

# Active Practice Requirements

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## Active Practice Requirements Under the Registration Regulation

In accordance with section 12 of the Registration Regulation, members holding General certificates of registration are required to actively practise the profession to maintain currency and ability to practise in all birth settings (out-of-hospital and hospital).

### *Conditions, general certificate*

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

1. The member shall carry on an active practice in accordance with this section, and shall correct any deficiencies in accordance with subsection (5), unless a panel of the Registration Committee grants an exception under extenuating circumstances...

(2) A member satisfies the requirement for active practice if the member provides midwifery care,

(a) over a one-year period, to at least 20 women, 10 of whom the member attended as primary midwife with at least five births occurring in a hospital and at least five in a residence, remote clinic or remote birth centre; or

(b) over a two-year period, to at least 40 women, at least 20 of whom the member attended as primary midwife with at least 10 births occurring in a hospital and at least 10 in a residence, remote clinic or remote birth centre. O. Reg. 168/11, s. 12 (2).

(3) A member who complies with subsection (2) 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 to at least 100 women, at least 50 of whom the member attended as primary midwife with at least 25 births occurring in a hospital and at least 25 in a residence, remote clinic or remote birth centre. O. Reg. 168/11, s. 12 (3).

(4) Despite subsection (3), a member may satisfy the requirement for active practice over any five-year period after registration in accordance with subsection (3) if the member,

(a) practised as a midwife in a jurisdiction outside of Ontario before being issued a certificate of registration under the Act; and

(b) would, if the member had been registered as a midwife in Ontario, have been in compliance with clause 2 (a) or (b) in two of the four years immediately preceding the member's registration as a midwife with a general certificate of registration in Ontario. O. Reg. 168/11, s. 12 (4).

(5) A member who receives notice from the Registrar of having failed to satisfy the active practice requirements in subsections (2) to (4) shall not engage in the practice of midwifery unless,

- (a) within 30 days of the notice being sent, the member agrees to comply with a plan proposed by a panel of the Registration Committee that is designed to enable the member to meet the active practice requirements; and
- (b) the member gives an undertaking to the Registration Committee that he or she will comply with any term, condition or limitation imposed on his or her certificate of registration that is in relation to the plan mentioned in clause (a). O. Reg. 168/11, s. 12 (5).

### Meeting the Active Practice Requirements (APR)

In order to meet the requirements in the Registration Regulation, members must have the following birth numbers:

Active Practice Requirements	2-year	5-year
Primary Out-of-hospital Births	10	25
Primary Hospital Births	10	25
Total Births	40	100

Members are required to report their active practice birth numbers annually by October 1 each year through the online Member Portal. Members holding an Inactive certificate for a year or partial year, are also required to submit a report and enter “o” (zeros) where applicable. Members report each year based on the births they attended in the reporting period of July 1 – June 30.

### APR Due Dates

2 or 5-year APR due dates are communicated to members in the APR tab in the Member Portal. The first APR due date is the 2-year APR due date, which is two years from the date a member is registered with the College, adjusted to coincide with the October 1 reporting period. Subsequently, a 5-year APR due date applies. When a member has met their APR requirement and/or their due date is adjusted, a member will be notified.

### Review of Active Practice Reports

Post October 1 annually, all members who were due to have met their active practice requirement are identified, 2-year or 5-year, as of October 1.

Each member’s active practice report as submitted via the Member Portal are reviewed. If reports are missing the member is contacted to submit the missing reports.

## Meeting APR

Members in the General class who met their APR will be notified and their subsequent APR due date will be available in the Member Portal.

## APR Shortfalls

Members in the General class who have an APR shortfall are reviewed a second time to determine if the member continues to have a shortfall after determining the following:

- a. At any point during the 2- or 5-year reporting period was the member registered in the Inactive class?

If yes, the member's due date is adjusted to account for the amount of time the member was registered in the Inactive class and not subject to APR.

Example 1: A member was due to meet their 2-year APR by October 1, 2018, review of the submitted APR reports indicate that the member does not have the required birth numbers. However, the member was Inactive for 6 months during the reporting period. The member will next need to meet their 2-year APR by October 1, 2019.

Example 2: A member was due to meet their 5-year APR by October 1, 2018. Review of the submitted APR reports indicate that the member does not have the required birth numbers. However, the member was Inactive for 2 years during the reporting period. The member will next need to meet their 5-year APR by October 1, 2020.

