



January 1994

# REGULATION MADE UNDER THE MIDWIFERY ACT, 1991

## REGISTRATION

### Definitions

1. In this Regulation,

**"active practice"** means the provision of midwifery care to a woman throughout pregnancy, labour, birth and the post-partum period in accordance with section 5;

**"continuity of care"** means midwifery care provided in accordance with the standards of practice of the College and available during all trimesters of pregnancy on a twenty-four hour on-call basis from a group of no more than four primary caregivers;

**"primary caregiver"** means a health care practitioner, whether a midwife or practitioner from another profession, who acts as the first point of access to care for women seeking care during pregnancy and who functions without the supervision of a member or a member of another health care profession, making autonomous decisions with full responsibility for the care provided;

**"primary midwife"** means a midwife who, as a primary caregiver, assumes sole responsibility for the care of a woman in the intrapartum period, or, working with another midwife who is a primary caregiver or a small group of midwives, assumes primary responsibility for the care of a woman in the intrapartum period and includes a midwife who attends a birth as a supervisor approved by the College, or a clinical teacher in the baccalaureate program or the Midwifery Pre-registration Program of the Michener Institute of Applied Health Sciences;

**"remote birth centre"** means a birth centre located at a distance of at least thirty minutes journey from a hospital with surgical facilities, using a method of transportation ordinarily used for health care purposes in the area;

**"remote clinic"** means a clinic located at a distance of at least thirty minutes journey from a hospital with surgical facilities, using the method of transportation ordinarily used for health care purposes in the area.

### **General**

**2.-(1)** The following are prescribed as classes of certificates of registration:

1. General.
2. Student.
3. Supervised practice.

(2) A person may apply for a certificate of registration by submitting a completed application to the Registrar together with the application fee.

(3) A certificate of registration shall be issued if the member,

- (a) pays the administration fee;
- (b) pays the annual fee; and
- (c) satisfies the registration requirements for a certificate of the applicable class:

**3.-(1)** The following are registration requirements for a certificate of registration of any class.

1. The applicant must disclose the following information that relates to the applicant and to the practice of midwifery or any other profession, whether in Ontario or any other jurisdiction:

- i. A finding of professional misconduct, incompetence or incapacity, including a finding of professional misconduct or lack of fitness to practise by a professional association that has self-regulatory responsibility.
    - ii. A current proceeding in relation to professional misconduct, incompetence or incapacity, including a proceeding relating to professional misconduct or fitness to practise by a professional association that has self-regulatory responsibility.
    - iii. A denial of registration by a professional regulatory body or of membership by a professional association that has self-regulatory responsibility.
    - iv. A coroner's inquest proceeding or verdict.
    - v. A professional liability insurance claim.
    - vi. A settlement or judgement in any civil law suit.
  2. The applicant must disclose every finding of guilt in relation to a criminal offence or any other offence relevant to suitability to practise midwifery.
  3. The applicant must disclose any previous, present or pending suspension or cancellation of, or any attachment of conditions to, a registration or membership in a professional association that has self-regulatory responsibility relating to midwifery or to any other profession, whether in Ontario or in any other jurisdiction, where the suspension, cancellation or attachment of conditions arises out of the proceedings referred to in paragraph 1 or 2 or by reason of health or incapacity to practise.
  4. The applicant must satisfy the College that any deficit in the applicant's ethics, clinical practice or preparation as revealed by the matters disclosed under paragraphs 1, 2 and 3 has been remedied, or that the cause for the suspension, cancellation, or imposition of conditions no longer exists.
- (2) The following are conditions of a certificate of registration of any class:

1. The member's certificate of registration shall be revoked if the member fails to disclose any of the following information that relates to the applicant and to the practice of midwifery or an other profession, whether in Ontario or any other jurisdiction, and that arises after the certificate of registration has been issued:
  - i. A finding of professional misconduct, incompetence or incapacity, including a finding of professional misconduct or lack of fitness to practise by a professional association that has self-regulatory responsibility.
  - ii. A current proceeding in relation to professional misconduct, incompetence or incapacity, including a proceeding relating to professional misconduct or fitness to practise by a professional association that has self-regulatory responsibility.
  - iii. A denial of registration by a professional regulatory body or of membership by a professional association that has self-regulatory responsibility.
  - iv. A coroner's inquest proceeding or verdict.
  - v. A professional liability insurance claim.
  - vi. A settlement or judgement in any civil law suit.
2. The member's certificate of registration shall be revoked if the member fails to disclose any finding of guilt in relation to a criminal offence or any other offence relevant to suitability to practise midwifery.
3. The member's certificate of registration shall be revoked if the member does not disclose any previous, present or pending suspension or cancellation of, or any attachment of conditions to, a registration or membership in a professional association that has self-regulatory responsibility relating to midwifery or to any other profession, whether in Ontario or in any other jurisdiction, where the suspension, cancellation or attachment of conditions arises out of the proceedings referred to in paragraph 1 or 2 or by reason of health or incapacity to practise.

4. The member's certificate of registration shall be revoked if the member does not satisfy the College that any deficit in the applicant's ethics, clinical practice or preparation revealed by the matters disclosed under paragraphs 1, 2 and 3 has been remedied, or that the cause for the suspension, cancellation, or imposition of conditions no longer exists.
  5. The member's certificate of registration shall be revoked for knowingly making a false or misleading statement in an application for a first certificate of registration or for an annual certificate of registration and registration card, or in responding to any query or communication from the College.
- (3) A member whose registration is revoked under paragraph 1, 2, 3 or 4 of subsection (2) may resume the registration within a year after its revocation if the member,
- (a) satisfies the requirements of subsection (1) and the prescribed requirements for the applicable class of certificate of registration; and
  - (b) pays the administration fee and the annual fee.

### **General Certificate of Registration**

- 4.-(1)** The following are non-exemptible requirements for a general certificate of registration:
1. The applicant must have one of the following:
    - i. A baccalaureate degree in health sciences (midwifery) from a university in Ontario.
    - ii. A degree, diploma or certificate from a program listed in Schedule 1.
    - iii. Qualifications equivalent to the degree referred to in subparagraph i.
  2. The applicant must have the following clinical experience:

- i. Current clinical experience consisting of active practice for at least two years out of the four years immediately prior to the application.
    - ii. Attendance at least sixty births, of which,
      1. at least forty shall have been as primary midwife,
      2. thirty shall have been attended as part of the care provided to a woman in accordance with the principles of continuity of care,
      3. ten shall have been in hospital, and
      4. ten shall have been in a residence or remote clinic or remote birth centre, of which five will have been as primary midwife.
  3. The applicant must be a Canadian citizen or a permanent resident of Canada or authorized under the Immigration Act (Canada) to engage in employment in Canada.
  4. The applicant must provide the College with the following evidence of having obtained protection from professional liability:
    - i. evidence that the applicant is a member of the Association of Ontario Midwives, or
    - ii. if the applicant is not a member of the Association of Ontario Midwives and the Association charges fees to non-members to enable them to obtain professional liability insurance otherwise available only to members of the Association of Ontario Midwives, evidence that the applicant has paid such fees.
- (2) For the purposes of subparagraph iii of paragraph 1 of subsection (1), an applicant's qualifications are equivalent to the baccalaureate degree in health sciences (midwifery) from a university in Ontario, if the College establishes by means of a prior learning assessment that such qualifications have afforded to the applicant sufficient preparation in the areas listed in Schedule 2 that the applicant will be able to practise safely and competently in accordance with the

regulations and the standards of  
work without supervision as a  
residence, remote clinic or remote birth

practice of the College and be able to  
primary caregiver in a hospital,  
centre.

