

Saskatchewan College of Midwives

Midwifery Regulatory Bylaws OFFICE CONSOLIDATION

This consolidation is not official. Amendments have been incorporated for convenience of reference only. The original document as published in *The Saskatchewan Gazette* should be consulted for all purposes of interpretation and application of the law.

Title

1 These Bylaws may be referred to as *The Midwifery Regulatory Bylaws*.

Definitions

2 In these Bylaws:

- (a) “**Act**” means *The Midwifery Act*;
- (b) “**authorized practice**” means an authorized practice described in subsection 23(1) of the Act;
- (c) “**registered midwife**” means a full practising member or restricted member who is currently licensed with the college;
- (d) “**registration examination**” means an examination described in section 8.

Section 2 new, Gazette, April 4, 2008, p. 550.

INVESTIGATION AND DISCIPLINE

Professional conduct committee

3(1) On receipt of an allegation or report regarding professional incompetence or professional misconduct on the part of a member, the professional conduct committee shall:

- (a) notify the complainant that the committee will review the complaint;
- (b) notify the member that it has received the complaint and require the member to respond to the complaint in writing; and
- (c) initiate an investigation.

(2) The professional conduct committee may delegate its authority to investigate to a single person, who shall provide a written report to the committee on the conclusion of the investigation.

(3) Repealed.

Section 3 new, Gazette, April 4, 2008, p. 550;
amended Gazette, September 12, 2014, p. 1986.

Discipline committee

4(1) Decisions of the discipline committee are matters of public interest and as such shall be reported in college publications.

(2) Where the discipline committee dismisses a formal complaint, the registrar shall notify the member whose conduct is the subject of the order, the person, if any, who made the complaint and any other person that the registrar considers appropriate.

Section 4 new, Gazette, April 4, 2008, p. 551;

CONFLICT OF INTEREST

Conflict of Interest

5(1) A conflict of interest may include, but is not limited to the following situations:

(a) a situation in which the member is involved in negotiating wages or employment contracts or completing performance appraisals for college staff who may be related to or is currently practising with that member;

(b) a situation in which the member is involved in determining or reviewing credentials and eligibility for registration or licensure of an applicant or another member who may be related to or who is or may be practising with that member;

(c) a situation in which the member is involved in the investigation or discipline process affecting another member who may be related to or who is, has been or may be practising with that member; and

(d) a situation in which the member or their family member might personally or financially benefit from decisions or information gained from involvement on the council or committees.

(2) Persons serving in an official capacity as council members, committee members or representatives of the college and employees of the college shall declare a conflict of interest in matters under discussion, business of the college or in decisions taken in which they have a vested interest.

(3) It is the responsibility of the presiding officer to ensure that a person identifying a conflict of interest leaves the meeting during consideration of the pertinent issue and that the secretary of the meeting records the departure of the person in the minutes.

(4) Members who represent the college shall not assume a position if a conflict of interest is identified.

(5) A member of the professional conduct committee or the discipline committee who has a conflict of interest shall step down, and the council may appoint a replacement to deal with the specific complaint with respect to which the conflict arose.

(6) It is the obligation of a member who has a conflict of interest to disclose the conflict, but, if a member fails to disclose a conflict of interest the conflict may be raised by anyone who has knowledge of it.

Section 5 new, Gazette, April 4, 2008, p. 551;
amended, Gazette, September 12, 2014, p. 1986.

MEMBERSHIP AND LICENSURE

Categories of Membership

6 Membership in the college consists of the following categories:

- (a) full practising membership;
- (b) restricted membership;
- (c) student membership;
- (d) non-practising membership;
- (e) inactive membership;
- (f) honorary membership.

Section 6 new, Gazette, April 4, 2008, p. 551-2.

