

MMA Complaint Review

- A Complaint Review addresses a complaint against a midwife. This initiates a formal process that must include the participation of the midwife and the complainant. Any recommendations derived as a result of this process are non-binding.
- When a written complaint against a midwife is received by MMA it is referred to MMA's Board of Directors/Officers.
- A second complaint against a midwife or midwife applicant may not involve the same incident. However, a second complaint is addressed by a committee of MMA Board members through MMA's Grievance Mechanism.
- MMA will follow NARM's complaint review procedure:
 1. A MMA Board member or officer notifies the Midwife of the complaint and provides a copy of the complaint to the Midwife.
 2. The Complainant is asked to provide any written evidence and/or testimony.
 3. The Midwife is asked to provide a written response to the complaint and/or any written evidence or testimony.
 4. The Complainant and Midwife are asked to provide names and email addresses of people they would like to attend the Complaint Review.
 5. A Complaint Review meeting is set and includes the complainant and any persons the complainant would like to attend, the midwife and any persons the midwife would like to attend, and an MMA board/officers review panel.
 6. The Complaint Review panel gathers copies of the NARM Complaint Review Conclusion and Summary forms, the written complaint letter and any testimony, and the Midwife's chart (if appropriate and HIPPA signed release is in place), practice guidelines and any written evidence or testimony. This documentation must be provided at least one week prior to the complaint review.
 7. The Complaint Review group members read these documents. Each member makes a list of questions and points of concern that they intend to address during the Complaint Review session. A group discussion of these questions and areas of concern may be held prior to the opening of the Complaint Review session. During the Complaint Review session, the testimony and presentation of events may answer these questions and concerns, or they may be asked directly.
 8. The Midwife and Complainant are notified of the scheduled Complaint Review session. If necessary, additional written testimony should be provided a week before the Complaint Review. Oral testimony can provided at the Complaint Review.
 9. The Complaint Review session is begun with the Midwife, Complainant, and Complaint Review group members present.
 10. All parties agree to uphold confidentiality.
 11. The agenda for the session is read.
 12. The complaint or a summary is read aloud.
 13. The Complainant gives testimony, and any additional testimony on the Complainant's behalf is given.
 14. Questions are asked of the Complainant and supporting testifiers.

15. The Complainant and supporting testifiers may be excused or stay for the Midwife's testimony.
16. The Midwife presents her response. Supporting testimony is given or read.
17. Questions are asked of the Midwife and supporting testifiers.
18. The Complainant, Midwife and supporting testifiers are excused from proceedings.
19. The Complaint Reviewers discuss the case.
20. Recommendations and findings are made. Complaint Review Conclusion Forms are available in the Professional Accountability section on the NARM web page
21. The Complaint Review members provide their outcomes, findings and recommendations to the midwife and complainant in writing.

MMA Grievance Procedure

- Grievance Procedure addresses a second or subsequent complaint against a midwife or a MMA voting member applicant. Any recommendations derived as a result of the grievance process are binding and may include probation, suspension, or revocation of MMA membership.
- A midwife or voting member applicant who has been named in a written complaint to MMA is required to participate in a complaint review and/or grievance procedure. Failure or refusal to participate in these processes will result in revocation of MMA membership.
- Grievances must be filed within eighteen months of occurrence or conclusion of care.
- All grievances shall be kept confidential.
- A first written complaint to the MMA Board initiates action which usually begins with MMA Complaint Review. If this complaint was addressed by the MMA Complaint Review and resolution was not reached, the MMA Grievance Procedure is initiated.
- To initiate the Grievance Procedure, the MMA Board shall identify a local review committee made up of the midwife's peers (at least two (2) midwives, one of whom will chair, and may include one consumer) at the appropriate level.
- Upon receipt of a complaint, the Review Committee Chair will respond to the complainant with a letter stating that the complaint has been received and will ideally be heard in grievance review committee within 90 days.
- The midwife or voting member applicant is notified of this pending action, and, within one week of notification, the midwife or voting member applicant must submit to the Review Committee Chair a complete copy of the client chart and the midwife's own practice guidelines (if different from MMA's practice guidelines).
- The opposing sides are each invited to supply written or verbal testimony for the review. Written testimony must be sent from witnesses directly to the committee chair. Copies of all written material are supplied to the local level chairperson for dissemination to 1) the midwife or voting member applicant and 2) review committee members at least two weeks before the review. The local review committee chair is also responsible for coordinating the details of the review committee meeting time and location and will notify the involved parties.
- Complainant must respond within two weeks of being notified by the MMA Grievance Review Committee Chairperson with attempts to establish a date for the Grievance Mechanism session. If the complainant does not continue participation in the process, the complaint will be dropped and will not reflect on the CPM or applicant in question.

The Proceedings

- I. All participants are required to sign a statement of confidentiality.
- II. The complaint shall be read aloud along with the agenda. The agenda will be drawn from a list of proceedings and the material to be presented.
- III. Written testimony will be read and verbal testimony given by the complainant. The midwife may be present during this time.
- IV. Complainant is excused from the proceedings.
- V. The midwife in question will present the case. Then the midwife or voting member applicant is excused.
- VI. The review committee discusses the case, writes a synopsis, and develops recommendations
- VII. The Review Committee derives appropriate action after the synopsis and recommendations are considered. MMA's intention in the Grievance Procedure is to provide educational guidelines and

support where appropriate. Punitive action is only taken when educational avenues have failed and further action is deemed necessary. Actions are limited to the following possibilities:

- a. Midwife is found to have acted appropriately and no action is taken against the midwife. If the complaint and grievance review processes have not resolved the dispute, concerned parties are urged to seek professional mediation.
- b. Midwife is required to study areas outlined by the MMA Review Committee. The committee will involve the midwife in identifying areas needing further study. Upon completion of the assigned study, the midwife will submit a statement of completion to the MMA Review Committee.
- c. Midwife is placed on probation and given didactic and/or skills development work to address the areas of concern. The midwife must find a mentor, approved by MMA, to follow the assigned studies and lend support in improving the areas of weakness. The mentor will report to the MMA Review Committee regarding the progress and fulfillment of the probation requirements. While on probation, the midwife may be required to attend births with a more experienced midwife assisting.
- d. Midwife's membership is suspended, and the midwife is prohibited from practicing as a primary midwife for a period of time during which the midwife is mentored by another midwife and focuses on specified areas of study. The mentor midwife will report progress to the Review Committee. Upon completion of required study and/or experience, the midwife is reinstated. If a midwife on suspension is found to be in deliberate violation of suspension guidelines, this midwife risks membership revocation.
- e. In the case of dishonesty, refusal to inform, negligent or fraudulent action of self-interest in which the midwife or applicant compromised the well being of a client or client's baby, or non-compliance with the Grievance Mechanism, this midwife's membership must be revoked, or the membership application must be denied. Midwives with revoked memberships may reapply for certification after two years. This application must include the full fee. Prior to recertification all outstanding complaints must be resolved, including the completion of previous Grievance Procedure requirements. A midwife with a denied membership application may reapply after meeting all requirements resulting from the review process(es).
- f. If the case involves the abuse of a controlled substance, the midwife (or applicant) in question will be required to participate in a rehabilitation program in addition to the above possible outcomes. Proof of participation and release will be necessary for full membership reinstatement, or for an applicant to continue in the MMA membership process.

VIII. The midwife in question is notified of findings and appropriate action taken.

IX. The complainant is notified of action taken regarding the midwife. If no action is taken, a compassionate approach is taken to honor the complainant's perspective.

Appeals Process

Appeals are handled directly by the MMA Board/Officers. All decisions by the MMA Board/Officers are final.