(3) Paragraph 2 of subsection (1) does not apply to an applicant who, within  
the two years immediately preceding the date of application,  
satisfied the educational requirements in paragraph 1 of subsection (1) or  
successfully completed a supervised practice approved by the Council.

(4) The following are conditions of a general certificate of registration:

1. The member's certificate of registration is revoked if the member ceases to be a Canadian citizen or permanent resident of Canada or if the member's authorization under the Immigration Act (Canada) to engage in employment is revoked.
2. The member's certificate of registration is revoked if the member fails to carry on an active practice in accordance with section 5.
3. The member's certificate of registration is revoked if the member ceases to provide evidence of having obtained protection from professional liability as required under paragraph 4 of subsection (1).

(5) On or after January 31, 1994, it is an additional condition of a general  
certificate of registration that the member's certificate of registration  
is revoked if the member fails to provide evidence satisfactory to the  
College of continuing competency in neonatal resuscitation and  
cardiopulmonary resuscitation.

**5.-(1)** A member shall satisfy the requirement for active practice if the member provides midwifery care,  
clinic or (a) over a one year period, to at least twenty women, ten of whom the member attended as primary midwife with five of the births occurring in a hospital and five in a residence, remote remote birth centre; or  
(b) over a two year period, to at least forty women, twenty of whom the member attended as primary midwife with ten of the births occurring in a hospital and ten in a residence, remote clinic or remote birth centre.

- (2) A member who complies with subsection (1) in the first two consecutive years after registration in Ontario, may elect to satisfy the requirement for active practice by, in any subsequent five year period, providing midwifery care throughout pregnancy, labour, birth and the postpartum period to at least 100 women, sixty of whom the member attended as primary midwife with twenty-five of the births occurring in a hospital and twenty-five in a residence, remote clinic or remote birth centre.
- (3) Despite subsection (2), a member may satisfy the requirement for active practice over any five year period after registration in accordance with subsection (2) if the member,
- (a) practices as a midwife,
    - (i) in a jurisdiction outside of Ontario before being issued a certificate of registration under the Act, or
    - (ii) in Ontario before the day this Regulation came into force; and
  - (b) complied with clause (1) (a) or (b) in two of the four years immediately preceding registration in Ontario.
- 6.** A member whose certificate of registration is revoked under paragraph 1, 2 or 3 of subsection 4(4) or under subsection 4(5) may be reinstated if the member,
- (a) satisfies the requirements for registration under subsection 4(1);
  - (b) pays the administration fee and, if applicable, the annual fee; and
  - (c) provides evidence of having satisfied the condition with which the member had failed to comply.
- 7.** A member whose certificate of registration is revoked under paragraph 2 of subsection 4(4) may resume registration if, within two years of the date of the revocation, the member successfully completes a requalification program satisfactory to the College.

8. It is a requirement for a certificate of registration that the applicant demonstrates the ability to communicate with reasonable fluency in either English or French.

### **Student Certificate of Registration**

Midwifery  
Applied Health  
registration.

9.-(1) Any person enrolled in a program leading to the baccalaureate degree in health sciences (midwifery) in a university in Ontario or the Pre-registration Program of the Michener Institute of Applied Health Sciences may obtain a student certificate of registration.

College.

(2) An applicant for a student certificate of registration must provide evidence of professional liability insurance satisfactory to the

(3) The following are the conditions of a student certificate of registration:

1. The member's certificate of registration is revoked if the member ceases to be enrolled in the educational program.
2. The member may only provide midwifery care within the baccalaureate program or the Midwifery Pre-registration Program of the Michener Institute of Applied Health Sciences and under the supervision of the midwifery faculty.
3. The member's certificate of registration is revoked if the member does not have professional liability insurance satisfactory to the College.

