



# **THE NEWFOUNDLAND AND LABRADOR GAZETTE EXTRAORDINARY**

Part II

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**NEWFOUNDLAND AND LABRADOR  
REGULATION**

**NLR 17/16**





**NEWFOUNDLAND AND LABRADOR  
REGULATION 17/16**

*Midwives Regulations*  
under the  
*Health Professions Act*

*(Filed April 28, 2016)*

Under the authority of section 53 of the *Health Professions Act*, the Newfoundland and Labrador Council of Health Professionals, with the approval of the Minister of Health and Community Services, makes the following regulations.

Dated at St. John's, April 27, 2016.

Colin Power  
Chairperson of the Council

Dr. John Haggie  
Minister of Health and Community Services

**REGULATIONS***Analysis*

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Short title

**1.** These regulations may be cited as the *Midwives Regulations*.

Definitions

**2.** In these regulations

- (a) "Act" means the *Health Professions Act*;
- (b) "applicant" means a person who applies to the registration committee for registration as a midwife;
- (c) "college" means the College of Midwives of Newfoundland and Labrador established under the Act;
- (d) "continuing education" means a continuing education program developed by the college under paragraph 29(3)(b) of the Act;
- (e) "general status" means the status of a member who is registered under section 5;
- (f) "general temporary status" means the status of a member who is registered under section 6;
- (g) "hours of midwifery practice" means hours involving direct care, education, research and administration as approved by the college;
- (i) "member" means a member of the college;
- (h) "midwife" means a person who practices midwifery;

- (j) "midwifery" means the application of knowledge, skills and judgment to assess, monitor and provide care to
  - (i) healthy women in respect of health promotion, pregnancy, labour, delivery and the postpartum period, and
  - (ii) healthy infants;
- (k) "midwifery registration exam" means an exam approved by the college to determine eligibility for registration;
- (l) "primary midwife" means a midwife who assumes primary responsibility for providing midwifery care during the intrapartum period; and
- (m) "registration committee" means the committee established under subsection 19(1) of the Act.

Member register

**3.** (1) The register of health professionals maintained by the registrar shall have the following categories for the purpose of registration of members:

- (a) general status; and
- (b) general temporary status.

(2) When a member's name has been added to the register, the registration committee shall issue a certificate of registration which shall be valid for the period of time set out in the certificate and which shall expire at the end of that period, unless renewed in accordance with these regulations.

(3) Upon each renewal of registration, the registration committee shall issue a certificate of registration to the member.

Requirements for registration

**4.** (1) An applicant shall comply with the following registration requirements:

- (a) submission of a completed application for registration in the form set by the registration committee;
- (b) payment of any required fees; and

- (c) provision of the following information as requested by the registration committee:
- (i) proof of identity by means of a valid photo identification card issued by the province or another government or other proof of identity acceptable to the registration committee,
  - (ii) a current Certificate of Conduct acceptable to the registration committee from the Royal Newfoundland Constabulary, Royal Canadian Mounted Police or other appropriate policing agency,
  - (iii) a current Vulnerable Sector Check acceptable to the registration committee from the Royal Newfoundland Constabulary, Royal Canadian Mounted Police or other appropriate policing agency,
  - (iv) a current cardiopulmonary resuscitation certificate approved by the college and acceptable to the registration committee,
  - (v) a current neonatal resuscitation certificate approved by the college and acceptable to the registration committee,
  - (vi) a current midwifery or obstetrical emergency skills certificate approved by the college and acceptable to the registration committee,
  - (vii) a written consent for release of information,
  - (viii) a declaration stating
    - (A) that the applicant has never been convicted of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or a similar penal statute of another country, or
    - (B) the details of his or her conviction under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or a similar penal statute of another country,

- (ix) proof of a working knowledge of the English language that the registration committee considers sufficient to enable the applicant to practice midwifery in the province,
- (x) proof of professional liability insurance of a type and in an amount acceptable to the council, and
- (xi) other documentation the registration committee considers necessary.

