College.
- ♦ She attended a client at home in labour from approximately 1 p.m. September 25, 1998 until about 4 am on September 26, 1998 when the client was transferred to Soldiers Memorial Hospital in Orillia. The baby was delivered approximately thirteen hours later.
- ♦ While the client was in labour at home a number of things occurred which are unacceptable:
 - a) Ms. Columbia-Rains failed to consult with regard to her client's failure to progress in labour,
 - b) Ms. Columbia-Rains failed to consult with regard to her client's elevated blood pressure,
 - c) Ms. Columbia-Rains left her client in the care of a second birth attendant who was not a registered midwife for approximately three hours in active labour,
 - d) Ms. Columbia-Rains inappropriately delegated a controlled act, namely a vaginal examination, to her second attendant,
 - e) Ms. Columbia-Rains failed to record the monitoring of the fetal heart rate frequently enough and failed to keep appropriate records of the labour,
 - f) Ms. Columbia-Rains charted and initialed observations made by the second attendant while Ms. Columbia-Rains was absent from the house, and
 - g) Ms. Columbia-Rains failed to communicate important medical information to the obstetrician to whom she transferred her client's care.

There is a wide range of penalty options provided in our governing legislation.

In determining the appropriate penalty in this particular case we remind ourselves that the primary purpose of these proceedings is protection of the public. However, in addition to the public interest we must address our consideration to both the interests of the profession as a whole as well as to the particular circumstances of the individual member.

When we consider the public interest we are mindful that the public must have confidence that the profession will police itself and do so with the best interests of the community as its primary concern. We must always consider the extent to which the public requires protection from any sort of misconduct in the practise of health professions.

We consider the interests of the profession itself because this committee owes a duty to the profession at large to enforce and maintain the high standards of practice that exist within our profession. In each case the committee must consider to what extent a message to the profession is required to make it clear that misconduct will not be tolerated.

In addition, we must consider the unique and particular circumstances of the member before us. The penalty must be appropriate to the circumstances of this offender and to the nature of the offence in particular.

In arriving at the appropriate penalty we have considered the following mitigating circumstances:

- ♦ This is Ms. Columbia-Rains' first offence
- ♦ A plea of guilty demonstrates a degree of remorse and acknowledgement of responsibility
- ♦ An agreed Statement of Fact saves time and expense and avoids inconvenience to witnesses who would otherwise need to attend and give evidence.

We have also considered the following aggravating circumstances:

- ♦ The member intentionally left her client without appropriate care during active labour. This is very serious behaviour. It is absolutely essential for the midwife at all times to provide her client with an appropriate level of care
- ♦ Ms. Columbia-Rains misrepresented an important piece of medical information to the obstetrician during the transfer of care
- ♦ Every midwife has an obligation to maintain thorough and accurate records at all times.

Penalty

We therefore conclude that the penalty be as follows:

1. Ms. Columbia-Rains will receive a reprimand, such reprimand to be recorded on the register.
2. Ms. Columbia-Rains' certificate of registration will be suspended for three months beginning December 1, 2000. Six weeks of the suspension will be remitted if Ms. Columbia-Rains does the following:
 - a) Undergoes an audit/assessment of her practice from 4 to 6 times over the two- year period following the date of this order. This may include an audit/ assessment of her clinical practice during the full course of midwifery care. A report to the Registrar will be done by the auditor/assessor after each audit/assessment. Ms. Columbia-Rains will pay a portion of these audits/assessments up to a maximum of \$2000 within 6 months of the date of each audit/assessment.
 - b) Develops protocols, acceptable to the Registrar, regarding the following topics, within 6 months of the date of the order:
 - i) progress in labour
 - ii) high blood pressure
 - iii) role of second birth attendant
 - iv) fetal heart rate monitoring
 - v) record keeping
 - c) Pays a fine of \$ 250 within 6 months of the date the Discipline Committee's order.

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