### **Certificate of Registration requiring Supervised Practice**

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registration requiring

10.-(1) An applicant for a general certificate of registration who fails to fully satisfy the educational requirement in subparagraph iii of subsection 4(1) or the clinical experience requirements subsection 4(1), may be issued a certificate of supervised practice if,

- (a) in the opinion of the Registration Committee the deficiencies in theoretical or clinical preparation disclosed on the application cannot be remedied by the imposition of conditions, but may be fully remedied by a period of no more than one year under the supervision of a holder of a general certificate of registration who is an approved supervisor; and
  - (b) the applicant provides to the College a plan for supervised practice and evaluation which satisfactorily addresses the deficiencies disclosed on the application and which has been agreed to by an approved supervisor acceptable to the College.
- (2) On or after January 31, 1994, an applicant for a general certificate of registration may only be issued a certificate of registration requiring supervised practice under subsection (1) if, in addition to meeting the conditions under subsection (1), the applicant provides evidence satisfactory to the College of competency in neonatal resuscitation and cardiopulmonary resuscitation.
- (3) It is a non-exemptible requirement for a certificate of registration requiring supervised practice that the applicant gives the College the following evidence of having obtained protection from professional liability:
- 1. Evidence that the applicant is a member of the Association of Ontario Midwives.
  - 2. If the applicant is not a member of the Association of Ontario Midwives and the Association charges fees to non-members to enable them to obtain professional liability insurance otherwise available only to members of the Association of Ontario Midwives, evidence that the applicant has paid such fees.
- (4) A certificate of registration requiring supervised practice may be granted for a period of up to one year.
- (5) If a certificate of registration requiring supervised practice is granted for a period of less than a year, the certificate may be reissued so long as the reissuance will not result in the total period of supervised practice being longer than one year.

(6) A member holding a certificate of registration requiring supervised practice may apply for a general certificate of registration if the member submits to the College a report from his or her supervisor indicating successful completion of the period of supervision.

(7) In addition to any condition of supervision that may be outlined in the certificate of registration, the following are the conditions of a registration requiring supervised practice:

1. The certificate of registration is revoked if the member ceases to be a Canadian citizen or permanent resident of Canada or if the member's authorization under the Immigration Act (Canada) to engage in employment is revoked.
2. The member's certificate of registration is revoked if the member ceases to provide evidence of having obtained protection against professional liability as required under subsection (3).

### **Miscellaneous**

**11.**(1) If the Registrar suspends a member's certificate of registration for failure to pay a prescribed fee, the Registrar may, within one year of the date of suspension, lift the suspension on payment of,

- (a) the fee the member failed to pay;
- (b) the penalty for late payment of the fee; and
- (c) an additional administration fee of \$35.

(2) If the Registrar does not lift the suspension of a certificate of registration that was suspended for failure to pay a prescribed fee under subsection (1), the certificate is revoked one year after the day of the suspension.

(3) A member whose certificate of registration is revoked under subsection (2) may resume registration if, within one year of the date of the revocation, the member successfully completes a requalification program satisfactory to the College.

- 12-(1)** The member's name shown on the register shall be the name that appears on the member's application for registration.
- (2) A member may request a change of the name that appears on the register and the registration documents issued by filing with the College proof of the change of name and paying the prescribed fee.
- (3) For each member, the register shall contain a notation of both the original name of registration and of any change of name.
- (4) A member shall clearly display the certificate of registration issued by the College when the member was first registered and the member's current annual certificate of registration issued by the College at the location of the member's principal place of practice, and shall have available for inspection the current registration card issued by the College.
13. This Regulation comes into force on the day section 2 of the Act comes into force.

### **Schedule 1**

1. The Midwifery Pre-registration Program of the Michener Institute of Applied Health Sciences.

### **Schedule 2**

1. Midwifery
2. Obstetrics
3. The basic sciences (anatomy and physiology, pharmacology, genetics, microbiology and biochemistry)
4. Social sciences (sociology, anthropology, psychology, Aboriginal and cultural studies)
5. Women's studies
6. Health sciences (health education, health promotion, the organization of the health care system)
7. Research
8. Community-based clinical preparation in midwifery