General requirements for membership and licensure

7 All applicants for membership or licensure of any kind shall submit the completed application form as approved by council and provided by the college together with the appropriate fee and:

- (a) in the case of an applicant who is registered or licensed as a midwife in another jurisdiction, evidence of registration and good standing in that jurisdiction;
- (b) in the case of an applicant whose first language is not English, evidence that the applicant meets the requirements for proficiency in English as recognized by the council;
- (c) evidence satisfactory to the council of the applicant's good character and, where applicable, good professional record, including a criminal record check;

(d) in the case of a practising member:

(i) proof of liability insurance as required by section 18; and

(ii) proof of current certification in neonatal resuscitation and cardiopulmonary resuscitation from a program that is recognized by the council.

Section 7 new, Gazette, April 4, 2008, p. 552;
amended, Gazette, September 12, 2014, p. 1986.

Educational program and examinations

8(1) For the purposes of section 20 of the Act, the council may recognize midwifery education programs from Canadian universities that lead to a baccalaureate level degree in midwifery, or an equivalent program.

(2) The Canadian Midwifery Registration Examination (CMRE) is the examination set out for the purposes of clause 20(1)(b) of the Act.

Section 8 new, Gazette, April 4, 2008, p. 552;
amended, Gazette, September 12, 2014, p. 1986.

Full practising membership

9(1) Full practising membership and initial licensure in the college is available to an applicant who:

(a) meets the requirements of subclause 20(1)(a)(i) or (ii) and clauses 20(1)(b) to (d) of the Act and section 7 of these bylaws and:

(i) has clinical experience consisting of attendance at a minimum of 60 births, at least 30 of them as primary midwife; and

(ii) has conducted at least 75 prenatal examinations, and at least 50 postnatal examinations and has provided continuity of care to at least 10 women and has conducted at least 50 examinations of newborn babies; or

(b) meets the requirements of subclause 20(1)(a)(iii) and clauses 20(1)(b) to (d) of the Act and section 7 of these bylaws.

(2) Full practising membership and licensure entitles a person to the following privileges:

(a) to perform the authorized practices comprising the clinical practice of midwifery;

(b) to use the title “Registered Midwife” or “RM”;

(c) to vote and hold office in the college;

- (d) to have voice and vote at the annual and special meetings of the college;
- (e) to be appointed to committees of the college;
- (f) to receive financial assistance for purposes specified in the policies of the college;
- (g) to receive a copy of college documents designed for distribution to practising members; and
- (h) to receive the publications of the college.

(3) A full practising member who has attended fewer than 20 births since obtaining registration and initial licensure as a member or, in the case of a member who was registered or licensed in another jurisdiction in Canada prior to becoming a member, since obtaining initial registration or licensure in that jurisdiction, shall practice midwifery in association with a mentor who provides appropriate guidance and support.

(4) For the purposes of subsection (3), to be eligible to act as a mentor a person must be:

- (a) a full practising member of the college who has attended 20 or more births since obtaining registration as a member or a physician approved by the council; or
- (b) a full practising member of a midwifery college in another jurisdiction in Canada who has attended 20 or more births since obtaining initial registration or licensure in that jurisdiction , where the member being mentored is able in the circumstances to accomplish the educational objectives of the mentoring process.

Section 9 new, Gazette, April 4, 2008, p. 552-3;
amended, Gazette, September 12, 2014, p. 1986.

Restricted membership

10(1) Restricted membership and initial licensure in the college is available to an applicant who:

- (a) meets the requirements of subsection 20(2) of the Act and section 7 of these bylaws; and
- (b) is working, further to a plan approved by the council, towards meeting the requirements to enable registration as a full practising member.

(2) Restricted membership entitles a person to the following privileges:

- (a) to perform the authorized practices comprising the clinical practice of midwifery under the supervision of a supervisor approved in writing by the council and subject to any conditions or restrictions to which her or his licence is subject pursuant to clause 20(2)(b) of the Act;

- (b) to use the title “Registered Midwife” or “RM”;
- (c) to have voice and vote at the annual and special meetings of the college;
- (d) to receive financial assistance for purposes specified in the policies of the college;
- (e) to receive a copy of college documents appropriate for distribution to restricted members; and
- (f) to receive the publications of the college.

Section 10 new, Gazette, April 4, 2008, p. 553

Student membership

11(1) Student membership and initial licensure in the college is available to an applicant who meets the requirements of subsection 20(2) of the Act and section 7 of these bylaws and who is currently enrolled as a student in a midwifery education program referred to in subsection 20(1) of the Act.

