

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF MIDWIVES OF ONTARIO**

B E T W E E N :

COLLEGE OF MIDWIVES OF ONTARIO

- and -

LUCIA D'AMORE

NOTICE OF HEARING

The Inquiries, Complaints and Reports Committee of the College of Midwives of Ontario has referred specified allegations against you to the Discipline Committee of the College. The allegations were referred in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*. The statement of allegations is attached to this notice of hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Health Professions Procedural Code* for the purposes of deciding whether the allegations are true. A discipline panel will convene electronically or at the College of Midwives of Ontario, 21 St. Clair Avenue East, Suite 303, Toronto, Ontario, M4T 1L9, at **9:30 a.m. on a date to be set by the Registrar**, or as soon thereafter as the panel can be convened for the purposes of conducting the discipline hearing.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke your certificate of registration.
2. Direct the Registrar to suspend your certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Require you to appear before the panel to be reprimanded.
5. Require you to pay a fine of not more than \$35,000 to the Minister of Finance.
6. If the act of professional misconduct was the sexual abuse of a patient, require you to reimburse the College for funding provided for that patient under the program required under section 85.7.
7. If the panel makes an order under paragraph 6, require you to post security acceptable to the College to guarantee the payment of any amounts you may be required to reimburse under the order under paragraph 6.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

You are entitled to disclosure of the evidence against you in accordance with subsection 42(1) of the *Health Professions Procedural Code*, as amended. You, or your representative, may contact Erica Richler, the lawyer for the College in this matter at:

Steinecke Maciura LeBlanc
Barristers & Solicitors
401 Bay Street
Suite 2308
Toronto, ON M5H 2Y4

Telephone: (416) 583-2549
Facsimile: (416) 593-7867

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

Further, you must also make disclosure in accordance with Rule 7 of the Rules of the Discipline Committee of the College of Midwives of Ontario, which states in part:

7.01(1) A party to a hearing shall, at least ten (10) days before the pre-hearing conference,

(a) disclose to the other party the existence of every document and thing that the party will refer to or give in evidence at the hearing; and

(b) produce to the other party a list of witnesses and a witness statement for any witness to be called by that party, or for any witness where a statement does not exist, a summary of the evidence that the witness will give at the hearing, including in either case, the name and contact information for the witness, the substance of the evidence of the witness and any document that the witness will refer to.

7.01(2) Where a party discovers a document or thing that it will refer to or give in evidence at the hearing or discovers a witness or additional substance of the evidence of an already identified witness after the disclosure date specified in subrule 7.01(1), the party shall make the disclosure immediately after the discovery.



Date: April 20, 2021

Kelly Dobbin
Registrar
College of Midwives of Ontario

TO: **LUCIA D'AMORE**



ALLEGATIONS

Lucia D'Amore

The Member

1. At the material times, Lucia D'Amore (the "Member") was a duly registered member of the College of Midwives of Ontario practising midwifery at Burlington & Area Midwives (the "Practice").

The Client

2. The "Client" was a client of the Practice.
3. On November 8, 2019 at approximately 8:32 a.m., the Client delivered a baby by caesarean section.

Post-Partum Care Provided by the Member to the Client

4. On November 9, 2019 at approximately 10:00 a.m., the Member attended at the hospital for the Client's day 1 post-partum appointment.
5. On November 9, 2019 at approximately 11:30 a.m., the baby had routine bilirubin testing at the hospital at 27 hours of age. The bilirubin result was 88 umol/L.
6. The Client and baby were discharged from hospital at approximately 8:00 p.m. on November 9, 2019.
7. On November 11, 2019, the Member attended at the Client's home for the day 3 postpartum appointment. The Member documented that the baby's skin/jaundice was tinged to the umbilicus.
8. It is alleged that the Client raised concerns with the Member about the baby's jaundice at the day 3 post-partum appointment and that the Member advised the Client that the Member was not concerned (or words to that effect).
9. On November 13, 2019, the Client paged the Member in advance of the scheduled day 5 post-partum appointment.

10. The Member spoke with the Client prior to the appointment on November 13, 2019. It is alleged that during this call the Client raised concerns with the Member about the baby's jaundice and asked if the Member could check the baby's bilirubin at the appointment.
11. On November 13, 2019 at approximately 5:00 p.m., the Member attended at the Client's home for the day 5 post-partum appointment. The Member documented that the baby's eyes were yellow and that the baby's skin/jaundice was moderate to the umbilicus.
12. It is alleged that the Client and her husband raised concerns with the Member about the baby's jaundice during the day 5 post-partum appointment. It is alleged that the Client asked the Member to test the baby's bilirubin. It is alleged that the Member advised the Client that the Member was not concerned (or words to that effect).
13. The Member had the testing equipment with her but did not arrange to test the baby's bilirubin at or following the day 5 post-partum appointment.
14. Following the above events, on November 14, 2019 between approximately 6:30 a.m. and 7:30 a.m. the Client called an ambulance. The baby was taken to the hospital and initial bloodwork showed a bilirubin of 864 umol/L. The baby was admitted with severe hyperbilirubinemia. The baby died in hospital on November 20, 2019.
15. It is alleged that the Member failed to appropriately manage the baby's jaundice, in particular by failing to arrange to test the baby's bilirubin at or following the day 5 postpartum appointment on November 13, 2019.

Professional Misconduct Alleged

16. It is alleged that the above conduct constitutes professional misconduct pursuant to clause 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, and as defined in one or more of the following paragraphs of section 1 of Ontario Regulation 388/09, made under the *Midwifery Act, 1991*:
 - a. Paragraph 2 (Failing to maintain a standard of practice of the profession); and/or

- b. Paragraph 47 (Engaging in conduct or performing an act or omission relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional).

APPENDIX

1. The documents to be tendered in evidence at the hearing have been sent separately.
2. Take notice that the documents that have been and will later be disclosed to you will be tendered as business documents pursuant to the *Evidence Act* of Ontario.
3. All documents that are disclosed to you in this matter are disclosed on the basis that they are to be used solely for the purpose of this proceeding and for no other purpose.

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STEINECKE MACIURA LEBLANC

Barristers & Solicitors

401 Bay Street

Suite 2308

Toronto, ON M5H 2Y4

Erica Richler

Telephone: (416) 583-2549

Facsimile: (416) 593-7867

Email: erichler@sml-law.com

Lawyers for the College of Midwives
of Ontario