

Midwifery Act, 1991

ONTARIO REGULATION 168/11

REGISTRATION

Consolidation Period: From October 19, 2012 to the [e-Laws currency date](#).

Last amendment: O. Reg. 320/12.

This is the English version of a bilingual regulation.

CONTENTS

GENERAL

Definitions

1. In this Regulation,

“continuity of care” means midwifery care provided in accordance with the standards of practice and policies of the College

"course of care" means midwifery care within the scope of practice in section 3 of the Act that a member provides during pregnancy, labour and delivery, and the post-partum period, and includes care of the newborn baby eight weeks after birth.

"out-of-hospital" means at a residence or remote clinic or birth centre.

"Supervisor" means a member who has,

(a) been approved by the College to supervise a member who holds a Supervised and Emergency certificate of registration, and

(b) who has given an undertaking to the College in a form satisfactory to the Registrar with respect to the supervision;

“primary midwife” means a midwife who assumes sole responsibility for the care of a client in the intrapartum period, or, working with another midwife or a small group of midwives, assumes primary responsibility for the care of a client in the intrapartum period.

Classes of certificates

2. The following are prescribed as classes of certificates of registration:

1. General.
2. Supervised.
3. Emergency.
4. Non-practising.

Application for certificate of registration

3. (1) A person may apply for a certificate of registration by submitting a completed application in the form provided by the Registrar together with any applicable fees required under the by-laws and any supporting documentation requested by the Registrar.

(2) An applicant shall be deemed not to have satisfied the registration requirements for a certificate of registration if the applicant makes a false or misleading statement or representation on or in connection with their application, and any certificate of registration issued to such an applicant may be revoked by the Registrar.

Requirements for issuance of certificate of registration, any class

[Note: This section applies to all applicants seeking registration in any class.]

4. (1) An applicant must satisfy the following requirements for the issuance of a certificate of registration of any class:

1. The applicant must, at the time of application, provide written details about any of the following that relate to the applicant and, where any of the following change with respect to the applicant after submitting the application but before the issuance of a certificate, the applicant must immediately provide written details with respect to the change:
 - i. A finding of professional misconduct, incompetence, incapacity, professional negligence, malpractice or any similar finding against the applicant made by a body that governs a profession in any jurisdiction.
 - ii. A current investigation, inquiry or proceeding for professional misconduct, incompetence or incapacity or any similar investigation, inquiry or proceeding against the applicant by a body that governs a profession in any jurisdiction.

- iii. A refusal to register the applicant to practise as a midwife or another profession in any jurisdiction.
 - iv. The termination or suspension of the applicant's registration, licensure or similar status by a body that governs a profession in any jurisdiction.
 - v. The imposition of any term, condition, limitation or other restriction on the applicant's registration, licensure or similar status by a body that governs a profession in any jurisdiction.
 - vi. Information about a coroner's inquest proceeding or verdict relating to the applicant's conduct.
 - vii. A finding of guilt for any of the following:
 - A. A criminal offence.
 - B. An offence resulting in either imprisonment or a fine greater than \$1,000.
 - viii. Information about any finding, decision, or restriction relating to the applicant that would be required to be included on the public register if the applicant was a member.
 - ix. Any other event that would provide reasonable grounds for the belief that the applicant will not practise midwifery in a safe and professional manner.
2. The applicant's past and present conduct must afford reasonable grounds for the belief that the applicant,
- i. will practise midwifery with decency, honesty and integrity and in accordance with the law,
 - ii. is mentally competent and physically able to practice in a safe manner,
 - iii. has sufficient knowledge, skill and judgment to competently engage in the practice of midwifery authorized by the certificate of registration, and
 - iv. will display an appropriate professional attitude.
3. The applicant must be able to speak, read and write in English or in French with reasonable fluency.
4. The applicant must, at the time of the application, provide the Registrar with the results of a police record check.

5. The applicant must provide proof of professional liability insurance coverage in the amount and in the form required under the by-laws.

Terms, conditions and limitations on every certificate

[Note: This section applies to all classes of registration.]