(2) In addition to the requirements of subsection (1), where an applicant is currently or was previously licensed or registered to practice midwifery in another jurisdiction, the applicant shall provide a letter of good standing from the licensing or registration body of that jurisdiction which includes confirmation of whether or not the applicant is or has been the subject of investigative or disciplinary proceedings in the jurisdiction and the particulars of those investigative or disciplinary proceedings.

General status

**5.** (1) An applicant is entitled to be registered with a general status where he or she has

- (a) complied with the requirements of section 4;
- (b) provided proof of the successful completion of a midwifery program of study approved by the college; and
- (c) provided proof of successful completion of a midwifery registration exam.

(2) Notwithstanding that the applicant satisfies the requirements in subsection (1), where

- (a) he or she has not completed any hours of midwifery practice; and
- (b) 2 to 4 years have elapsed between the submission of the application for registration and either
  - (i) the completion of a program of study referred to in paragraph (1)(b), or

- (ii) the completion of a midwifery registration exam,

the registration committee shall assess the applicant and may require him or her to complete a refresher course or a re-entry program before registering the applicant under subsection (1).

(3) Notwithstanding that the applicant satisfies the requirements in subsection (1), where more than 4 years have elapsed between the submission of the application for registration and either the successful completion of a program of study referred to in paragraph (1)(b) or the successful completion of a midwifery registration exam, or both, the applicant is entitled to be registered with a general status where he or she has

- (a) within the 4 years immediately preceding the application, completed at least 1000 hours of midwifery practice including attendance at a minimum of 20 births as a primary midwife; or
- (b) within the 2 years immediately preceding the application, completed a midwifery refresher course or re-entry program that is approved by the college.

General temporary  
status

6. (1) An applicant who has not successfully completed a midwifery registration exam is entitled to be registered with a general temporary status where he or she has

- (a) complied with the requirements of section 4; and
- (b) in the 2 years immediately preceding the application, successfully completed a program of study referred to in paragraph 5(1)(b).

(2) The registration of a member with a general temporary status is valid for the period of time set by the registration committee and is not subject to renewal or reapplication.

(3) A member registered with a general temporary status shall notify the registration committee of the date on which he or she is scheduled to write a midwifery registration exam.

(4) When a member registered with a general temporary status successfully completes a midwifery registration exam and continues to

comply with the requirements of section 4, he or she shall be registered with a general status.

(5) When a member registered with a general temporary status does not successfully complete a midwifery registration exam within the period of time set by the registration committee under subsection (2), his or her registration shall expire and may not be further extended.

(6) A member registered with a general temporary status shall not practice midwifery unless he or she is supervised, in a manner acceptable to the council, by

- (a) a member registered with a general status whose registration is not subject to conditions or restrictions; or
- (b) a medical practitioner registered under the *Medical Act, 2011*, whose registration is not subject to conditions or restrictions.

Conditions or  
restrictions

**7.** (1) The registration committee may attach those conditions or restrictions to a registration that the registration committee considers appropriate, including

- (a) placing limits on the activities the member may perform; and
- (b) setting requirements for supervision of the member which may specify the form or duration of the supervision.

(2) A member shall comply with all conditions and restrictions that are attached to his or her registration by the registration committee.

Continuing educa-  
tion

**8.** (1) A member shall participate in continuing education as directed by the council.

(2) Where a member who is registered with a general status does not comply with subsection (1), the registration committee may require the member to

- (a) complete a program of continuing education within a specified period of time; or
- (b) undergo a period of supervised practice.

Registration renewal

**9.** (1) The registration committee shall advise each member who is registered with a general status of the expiry date of his or her registration and the renewal date applicable to that registration at the time of the initial registration and upon each renewal of that registration.

(2) An application to renew a member's registration shall be made before the expiry date of the member's registration and as directed by the registration committee.

