

PROVINCE OF NOVA SCOTIA)
CITY OF HALIFAX)

IN THE MATTER OF: The Midwifery Regulatory Council
- and -

IN THE MATTER OF: Kelly Chisholm

SUMMARY OF SETTLEMENT AGREEMENT

Kelly Chisholm
Halifax, Nova Scotia
MRC Registration No. 004

On November 16, 2011 a Hearing Panel of the Midwifery Regulatory Council (“MRC”) accepted a settlement proposal agreed upon by the MRC and Kelly Chisholm, as recommended by the Registrar of the MRC.

Ms. Chisholm had been practicing midwifery for approximately 8 years prior to the regulation of midwifery in Nova Scotia in 2009. She received her active practicing (clinical) licence in April 2009 and commenced employment as a midwife at the IWK Health Centre at that time.

A client filed a complaint with the MRC respecting the care provided by Ms. Chisholm and another midwife relating to the birth of her child.

A second complaint was filed by the IWK Health Centre alleging breaches of confidentiality arising from Ms. Chisholm inappropriately accessing electronic medical records of individuals who were not under her care, and alleging that she wrote a prescription for another midwife in her practice who was not her patient.

Following the completion of the investigation into these complaints, Ms. Chisholm admitted to the following allegations:

Allegation I

Ms. Chisholm failed to act in accordance with the Standards of Midwifery Practice in that:

- (a) With respect to client X, Ms. Chisholm left an oxytocin syringe and needle with the client to treat herself in the event of a hemorrhage;

- (b) With respect to client X, Ms. Chisholm failed to act in her capacity as a primary maternity care provider when she did not secure results for rubella, Hep B, HIV and syphilis;
- (c) With respect to client X, Ms. Chisholm failed to adequately inform the client of a "42-week protocol" which would preclude a home birth for a post date's pregnancy;
- (d) With respect to client X, Ms. Chisholm left a home birth client and baby one hour and forty-six minutes post-partum when a woman was GBS positive and had refused intravenous antibiotics during labour;

Allegation II

Ms. Chisholm failed to act with integrity and acted contrary to the Standards of Practice and the Code of Ethics in that:

- (a) Ms. Chisholm improperly accessed the medical records of three individuals who were not her clients; and
- (b) Ms. Chisholm improperly wrote a prescription for a midwife colleague who was not her client.

Ms. Chisholm admitted that the foregoing allegations amount to professional misconduct as defined in the *Midwifery Act*.

Ms. Chisholm agreed to the following disposition of these complaints:

1. She was reprimanded for breaching the standards of midwifery practice and the Code of Ethics respecting the above matters;
2. She agrees to complete the next offering of the course "Professional Ethics – Philosophy 333" provided online by Athabasca University. Ms. Chisholm is responsible for the cost of this course. If Ms. Chisholm does not successfully complete the next offering of this course, her licence to practice shall be suspended pending successful completion.

When considering a settlement agreement as a resolution of outstanding complaints, it is the mandate of the Hearing Committee to ensure that a Settlement Agreement adequately protects the interests of the public. Various aggravating and mitigating circumstances were considered in this case.

It was noted that there was no prior disciplinary history for Ms. Chisholm and that while engaged in her employment as a midwife, the practice of midwifery was in a transitional phase moving from an unregulated practice toward a regulated practice.

The Hearing Committee determined that the practice and ethical issues raised by the complaints would be adequately dealt with by the proposed disposition. The Hearing Committee believes that the agreed upon disposition adequately balances the interests of the public and the interests of Ms. Chisholm, enabling her to practice safely and ethically with the appropriate remedial education.