5. Every certificate of registration is subject to the following terms, conditions and limitations:

1. The member shall provide the College with written details about any of the following that relate to the applicant within 10 calendar days of its occurrence:
 - i. A finding of professional misconduct, incompetence, incapacity, professional negligence, malpractice or any similar finding against the member made by a body that governs a profession in any jurisdiction.
 - ii. A current investigation, inquiry or proceeding for professional misconduct, incompetence or incapacity or any similar investigation, inquiry or proceeding against the member by a body that governs a profession in any jurisdiction.
 - iii. A refusal to register the member to practise as a midwife or another profession in any jurisdiction.
 - iv. The termination or suspension of the member's registration, licensure or similar status by a body that governs a profession in any jurisdiction.
 - v. The imposition of any term, condition, limitation or other restriction on the member's registration, licensure or similar status by a body that governs a profession in any jurisdiction.
 - vi. Information about a coroner's inquest proceeding or verdict relating to the member's conduct.
 - vii. A finding of guilt for any offence.
 - viii. Any other event that would provide reasonable grounds for the belief that the member will not practise midwifery in a safe and professional manner.
2. At the request of the Registrar, the member must provide the Registrar with the results of a police record check.

3. The member shall practise only in the areas of midwifery in which the member has the necessary knowledge, skill and judgment.
4. The member shall not make a false or misleading representation or declaration to the College.
5. The member shall maintain professional liability insurance in the amount and in the form required under the by-laws.
6. The member shall provide the College with written details within two days of the member becoming aware that they do not have the professional liability insurance that they are required to have under the by-laws.

General class, registration requirements

[Note: This section sets out education and clinical experience requirements for graduates of Canadian universities, internationally educated midwife applicants, and former midwives.]

6. (1) The following are registration requirements for a General certificate of registration:

1. The applicant must have at least one of the following,
 - i. A baccalaureate degree in health sciences (midwifery) awarded by a university in Canada as a result of successful completion of a program that was approved by Council or that was approved by a body or bodies approved by Council for that purpose.
 - ii. Qualifications that are substantially equivalent to the degree referred to in subparagraph i, as determined by the Council or by a body or bodies designated by the Council.
2. The applicant must,
 - i. Demonstrate evidence of clinical experience as a midwife within two years immediately before the date on which the applicant submitted their application, and
 - ii. have attended at least 60 births, of which at least,
 - A. 40 were attended as primary midwife,
 - B. 30 were attended as part of the care provided in accordance with the principles of continuity of care,

- C. 10 were attended in hospital, of which at least five were attended as primary midwife, and
 - D. 10 were attended out-of-hospital, of which at least five were attended as primary midwife.
3. The applicant must have successfully completed the qualifying examination that was set or approved by the Registration Committee at the time the applicant took the examination.
 4. The applicant must have successfully completed the jurisprudence course set or approved by the Registration Committee.
 5. The applicant must provide satisfactory evidence of competency in neonatal resuscitation.
 6. The applicant must provide satisfactory evidence of competency in cardiopulmonary resuscitation.
 7. The applicant must provide satisfactory evidence of competency in emergency skills.

(2) An applicant who holds a qualification referred to in subparagraph 1 ii of subsection (1) is considered to have met the requirements of subparagraph 2 ii of subsection (1) if,

(a) the applicant has attended at least 40 births as primary midwife, of which at least,

(i) 10 were attended as part of the care provided to a client in accordance with the principles of continuity of care,

(ii) 10 were attended in hospital, and

(iii) Five were attended out-of-hospital; and

(b) the applicant agrees to comply with the terms imposed by the Registration Committee relating to this requirement.

(3) An applicant who is a former member and who had previously resigned from the College is not required to meet the requirements of subsection (1) if,

(a) The applicant reapplies for a general certificate of registration within 4 years of having resigned and had met their new registrant conditions;

- (b) the applicant successfully completes upgrading activities that has been approved by the Registration Committee for that purpose; and
- (c) the applicant meets all other registration requirements for the general certificate of registration.

(5) The requirements in paragraphs 1, 2, 3, and 4 of subsection (1) are non-exemptible.

Terms, etc., General class

[Note: This section sets out new registrant conditions and clinical currency requirements for practising midwives (after they have met their new registrant conditions). It also sets out the procedures that apply in situations where midwives are not able to demonstrate clinical currency.]

7. (1) Every General certificate of registration is subject to the following terms, conditions and limitations:

1. A member must practise midwifery under the mentorship of a holder of a general certificate of registration until such time as they have completed the minimum number of courses of care specified in policy approved by Council.
2. During every two-year period a member must practise midwifery for the minimum number of hours specified by Council, with the first two-year period beginning on the day the member is issued a General certificate of registration, and each subsequent two-year period beginning on the first anniversary of the commencement of the previous period.

(2) For the purpose of paragraph 1 of subsection (1), the minimum number of courses of care is the number specified in the policy approved by Council which is in effect on the date the member begins practising midwifery under mentorship as required by paragraph 1.

