



Midwifery Council of New Brunswick
Conseil de l'Ordre des sages-femmes
du Nouveau-Brunswick

DISCIPLINE COMMITTEE

Terms of Reference

As per the *Midwifery Act* the Discipline Committee will be established by the Midwifery Council of New Brunswick from an approved roster. This Roster will be reviewed every 3 years to ensure currency and willingness to serve as a member.

For more information please refer to the MCNB Professional Complaints Manual here:
<https://www.midwiferycnb.ca/uploads/1/2/4/1/124158264/midwives-complaints-en.pdf>

Mandate of the Committee

The Discipline Committee hears evidence and determines if a Complaint has merit and, when appropriate, imposes sanctions in accordance with the *Midwifery Act*. The deliberations of the Committee are judicial in nature.

Powers

As per the *Midwifery Act* s. 70 the Discipline Committee may:

- (a) dismiss the matter, or
- (b) find that the member has committed an act of professional misconduct, is incompetent or is incapacitated or any combination of them.

If the Discipline Committee finds that the member has committed an act of professional misconduct, the committee may, by order, do one or more of the following:

- (a) reprimand the member;
- (b) direct the Registrar to impose specified restrictions on the member's registration for a specified or indefinite period of time or until specified criteria are satisfied, or both;
- (c) direct the Registrar to suspend the member's

registration for a specified period of time or until specified criteria are satisfied, or both;

- (d) direct the Registrar to revoke the member's registration; or
- (e) make such other order as the committee considers appropriate.

Responsibilities and Administrative Duties

To act upon referrals from the Complaints Committee in conjunction with the *Midwifery Act* and MCNB Professional Complaints Manual.

The Discipline Committee may, at their discretion, request legal counsel to provide advice and assistance as required.

Membership

- Two persons who are registered midwives who are members in good standing of the regulated midwifery profession under the *Midwifery Act*, or members in another province or territory.
- Preference will be given to those with prior experience serving on a Discipline committee.
- One public representative who has never practised midwifery.

Note:

- No person is eligible to sit as a member of the Discipline Committee if the person has taken part in the investigation of the subject matter of the committee's hearing or is a member of the Council.
- All Discipline Committee members hearing the Complaint confirm there is no conflict of interest.

Chair of Committee

The Council shall appoint a chairperson.

Quorum

Two members of a committee, one of whom shall be the public representative, constitute a quorum.

Term of Office

Members will be appointed from the Roster as required.

Confidentiality

Adopted: October 20, 2020

Every member of the Committee shall preserve confidentiality with respect to all information that comes to their knowledge in the course of their duties and shall not communicate any information to any other person.

Reporting authority

When completed, the written decision is given to the Registrar to be forwarded to the parties as well as to the Complainant and Council.