
MIDWIFERY REGULATORY COUNCIL OF NOVA SCOTIA (MRCNS)

GUIDE TO FILING A COMPLAINT

Introduction

The role of MRCNS is to regulate the profession of midwifery in Nova Scotia in accordance with the registration, licensing and professional conduct processes set out in the *Midwifery Act*, the *Regulations*, and MRCNS's *Standards of Midwifery Practice*. The primary responsibility of MRCNS is the protection of the public and as part of its mandate, it investigates complaints regarding the conduct of its registrants.

Who can make a complaint to MRCNS?

Anyone can make a complaint, including clients, family members, and other members of the public.

Can I make an anonymous complaint?

Formal complaints cannot be anonymous. If you do not wish to become a formal complainant, you can provide information about your concerns to MRCNS (including anonymously). The Registrar will consider all information received on a case-by-case basis to determine if an investigation is required, but in such a case the Registrar may become the complainant, and you may not be provided with any further information about how your concerns were addressed.

Is there anything I should do before making a complaint?

If you are comfortable doing so, you can discuss your concerns with the midwife before filing a complaint. In some cases, you may be able to resolve the issue without the need to file a complaint.

If you have questions about the care you received, you may speak to the Registrar. The Registrar can help you understand the standards a midwife must follow, and can help you understand the complaints process or potential alternatives to the complaints process.

What can I file a complaint about?

You can file a complaint about concerns related to a midwife's conduct, competence and professionalism, including concerns about the care they provided.

MRCNS cannot address concerns about:

- Other types of healthcare providers.
- The healthcare system (e.g., wait times, cancellations, the availability of midwifery services in your geographic area).
- Directing the specific care you receive.

If you have any questions about the nature of your complaint, please contact MRCNS staff.

What information do I need to provide to file a complaint?

The Registrar must receive the complaint in a permanent form, either written or recorded (audio or video). You should include the following information:

- Your full name, mailing and/or email address and phone number.
- A clear statement that you are filing a complaint along with the name(s) of the midwife/midwives you are complaining about.
- Name(s) of the midwifery practice, hospital(s) or other health clinics, if applicable.
- The date(s) of the incident, the specific issue(s) you are complaining about and a description of your concerns in your own words (you may, but are not required to, refer to MRCNS's Standards in your complaint).
- Any enclosures you wish to include with your complaint.

MRCNS cannot process complaints against Midwifery Practices, as MRCNS only has jurisdiction over individual midwives. If you need assistance identifying a midwife, MRCNS staff may be able to assist.

What happens once MRCNS receives my complaint?

The Registrar will attempt to contact you, in most cases within two business days of receiving your complaint, to explain the complaints process and to confirm the main issue(s) of your complaint. You will receive a letter acknowledging that your complaint was received and explaining the next steps.

Will the midwife know I made a complaint?

The respondent midwife is notified within 14 days of receiving your complaint. They will receive a copy of your complaint letter.

What is the complaints process?

The typical steps of the complaints process are as follows:

- The respondent midwife will be given an initial opportunity to respond to the complaint (generally within 30 days of being notified of the complaint, although extensions may be granted).
- The Registrar, or an investigator appointed by the Registrar, may attempt to gather additional information in order to fully consider the matter. This may include accessing relevant clinical records, contacting you or the respondent with additional follow-up questions, or gathering other relevant information.
- At this stage, the Registrar may attempt to informally resolve the complaint, or may, where warranted, dismiss the matter if specific circumstances apply, including that the complaint:
 - is outside of the jurisdiction of MRCNS;
 - is frivolous, vexatious, or an abuse of process;
 - does not allege facts that, even if proven, would constitute grounds for further action; or
 - cannot be substantiated.

- If the complaint is not informally resolved or dismissed at this stage, there may be a more formal investigation. This may include obtaining further information, including health care records, interviewing witnesses, and in some cases, conducting audits, assessments, or obtaining expert opinions. You may be asked to provide additional clarification, depending on the information obtained.
- The respondent midwife will be given a further opportunity to respond to the information obtained during the investigation.
- The Registrar will consider all of the available information and, taking into account the duty of fairness to all of the interested parties and the need to protect the public, will decide on an appropriate outcome, which may include:
 - Dismissing the complaint.
 - Informally resolving the complaint.
 - Referring the matter for mediation.
 - Counselling the respondent.
 - Cautioning the respondent.
 - Reprimanding the respondent, with their consent.
 - Requiring the respondent to undergo treatment or re-education, with their consent.
 - Referring the matter to a hearing panel.
- Only those cases which cannot be addressed with another disposition are referred to a hearing panel. A hearing is a formal process similar to a court proceeding. Outcomes from a hearing process can range from dismissal to suspension or revocation of registration, in the most serious cases.

The Registrar does not have the authority to assess injury, award financial compensation, or order changes to healthcare records.

The Registrar will issue a written decision explaining the reasons for the outcome of the complaints process. You will receive a copy of the decision.

Is the process confidential? Are any outcomes public?

MRCNS has a duty to maintain confidentiality and does not share your information with anyone outside of the complaints investigation process, except as required by law.

In some cases, a summary of the outcome of the investigation is posted on the MRCNS website. Neither your identity nor the identity of any clients is disclosed in the summary.

Hearing processes are generally public, but may be subject to publication bans.

Information provided to you by MRCNS, including the Registrar's written decision, should be treated as confidential.

How long is the process going to take?

MRCNS's target to dispose of a complaint is within 150 days; however, due to the complexity of some cases, and delays in obtaining records, this often takes longer. MRCNS will provide you with status updates throughout the complaints process.

Is there any cost to filing a complaint?

There is no charge to file a complaint.

Do I need a lawyer to help me with a complaint?

You may find it helpful to obtain a lawyer, but it is not required. If you wish to seek legal advice, it would be at your own expense. MRCNS staff cannot provide legal advice. Most complainants do not obtain legal counsel.

Respondent midwives often retain legal counsel when responding to complaints because the process may have a significant impact on their practice and career. Midwives usually obtain lawyers through their professional liability insurance. MRCNS is not involved in this process.

How can MRCNS staff help me?

MRCNS staff cannot tell you whether to file a complaint or predict in advance how long the process will take or what the outcome will be. However, we can answer any questions you have regarding the complaints process. MRCNS administrative staff do not make decisions on complaints – only the Registrar has the authority to do so, in accordance with the process set out in the legislation and policies.

We can be contacted by email at info@mrcns.ca or by telephone at (902) 455-5867.