(3) A member providing mentorship under paragraph 1 of subsection (1) must meet the criteria and have the qualifications set out in policy approved by Council.

(4) For the purpose of paragraph 2 of subsection (1), the minimum of number of hours are the number of hours specified and approved by Council as of the first day of each two-year period in paragraph 2.

(5) If the member fails to meet the condition described in paragraph 2 of subsection (1), the member must undertake, obtain or undergo any training, experience, examinations and assessments that may be specified by a panel of the Registration Committee unless the member,

- (a) qualifies for and has successfully completed standard upgrading activities approved by the Registration Committee;

- (b) has given the College a written undertaking to complete upgrading activities that is acceptable to the Registrar and with which the member is in compliance; or
- (c) has resigned their general certificate of registration and applied for and received a Non-practising certificate of registration.

Labour mobility, General class

[Note: This section only applies to applicants who are registered to practise in another Canadian jurisdiction and who hold a General/Active/Practising certificate.]

8. (1) Where section 22.18 of the Health Professions Procedural Code applies to an applicant for a general certificate of registration, the applicant is deemed to have met the requirements of paragraphs 1, 2 and 3 of subsection 6 (1).

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or the Registration Committee establishing that the applicant is of good character and in good standing as a midwife in every jurisdiction where the applicant holds an out-of-province certificate.

(3) Where an applicant to whom subsection (1) applies is unable to satisfy the Registrar or the Registration Committee that the applicant practised the profession of midwifery to the extent that would be permitted by a general certificate of registration at any time in the preceding two years immediately before the date of that applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by the Registration Committee

(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 4 of section 4 where the requirements for the issuance of the applicant's out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.

(5) Despite subsection (1), an applicant is not deemed to have met a requirement where that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.

Supervised class

[Note: These sections applies in situations where an applicant cannot meet the clinical experience at entry to practice or in situations where a midwife who moves from the Non-practising class to the General class needs to complete upgrading activities.]

9. It is a non-exemptible registration requirement for a Supervised certificate of registration that the applicant,

- (a) must have met all the requirements for the issuance of a General certificate of registration except for those requirements set out in paragraph 2 of subsection 6 (1); or
- (b) is required to undergo supervised practice as part of upgrading activities under subparagraph 4 ii of subsection 19 (1).

Supervised class, conditions, etc. of certificate

10. It is an additional term, condition and limitation of every Supervised certificate of registration that the member,

- (a) must at all times practise midwifery under the supervision of a Supervisor approved by the College;
- (b) be actively pursuing the requirements set out in clause 9 (a) or (b), unless the Registrar has provided the member with permission in writing to interrupt the pursuit of either of those requirements due to exceptional circumstances; and
- (c) must file any agreements and undertakings required by the College in connection with supervised practice.

Supervised class, expiry

11. (1) Subject to subsection (2), a Supervised certificate of registration expires on the earliest of the date on which any of the following events occur:

1. The day that is two years after the certificate was issued.
2. The day on which the member is issued a General certificate of registration.
3. The day on which the member fails to meet the condition in clause 10 (b), unless the Registrar has provided the member with the permission mentioned in that section.

(2) The Registrar may extend a Supervised certificate of registration, subject to the member complying with any conditions set by the Registrar at the time of making the extension, if the Registrar is of the opinion that exceptional circumstances exist that warrant the extension.

Moving from Supervised to General certificate

12. (1) A holder of a Supervised certificate of registration shall be issued a General certificate of registration upon completion of the requirements set out in paragraph 2 of subsection 6 (1).

(2) Subsection (1) does not apply to a member who is required to undergo supervised practice as part of upgrading activities under subparagraph 4 ii of subsection 19 (1).

Labour mobility, Supervised class

[Note: This section only applies to applicants who are registered as a midwife in another Canadian jurisdiction and hold a similar certificate of registration.]

13. (1) Where section 22.18 of the Health Professions Procedural Code applies to an applicant for a Supervised certificate of registration, the applicant is deemed to have met the requirements of clause 9 (a).

(2) It is a non-exemptible registration requirement that an applicant referred to in subsection (1) provide one or more certificates or letters or other evidence satisfactory to the Registrar or the Registration Committee establishing that the applicant is of good character and in good standing as a midwife in every jurisdiction where the applicant holds an out-of-province certificate.

