

## **HPDT decision on RM Ms Monique Kapua**

The Health Practitioners Disciplinary Tribunal directed that details of its decision in relation to Monique Kapua are to be publicised in the Midwifery Council's newsletter and on its website subject to the suppression orders in place in relation to the complainant, her family and other witnesses. The Tribunal stated that it is important details of this case be made public so midwives can know and learn from the lessons which are evident in the Tribunal's decision. The full decision is on the Tribunal's website [www.hpdt.org.nz](http://www.hpdt.org.nz).

On 9 – 11 March and 31 March – 1 April 2009 the Health Practitioners Disciplinary Tribunal heard charges against Registered Midwife Monique Kapua. Ms Kapua was charged with professional misconduct in relation to her care of a client in 2006 and 2007. The particulars of the charge were:

- 1) That between 1 January and 30 September 2006 Ms Kapua failed to:
  - Provide her client with relevant information about standard midwifery tests and examinations undertaken during pregnancy and/or the reasons for them;
  - Undertake sufficient standard midwifery tests and examinations, in particular failed to:
    - Apart from one occasion, undertake urinalysis for proteinuria and glycosuria;
    - Apart from one or two occasions check her client's blood pressure;
    - Arrange or recommend any blood tests after 13 weeks;
- 2) That between 22 August and 26 September 2006 when her client was between 38 and 43 weeks pregnant Ms Kapua failed to provide her with relevant information including information about:
  - The risks involved in prolonged pregnancy;
  - The induction process and the reasons for induction;
  - Access to and choices of obstetric and secondary care.
- 3) That around 11 September 2006 when her client was about 41 weeks pregnant and Ms Kapua had last seen her at 40 weeks, Ms Kapua took leave for an indefinite period without making adequate arrangements for the care of her client during her absence. In particular she failed to:
  - recommend to her client that a consultation with a specialist was warranted and/or make adequate arrangements to ensure this was done;
  - Provide adequate handover of care of her client in that she spoke to another midwife but failed to:
    - Arrange for the other midwife to see her client in Ms Kapua's absence;
    - Provide the other midwife with her client's records;
    - Arrange for appropriate assessments for a prolonged pregnancy to be undertaken.
- 4) That when Ms Kapua returned from her indefinite leave on 22 September 2006 and her client was 42 weeks and 4 days pregnant and knowing that no assessments of her client had taken place since 6 September, Ms Kapua failed to:
  - Recommend to her client that a consultation with a specialist was warranted;
  - Undertake or arrange appropriate assessments for prolonged pregnancy including:

- Blood pressure
  - Urinalysis
  - Cardiotocograph trace.
- 5) Between 1 January and 27 September 2006 Ms Kapua failed to adequately document the care she provided.
- 6) Between 5 October 2006 and 27 February 2007 Ms Kapua retrospectively:
- Documented care she provided to her client without noting the documentation was retrospective;
  - Documented antenatal care she had not provided to her client between 1 January and 5 October 2006;
  - Inaccurately documented care that she had provided to her client.

The Tribunal found that the particulars of each charge were proved and that Ms Kapua's conduct amounted to malpractice and negligence and that in many instances her conduct amounted to acts or omissions that would bring discredit to the midwifery profession.

In its decision the Tribunal stated that the hearing was not a challenge to traditional aspects of Maori birthing (para 288):

*"Ms Kapua appears before the Tribunal in her role as registered midwife and in that role has the obligations of a reasonably competent midwife to carry out all of the tests and analysis required by midwifery standards and to gather and document that information which it regards as being standard care for midwives. Ms Kapua's Maori Tikanga should be an additional (and desirable) part of her practice, influencing her care but never allowing it to mean that any woman receives a substandard level of care. Tikanga Maori is an enhancement to safe practice, not a detriment to it."*

The Tribunal allowed time for all parties to make submissions in relation to penalty. Noting that Ms Kapua did not appear to recognise that her skills were very short of those required of a reasonably competent midwife, the Tribunal considered that there would be a significant risk to the public if Ms Kapua was allowed to remain on the Register. The Tribunal ordered:

- 1) Ms Kapua's registration is cancelled;
- 2) Ms Kapua is censured;
- 3) She is to pay a total of \$10,000 in costs, \$5,000 to the Midwifery Council and \$5,000 to the Director of Proceedings;
- 4) In the event she seeks re-registration The Tribunal recommends that consideration be given to Ms Kapua practising under supervision for 18 months following re-registration.
- 5) Subject to the suppression of name of the complainant, her family and other witnesses, that a copy of this decision and a summary be placed on the Tribunal's website, and that a summary of the substantive and penalty decisions be published in a newsletter of the Midwifery Council, on the website of the Midwifery Council and in the Midwifery News published by the New Zealand College of Midwives (section 157 HPCA Act).