- b. If the member was not in the Inactive class at any point during the reporting period, then the member's birth numbers in the shortfall category are reviewed and the reported births where the member provided care in the role of second midwife<sup>1</sup> are considered. When both categories are considered, does the member still have a shortfall?

Example: The member was due to meet the 5-year APR by October 1. The member has a shortfall in primary out-of-hospital births having only 20 out of the required 25. However, the member also reported 6 out-of-hospital births as a second. Therefore, the member has a total of 26 out-of-hospital-births for the reporting period. The member is considered to have met the requirement.

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<sup>1</sup> Registration Committee Decision

- i. If the member no longer has a shortfall and meets the requirement, the member will be notified and their next APR due date will be available in the Member Portal.
- ii. If the member continues to have an APR shortfall even after accounting for the births attended as seconds, the member will be notified of the shortfall and referred to the Registration Committee.

### Referral to the Registration Committee for an APR Shortfall

Members who continue to have an APR shortfall, after a second review as outlined above, are referred to the Registration Committee in accordance with the Registration Regulation.

Members will be asked to make written submissions to the Registration Committee within 30 days of receiving a notice of referral. The member's written submission must include the following:

1. Reason for the shortfall and explanation of how they have been maintaining their knowledge and skills to practise safely in all birth settings;
2. Where applicable, the member must demonstrate that extenuating circumstances exist (i.e. circumstances that are beyond the member's control) that prevented the member from meeting their APR. For example:
  - Low home birth rate practice
  - Unplanned changes to birth location
3. Where applicable, an explanation of how the member's practice environment/employment contributed to the shortfall and may continue to contribute to a shortfall. For example:
  - Hospitalist midwife
  - Expanded Midwifery Care Models and not providing intrapartum care
  - Birth Centre Clinical Director
  - MEP instructor
  - Other

### Registration Committee Panel Meeting

A panel of the Registration Committee is appointed to review the APR shortfall referrals. A chair is appointed, and conflicts are vetted. A panel meets to make a decision using the risk assessment tool for active practice shortfalls. The panel considers all submissions and information and exercises their discretion to determine an outcome.

Possible outcomes:

- a. Exception granted (in extenuating circumstances under 12(1)1 of the Registration Regulation)
- b. Shortfall plan required
- c. Term, condition or limitation may be imposed if:
  - Member does not attend births as a primary care provider
  - Member only attends births in hospitals and other institutional settings
  - Member has to be a general registrant as part of their employment requirements (e.g. Birth Centre Clinical Director)

The outcome of the APR referral is communicated to the member in a written decision and reasons, including the next APR due date.

### Members in the Inactive Class

The APR due dates for Inactive members will be reviewed and adjusted when they apply for and are granted a General certificate of registration unless the member currently meets their requirement.

Example 1: A member was due to meet their 5-year APR as of October 1, 2018. However, at the time of reviewing APR for 2018, the member is registered in the Inactive class. A review of the APR birth numbers indicate that the member has an APR shortfall. The member applies and is granted a General certificate of registration as of January 1, 2019, having been registered in the Inactive class for two years. Assuming the member has sufficient current clinical experience and active practice to meet the requirements for a General certificate, the member's APR due date will be changed to October 1, 2021 when the member is issued a General certificate.

Example 2: A member was due to meet their 5-year APR as of October 1, 2018. However, at the time of reviewing APR for 2018, the member is registered in the Inactive class. A review of the member's APR numbers indicate that the member meets the requirements, therefore the member's due date is adjusted to October 1, 2023. The member will still be required to meet the current clinical experience and active practice requirements outlined in the Registration Regulation if the member applies to be re-issued a General certificate of registration.

Example 3: A member was due to meet their 5-year APR as of October 1, 2018 and is currently registered in the Inactive class. The member has been registered in the Inactive class for 3 years. However, the member applies to be re-issued a General certificate in order to change class on October 1, 2018. A review of the

member's application reveals that the member does not meet the requirements of current clinical experience and active practice required under section 15(4)(a) of the Registration Regulation and therefore is referred to the Registration Committee for approval of a requalification program. The member completes the requalification program and becomes registered in the General class, their APR due date is now October 1, 2023.

Approved by the Registration Committee September 19, 2018