(3) Where an applicant to whom subsection (1) applies is unable to satisfy the Registrar or the Registration Committee that the applicant practised the profession of midwifery to the extent that would be permitted by a Supervised certificate of registration at any time in the preceding two years immediately before the date of that applicant's application, the applicant must meet any further requirement to undertake, obtain or undergo material additional training, experience, examinations or assessments that may be specified by the Registration Committee.

(4) An applicant referred to in subsection (1) is deemed to have met the requirement of paragraph 5 of section 4 where the requirements for the issuance of the applicant's out-of-province certificate included language proficiency requirements equivalent to those required by that paragraph.

(5) Despite subsection (1), an applicant is not deemed to have met a requirement where that requirement is described in subsection 22.18 (3) of the Health Professions Procedural Code.

Registration requirements, Emergency class

[Note: These sections apply to applicants who may seek registration in an emergency situation. This class is required by the Registration Requirements Regulation made under the *Regulated Health Professions Act*.]

14. (1) The following are registration requirements for an Emergency certificate of registration:

1. The Government of Ontario requests or Council determines it is in the public interest to register midwives in the Emergency class to address emergency circumstances.
2. The applicant must have successfully completed a midwifery program that met, at the time the applicant completed the program, the requirements of paragraph 1 of subsection 6 (1) or the applicant is registered or licensed to practise independently in a jurisdiction approved by Council or the Registration Committee.
3. The applicant must satisfy the Registrar that they practised midwifery within four years before the day on which the applicant met all other requirements for the issuance of the certificate of registration.
4. The applicant must have successfully completed the jurisprudence course set or approved by the Registration Committee.

(2) The requirements of paragraphs 1, 2, 3 and 4 of subsection (1) are non-exemptible.

Additional terms, etc., Emergency class

15. (1) the following are terms, conditions and limitations on every Emergency certificate of registration:

1. The member must at all times practise midwifery under the supervision of a Supervisor approved by the College.
2. The member shall at all times when practising midwifery identify themselves as member of the Emergency class.

Emergency class, expiry

(2) An Emergency certificate of registration is revoked on the earliest of the date on which any of the following events occur:

1. The expiry of one year from the date the certificate was issued, unless the Registrar extends the certificate for one or more extensions under subsection (3).
2. The date to which the Registrar extended the certificate under subsection (3).
3. The date on which the Registrar revoked the certificate under subsection (4).

4. 90 days after receipt of notice of Council's determination that the emergency circumstances have ended.

(3) The Registrar may extend an Emergency certificate of registration for one or more periods, each of which is not to exceed one year, if, in the opinion of the Registrar, it is advisable or necessary to do so, provided Council has not determined that the emergency circumstances have ended.

(4) The Registrar may revoke an Emergency certificate of registration if, in the opinion of the Registrar or the Registration Committee, it is in the public interest to do so.

Moving from Emergency to General certificate

16. (1) The requirements in paragraphs 1 and 4 of subsection 6 (1) do not apply to an applicant if the applicant held an Emergency certificate of registration within two years before submitting their application for a General certificate of registration.

(2) The births which the applicant attended while holding an Emergency certificate of registration can be counted toward the requirement under subparagraph 2 ii of subsection 6 (1).

Non-Practising class

[Note: These sections apply to midwives who want to be issued a Non-practising certificate of registration or those who currently hold a certificate of registration in the Non-practising class and wish to move to the General class.]

17. The following are non-exemptible registration requirements for the issuance of a Non-Practising certificate of registration:

1. The applicant must be a member holding a General certificate of registration.
2. The applicant must provide an undertaking to the College in a form satisfactory to the Registrar in which the applicant undertakes to comply with the terms, conditions and limitations in section 18.
3. The applicant must not be in default of any fee owing to the College under the by-laws.
4. The applicant must have provided the College with any information that it has required of the applicant.

Non-Practising class, conditions, etc., of certificate

18. The following are additional terms, conditions and limitations of every Non-Practising certificate of registration:

1. The member must not provide midwifery care, and
2. The member must not supervise midwifery care.

Moving from Non-Practising to General certificate

19. (1) The Registrar may issue to a member who is the holder of a Non-Practising certificate of registration the General certificate of registration that they previously held if the member meets the following requirements:

1. the member applies in writing to the Registrar;
2. The member pays any fees owing to the College under the by-laws;
3. The member provides the College with any information that it has required of the member;
4. The member;
 - i. demonstrates current knowledge, skill and judgement relating to the practice of midwifery that would be expected of a member holding a General certificate of registration, as determined by the Registration Committee, or
 - ii. successfully completes upgrading activities approved by a panel of the Registration Committee for that purpose.
5. The member will be in compliance as of the anticipated date of moving from the Non-Practising to General class with any outstanding requirements of the College's Quality Assurance Committee and Inquiries, Complaints and Reports Committee or any outstanding orders of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee.

