

Director of Proceedings v Bala Naidu

The Health Practitioners Disciplinary Tribunal directed that details of this decision are to be publicised in the Midwifery Council's newsletter and on its website.

In June 2008 the Health Practitioners Disciplinary Tribunal heard the charges against Registered Midwife Bala Naidu. Ms Naidu was charged with professional misconduct in relation to her care of a client in 2005 in that:

- she failed to record her client's blood pressure and adequately assess and monitor her client's pulse and the nature of her client's pain; and
- she inaccurately recorded assessments on the partogram or recorded assessments on the partogram which had not been undertaken; and
- after administering pethidine, she discharged her client from hospital without first monitoring her client's pulse and blood pressure or the fetal heart rate; and
- after she had delivered her client's baby she made a number of alterations and/or additions to her client's clinical records contained in the Maternity Information Booklet without noting they were made retrospectively; and
- on the pages entitled "antenatal Visit Information Record" recorded appointments on specific dates when no appointments had taken place and retrospectively recorded fabricated additional clinical details; and
- on the page entitled "Notes" added a fabricated note indicating discussions about a birth plan and the baby's movement; and
- on the page entitled "Careplan" added notes about purported discussions concerning pain relief.

Ms Naidu admitted the charges of professional misconduct. The Tribunal imposed the following penalties:

- An order of censure. The Tribunal regards the established professional misconduct as being serious and unacceptable.
- Within a period of eighteen months from the date when Ms Naidu resumes practice as a midwife she is to undergo training as directed by the Midwifery Council and meet the assessment standards as required by the Midwifery Council with regard to:
 - The assessment and monitoring of the woman and baby in labour with particular regard to fetal heart monitoring and maternal assessments;
 - The use of CTG monitoring;
 - Appropriate note taking and documentation requirements;
 - Midwifery ethics and responsibilities.
- Ms Naidu is to limit her caseload to fifty births for the first twelve months of the eighteen month period and thereafter according to a limit to be set by the Midwifery Council for the balance of the eighteen month period. There is also to be a formalised arrangement for back-up and cover as required, which is satisfactory to the Midwifery Council. This condition is framed in this way to enable regular time off, annual leave and to enable Ms Naidu to undertake appropriate ongoing professional development and education.
- An eighteen month period of supervision is imposed. The supervisor is to be approved by the Midwifery Council and shall report to it as the Council requires.
- A fine of \$5,000 is imposed.
- Orders for costs were made as follows:
 - In respect of the costs and expenses of the Tribunal, \$5,000;
 - In respect of the costs and expenses of the Director of Proceedings, \$10,000.

- The Tribunal made an order on 23 June 2008 discharging the interim order of non-publication of name made by the Tribunal on 3 June 2008.
- The Tribunal directs that details of this decision are to be published in the Newsletter of the Midwifery Council, on the website of the Midwifery Council, in the Midwifery News published by the New Zealand College of Midwives and on the Tribunal's website under section 157 of the HPCA Act 2003.