



**NEWFOUNDLAND AND LABRADOR
REGULATION 64/22**

Midwives Regulations (Amendment)
under the
Health Professions Act

(Filed September 8, 2022)

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, September 2, 2022.

Colin Power
Chairperson
Newfoundland and Labrador
Council of Health Professionals

Tom Osborne
Minister of Health and Community Services

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NLR 17/16

1. (1) Subparagraph 2(j)(i) of the *Midwives Regulations* is amended by deleting the word "women" and substituting the word "individuals".

(2) Section 2 of the regulations is amended by adding immediately after paragraph (k) the following:

(k.1) "non-practicing status" means the status of a member who is registered under section 6.1;

2. Subsection 3(1) of the regulations is amended by deleting the word "and" at the end of paragraph (a), deleting the period at the end of paragraph (b) and substituting a semi-colon and the word "and" and by adding immediately after paragraph (b) the following:

(c) non-practicing status.

3. (1) Subparagraph 4(1)(c)(viii) of the regulations is repealed and the following substituted:

(viii) a declaration stating that the applicant

(A) 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) has 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 and the details of the conviction,

(2) Section 4 of the regulations is amended by adding immediately after subsection (2) the following:

(3) Notwithstanding subsection (1), an applicant who is applying for registration as a member with a non-practicing status is not required to provide the documentation referred to in subparagraphs (1)(c)(iv) to (vi) and (x).

4. Section 5 of the regulations is amended by

(a) deleting the words "he or she" wherever they appear and substituting the words "the applicant"; and

(b) deleting the words "him or her to complete" and substituting the words "completion of".

5. (1) Subsection 6(1) of the regulations is amended by deleting the words "he or she" and substituting the words "the applicant".

(2) Subsection 6(3) of the regulations is amended by deleting the words "he or she" and substituting the words "the member".

(3) Subsection 6(4) of the regulations is repealed and the following substituted:

(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, the member shall be registered with

(a) a general status; or

(b) a non-practicing status, where the registration committee is satisfied that the member does not intend to maintain an active practice of midwifery in the province.

(4) Subsection 6(5) of the regulations is amended by deleting the words "his or her" and substituting the words "the member's".

(5) Subsection 6(6) of the regulations is amended by deleting the words "he or she" and substituting the words "the member".

6. The regulations are amended by adding immediately after section 6 the following:

Non-practicing
status

6.1 (1) An applicant is entitled to be registered as a member with a non-practicing status where

- (a) the applicant complies with the requirements of section 5; and
- (b) the registration committee is satisfied that the applicant does not intend to maintain an active practice of midwifery in the province.

(2) A member who is registered with a non-practicing status shall not engage in the practice of midwifery.

(3) A non-practicing registration shall expire on the date specified in the certificate of registration.

(4) A member who is registered with a non-practicing status may, while that registration is in effect, make application to the registration committee to have the status changed to that of a member with a general status and the member is entitled to be registered as a member with a general status where the following conditions are met:

- (a) the member pays any required fee;
- (b) the member continues to satisfy the requirements of section 4;
- (c) the member provides the following:
 - (i) a current cardiopulmonary resuscitation certificate approved by the college and acceptable to the registration committee,
 - (ii) a current neonatal resuscitation certificate approved by the college and acceptable to the registration committee,
 - (iii) a current midwifery or obstetrical emergency skills certificate approved by the college and acceptable to the registration committee, and
 - (iv) proof of professional liability insurance of a type and in an amount acceptable to the council;

- (d) the member satisfies the requirements of subsection 5(2) or (3), where applicable; and
- (e) the member satisfies the continuing education requirements of subsections 8(1) and (3).

7. Subsection 7(2) of the regulations is amended by deleting the words "his or her" and substituting the words "the member's".

8. Section 8 of the regulations is amended by adding immediately after subsection (2) the following:

(3) Where a member who is registered with a non-practicing status does not comply with subsection (1), the registration committee may require the member to complete a program of continuing education within a specified period of time.

9. Subsection 9(1) of the regulations is repealed and the following substituted:

Registration
renewal

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

10. Section 10 of the regulations is repealed and the following substituted:

Renewal
requirements

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

- (a) provides a written consent for release of information as requested by the registration committee;
- (b) pays the required fees;
- (c) provides proof of completion of 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 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 that, within the past year, the member
 - (i) 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) has 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 and the details of the conviction; and
- (l) provides other documentation the registration committee considers necessary.

(2) A member who is registered with a non-practicing status is entitled, on application to the registration committee, to have the registration renewed under section 9 where the member satisfies the renewal requirements in paragraphs (1)(a), (b), (h), (k) and (l).

(3) Paragraph (1)(c) only applies to a renewal under subsection (1) 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.

(4) Where a member who applies for a renewal under subsection (1) 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.

(5) In addition to the requirements in subsections (1) and (2), where the member was, within the 12 months immediately preceding the application for renewal of registration, licensed or registered to practice midwifery 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.

(6) In addition to the requirements in subsection (2), where a member who is registered with a non-practicing status applies, at the time of renewal, to change the status to a general status, the member shall satisfy the requirements of subsection 6.1(4).

11. Section 11 of the regulations is repealed and the following substituted:

Failure to renew
registration

11. Where a member registered with a general status or a non-practicing status fails to renew the registration on or before the expiry

date, the member's registration shall expire and the member's name shall be removed from the register.

12. Section 12 of the regulations is amended by deleting the words "who allows his or her registration to expire" and substituting the words "whose registration has expired".

13. Section 13 of the regulations is amended by adding immediately after subsection (2) the following:

(3) Notwithstanding subsection (1), a member who is registered with a non-practicing status shall be entitled to use the title "Registered Midwife", "Midwife" or an associated derivation or abbreviation and shall indicate in the title that the member is non-practicing.

14. Section 14 of the regulations is amended by deleting the words "his or her".

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