Labour mobility, Non-Practising

[Note: This section only applies to applicants who are registered as a midwife in another Canadian jurisdiction and hold a Non-practising certificate of registration.]

20. (1) Where an applicant holds a certificate of registration or other licensure or similar status that is equivalent to an inactive certificate of registration and which was issued by the regulatory body for

midwifery in another province or territory of Canada, the applicant shall be deemed to have met the requirements of paragraph 1 of section 17 if,

- (a) the applicant provides one or more certificates or letters or other evidence satisfactory to the Registrar or a panel of the Registration Committee establishing that the applicant is in good standing as a midwife in every jurisdiction where the applicant holds an out-of-province certificate;
 - (b) the applicant satisfies the Registrar or a panel of the Registration Committee that the applicant practised the profession of midwifery to the extent that would be permitted by either a general or a supervised practice certificate of registration at any time in the three years immediately before the date of application; and
 - (c) the applicant meets the requirement in paragraph 4 of subsection 6 (1).
- (2) Without in any way limiting the generality of clause (1) (a), being in “good standing” with respect to a jurisdiction shall include the fact that,
- (a) the applicant is not the subject of any discipline or fitness to practise order or of any proceeding or ongoing investigation or of any interim order or agreement as a result of a complaint, investigation or proceeding; and
 - (b) the applicant has complied with all continuing competency and quality assurance requirements of the regulatory authority of the jurisdiction.

Resignation

21. (1) A member may resign their membership by giving written notice to that effect to the Registrar in a form acceptable to the Registrar.

Failure to provide information

22. (1) If a member fails to provide the College with information about the member as required under the by-laws and within the time period set by the College,

- (a) the Registrar may give the member notice of intention to suspend the member’s certificate of registration; and
- (b) the Registrar may suspend the member’s certificate of registration if the member fails to provide the information within 30 days after the notice is given.

(2) If the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that the former member,

- (a) has given the required information to the College;
- (b) has paid any fees required under the by-laws for lifting the suspension;
- (c) has paid any fee, penalty or other amount owed to the College;
- (d) has professional liability insurance coverage in the amount and in the form as required under the by-laws; and
- (e) will be in compliance as of the anticipated date of the lifting of the suspension with any outstanding requirements of the College's Quality Assurance Committee and Inquiries, Complaints and Reports Committee or any outstanding orders of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee.

Suspension, lack of insurance

23. (1) If the Registrar becomes aware that a member no longer maintains professional liability insurance in the amount and in the form as required under the by-laws, the Registrar may immediately suspend the member's certificate of registration.

(2) If the Registrar suspends a member's certificate of registration under subsection (1), the Registrar shall lift the suspension upon being satisfied that the former member,

- (a) has professional liability insurance coverage in the amount and in the form as required under the by-laws;
- (b) has provided any information requested by the College;
- (c) has paid any fees required under the by-laws for lifting the suspension;
- (d) has paid any fee, penalty or other amount owed to the College; and
- (e) will be in compliance as of the anticipated date of the lifting of the suspension with any outstanding requirements of the College's Quality Assurance Committee and Inquiries, Complaints and Reports Committee or any outstanding orders of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee.

Lifting of suspension for failure to pay fees, etc.

24. If the Registrar suspends the member's certificate of registration under section 24 of the Health Professions Procedural Code for failing to pay a fee or penalty, the Registrar shall lift the suspension upon being satisfied that the former member,

- (a) has paid the fee or penalty in question;
- (b) has provided any information requested by the College;
- (c) has paid any fees required under the by-laws;
- (d) will be in compliance as of the anticipated date of the lifting of the suspension with any outstanding requirements of the College's Quality Assurance Committee and Inquiries, Complaints and Reports Committee or any outstanding orders of the Council, Executive Committee, Discipline Committee and Fitness to Practise Committee; and
- (e) has professional liability insurance coverage in the amount and in the form as required under the by-laws.

Automatic revocation

25. If the Registrar suspends a member's certificate of registration under section 22 or 23 of this Regulation or under section 24 of the Health Professions Procedural Code and the suspension has not been lifted, the certificate is revoked on the day that is two years after the day it was suspended.

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