Renewal requirements

**10.** (1) A member who is registered with a general status is entitled, on application to the registration committee, to have his or her registration renewed under section 9 where he or she

- (a) provides a written consent for release of information as requested by the registration committee;
- (b) pays the required fees;
- (c) provides proof that he or she has completed at least 1000 hours of midwifery practice within the preceding 4 year period, including attendance at a minimum of 20 births as a primary midwife;
- (d) provides proof of professional liability insurance of a type and in an amount acceptable to the council;
- (e) provides proof of a current cardiopulmonary resuscitation certificate approved by the college and acceptable to the registration committee;
- (f) provides proof of a current neonatal resuscitation certificate approved by the college and acceptable to the registration committee;
- (g) provides proof of a current midwifery or obstetrical emergency skills certificate approved by the college and acceptable to the registration committee;
- (h) provides proof of his or her participation in or completion of continuing education programs and professional development requirements as directed by the council;

- (i) provides proof of participation in peer case review and other quality assurance activities approved by the college and directed by the council;
  - (j) provides proof of satisfying continuity of care requirements approved by the college and acceptable to the registration committee;
  - (k) provides a declaration stating
    - (i) that, within the past year, the member has not been convicted of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or a similar penal statute of another country, or
    - (ii) the details of his or her conviction, within the past year, under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or a similar penal statute of another country; and
  - (l) provides other documentation the registration committee considers necessary.
- (2) Paragraph (1)(c) only applies where more than 4 years have elapsed since the member successfully completed
- (a) a program of study referred to in paragraph 5(1)(b);
  - (b) a midwifery registration exam; or
  - (c) a refresher course or re-entry program approved by the college,
- whichever is later.
- (3) Where a member does not satisfy the requirement in paragraph (1)(c), the registration committee may renew the member's registration subject to the terms and conditions the registration committee determines.
- (4) In addition to the requirements of subsection (1), where the member was, within the 12 months immediately preceding the application for renewal of registration, licensed or registered to practice mid-

wifery in another jurisdiction, the member shall provide a letter of good standing from the licensing or registration body of that jurisdiction which includes confirmation of whether or not the member is or has been the subject of investigative or disciplinary proceedings in the jurisdiction and the particulars of those investigative or disciplinary proceedings.

Failure to renew registration

**11.** Where a member registered with a general status fails to renew his or her registration on or before the expiry date, his or her registration shall expire and the member's name shall be removed from the register.

Registration after expiry

**12.** A member who allows his or her registration to expire and whose name has been removed from the register under section 11 shall, for the purpose of a subsequent registration, meet the requirements imposed on a new applicant and comply with the applicable requirements of these regulations and with any conditions or restrictions attached to the registration by the registration committee under section 7.

Designated titles

**13.** (1) Only a member who is registered with a general status shall be entitled to use the title "Registered Midwife", "Midwife" or an associated derivation or abbreviation.

(2) Only a member who is a registered with a general temporary status shall be entitled to use the title "Registered Midwife-Temporary", "Midwife-Temporary" or an associated derivation or abbreviation.

Notification of changes

**14.** A member shall notify the council immediately of a change in his or her

(a) mailing address; or

(b) employer.

Practice of midwifery

**15.** A midwife may, in accordance with the midwifery scope of practice, guidelines and policies approved by the college,

(a) prescribe and administer medications;

(b) prescribe and administer narcotics and sedatives that are controlled drugs within the meaning of the *Controlled Drugs*

*and Substances Act* (Canada) as determined by the federal Department of Health;

- (c) order, administer and interpret screening and diagnostic tests;
- (d) perform minor surgical and invasive procedures, including procedures that may be required in an emergency situation; and
- (e) consult with or make a referral to a medical practitioner or other health professionals.

Commencement

**16. These regulations come into force on the day the *Health Professions Act* comes into force with respect to the designated health profession of midwives.**

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## Extraordinary Gazette Index

| <b>Title of Act and<br/>Subordinate Legislation<br/>made thereunder</b>                                                                                                      | <b>CNLR or<br/>NL Reg.</b> | <b>Amendment</b> | <b>XNL Gazette<br/>Date &amp; Page No.</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------|--------------------------------------------|
| <b>Health Professions Act</b>                                                                                                                                                |                            |                  |                                            |
| Midwives Regulations<br>In force on the day the<br>the <i>Health Professions Act</i><br>comes into force with respect to<br>the designated health profession<br>of midwives. | NLR 17/16                  | New              | Apr 28/16 p. 3                             |