

Professional Conduct Committee v Ms N

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.

On 10 – 12 March 2009 the Health Practitioners Disciplinary Tribunal heard charges against Registered Midwife Ms N. Ms N 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 while acting in the role of midwife for her seventeen year old client she failed to act at all times in the best interest of her client in that:
 - While continuing to act in her role as her client's midwife she initiated promoted progressed and managed a private adoption with her daughter and son-in-law as the prospective adoptive parents;
 - In continuing to act as her client's midwife when at the same time promoting progressing and managing a private adoption, Ms N:
 - Promoted her own personal interest including but not exclusively that as a prospective adoptive grandparent;
 - Failed to advise and/or make her client aware of the mandatory statutory pathways for adoptions;
 - Failed to respond to her client's social psychological and emotional needs;
 - Caused harm to her client;
 - Acted in breach of the Competencies for Entry to the Register of Midwives (Competencies one, two and three), the College of Midwives' Standards for Practice (Standards 1, 2, 5, 6 and 7) and the Code of Ethics.
- 2) That Ms N failed to document or adequately document:
 - Conversations of significance that she had with her client's social workers;
 - Her client's feelings and views;
 - Her client's social and family situation;
 - Her client's thoughts and intentions about the private adoption process;
 - Discussion and/or consideration of other potential options for her client;
 - Any discussion she had with her client about her continuing to be her client's midwife at a time she was promoting progressing and managing the adoption to her daughter and son-in-law;
 - Her observations and/or interactions with her client concerning her client's psychological and emotional well-being;
 - Decisions made and midwifery care offered and provided by her;
 - Her professional actions and the reasons for them.

Prior to the hearing the Tribunal made a permanent order preventing the publication and identifying features of the expectant mother and an interim order preventing the publication and identifying features of Ms N.

The Tribunal found that the charge of professional misconduct was made out. In terms of penalty it considered that issues of public safety and the maintenance of standards could be best addressed in a rehabilitative fashion by the imposition of conditions. The following conditions were imposed by order of the Tribunal dated 14 April 2009:

1. There is to be supervision for a period of 18 months from 1 April 2009. The supervisor is to be approved by the Midwifery Council. The supervisor is to meet Ms N at least once per month and

- to report to the Midwifery Council as may be required by it. There is to be no mentoring of any midwife during the period of supervision. The cost of the supervision is to be met by Ms N.
2. Ms N is to undertake a Technical Skills Workshop with the Midwifery Council within six months.
 3. The Tribunal recommends to the Midwifery Council that a Standards Review be conducted annually for the next three years.
 4. A censure is imposed. It needs to make clear to all that conduct of this kind is not acceptable.
 5. An order for costs is made as follows:
 - 40% of the Tribunal's costs and disbursements are to be paid by Ms N.
 - 40% of the PCC's costs and disbursements are to be paid by Ms N.
 6. A final order of non publication of the name of Ms N and her identifying details is made; that order does not preclude the Midwifery Council from being advised of the decision and outcome of the proceeding.
 7. Subject to all non publication orders, the Tribunal directs that a copy of this decision and a summary be placed on the Tribunal's website. The Tribunal further directs that a notice stating the effect of the Tribunal's decision be published in a newsletter of the Midwifery Council, on the website of the Midwifery Council, in the Midwifery News published by the New Zealand College of Midwives (section 157 HPCA Act).