

COLLEGE OF MIDWIVES OF BRITISH COLUMBIA

INFORMATION ON THE COLLEGE'S INQUIRY PROCESS

This information sheet is designed to help anyone who has lodged a complaint against a registered midwife, or is considering lodging a complaint, to understand the Inquiry process.

Responsibilities of the CMBC

The College of Midwives of BC (CMBC) has a legislated duty to protect the public under the *Health Professions Act (HPA)*. It is the responsibility of the College, as the governing body for registered midwives in BC, to address all complaints received concerning the professional or ethical conduct, competence or fitness to practice of registered midwives. The College's mandate is to ensure that BC midwives remain competent, practice professionally and ethically within established standards and provide safe care. The Inquiry process is not about assessing injury or awarding compensation. Such matters can only be addressed by a civil court.

The Inquiry Process

The CMBC has a process it must follow to investigate any complaint in a way that protects the interests of the public while treating the midwife members of the College fairly. This process can be found in the *Health Professions Act (HPA)*, Part 3 – *Inspections, Inquiries and Discipline*, and in Part VI of the *College bylaws*. The Inquiry Committee directs the investigation of all complaints.

Upon receipt of a written complaint, the registrar refers the complaint to the Inquiry Committee. The Inquiry Committee Chair appoints a panel composed of two registered midwife members of the committee, who do not work with or have a personal relationship with the midwife who has been complained about, and one public member of the committee to investigate the complaint. Panel members must have no prior knowledge of the situation under investigation.

The midwife against whom a complaint has been lodged is notified and provided with a copy of the complaint. As required by the *HPA*, the registrar asks her to provide a response to the complaint. She may seek legal advice in making her response.

The midwife is also asked to provide the College with a copy of the records of care. She does not need a client's consent to do so within the Inquiry process. However, the College usually asks for a signed consent from the client for the release of records that may be relevant to the complaint from the hospital. The College takes great care to protect the confidentiality of all records obtained within its Inquiry and Discipline processes.

The Inquiry Committee Chair appoints an "inspector" under the *HPA* to investigate the complaint. This may be the registrar or an external investigator on contract with the College. This person will review the records and may take statements from the people who were involved in the events surrounding the complaint, including the complainant and the registrant. Under the *HPA* an inspector can also investigate a practice site and may seize documents pursuant to a court order.

The Inquiry panel reviews the letter of complaint, the records of care, the midwife's response, and other materials gathered during the investigation and compiled into a report by the inspector. After reviewing this material, the Panel may ask the inspector to obtain more information or, if they believe they have sufficient information, may move on to the next stage.

As a result of their investigation, the panel may:

- consider that the midwife has met the standard of care expected from a member of the profession and direct that the matter be concluded with no action required,

- criticize the performance of the midwife and request that she commit to remedial activities, such as:
 - agree not to repeat the conduct;
 - agree to take specific educational courses;
 - consent to a reprimand;
 - consent to any other specified action, which could include such things as conditions on her registration, supervision, mentoring or implementation of changes to her practice.
- consider that the issues are so serious that it is necessary to issue formal disciplinary charges against the midwife, which may result in a penalty.

At the Inquiry level, matters between the panel, acting on behalf of the committee, and the midwife are resolved by consent. Most complaints are resolved at this level. If not, a matter may be referred to the Discipline Committee where a decision on how to resolve the complaint will be made at a hearing, based on the evidence presented.

As required by the *HPA*, the complainant is notified of the resolution of the complaint through the Inquiry process.

Request for Review

If the complainant is not satisfied, he or she may apply to the Health Professions Review Board, established under the *Health Professions Act*, for a review of the disposition of the complaint made by the Inquiry Committee. The application must be made within 30 days of receiving the notification. The complainant must also within 30 days deliver a copy of the application to the College and to the midwife who is the subject of the complaint.

Upon receipt of an application, the Health Professions Review Board will conduct a review of the disposition of the complaint and will consider:

- a) the adequacy of the investigation conducted respecting the complaint;
- b) the reasonableness of the disposition.

On completion of its review, the Health Professions Review Board may make an order:

- a) confirming the disposition of the complaint made by the Inquiry Committee,
- b) directing the Inquiry Committee to make a disposition that could have been made by the Inquiry Committee in the matter, or
- c) sending the matter back to the Inquiry Committee for reconsideration with directions.

The Health Professions Review Board must, no later than 30 days after making an order, deliver a copy of the order to the complainant, the midwife and the College. An order made by the Health Professions Review Board is final.

Improving Midwifery Practice in BC

In addition to addressing concerns about the practice of individual midwives, the Inquiry Committee may also make recommendations to the College about reviewing and improving standards, policies and guidelines for midwifery practice more generally.

If you have further questions, please contact the registrar at:

College of Midwives of BC
Suite 603 – 601 West Broadway
Vancouver, BC V5Z 4C2

604-742-2234 Direct Line