(2) Student membership entitles a person to the following privileges:

- (a) to perform the authorized practices comprising the clinical practice of midwifery under the supervision of a supervisor approved in writing by the council and subject to any conditions or restrictions to which her or his licence is subject pursuant to clause 20(2)(b) of the Act;
- (b) to have voice, but no vote, at the annual and special meetings of the college;
- (c) to receive financial assistance for purposes specified in the policies of the college;
- (d) to receive a copy of college documents appropriate for distribution to restricted members; and
- (e) to receive the publications of the college.

Section 11 new, Gazette, April 4, 2008, p. 553.

Non-practising membership

12(1) Non-practising membership in the college is available to an applicant who meets the requirements of section 7 and who:

- (a) is, or is eligible for registration as, a full practising member or restricted member; and
- (b) wishes to cease to practice.

(2) Non-practising membership entitles a person to the following privileges:

- (a) to use the title “Registered Midwife (Non-practising)”;
- (b) to have voice, but no vote, at annual and special meetings of the college;
- (c) to be appointed to committees of the college;
- (d) to receive a copy of college documents appropriate for distribution to non-practising members; and
- (e) to receive the publications of the college.

(3) Persons who are registered as non-practising members may not perform the authorized practices comprising the clinical practice of midwifery or hold themselves out as being entitled to do so.

Section 12 new, Gazette, April 4, 2008, p. 554.

Inactive membership

13 A member who does not pay the annual licensing fee to practice and does not apply for another category of membership is deemed to be an inactive member and is entitled to no privileges of membership.

Section 13 new, Gazette, April 4, 2008, p. 554.

Honourary membership

14(1) The council may bestow an honorary membership in the college on a person who has made a significant contribution to the profession of midwifery.

(2) Honourary membership entitles a person to the following privileges:

- (a) to receive a copy of college documents appropriate for distribution to honorary members; and
- (b) to receive the publications of the college.

Section 14 new, Gazette, April 4, 2008, p. 554.

LICENSURE

Annual licence required

15(1) Every practising member is required to obtain a licence to practise with respect to each calendar year and shall submit an application for a full practising licence or restricted practising licence to the college, together with the applicable licence fee, in accordance with these bylaws.

(2) Repealed.

(3) Repealed.

Section 15 new, Gazette, April 4, 2008, p. 554;
amended, Gazette, September 12, 2014, p. 1987.

Renewal of full practising licence

15.1(1) Renewal of a full practising licence is available to a full practising member who, during the preceding three years:

(a) has clinical experience consisting of attendance at a minimum of 25 births as primary midwife, at least five of which took place in a hospital and at least five of which took place outside of a hospital;

(b) has provided continuity of care to at least 15 women and has conducted at least 25 initial examinations and 25 discharge examinations of newborn babies; and

(c) completes the continuing competence requirements in accordance with section 15.4.

(2) Notwithstanding subsection (1), a full practising member who does not meet all of the requirements of that subsection may obtain a licence to practice by submitting an explanation of the reasons why the member does not meet the requirements and a proposed plan, acceptable to the council, for meeting them within the next calendar year.

(3) The council shall review any proposed plan submitted pursuant to subsection (2) and may approve the plan subject to any revisions, terms or conditions that the council thinks appropriate in order to uphold the duties and attain the objects of the college as set out in section 3.1 of the Act.

Section 15.1 new, Gazette, September 12, 2104, p.1987.

Renewal of restricted practising licence

15.2 Renewal of a restricted practising licence is available to:

(a) a restricted member who has engaged in the active practice of midwifery within the preceding five years;

(b) a student member who is currently enrolled in a midwifery education program referred to in subsection 20(1) of the Act.

Section 15.2 new, Gazette, September 12, 2104, p.1987.

Licence suspension where member ineligible

15.3 The registrar may immediately suspend the licence of a member where the registrar determines that the member was not eligible for the licence when it was obtained, and the registrar shall refer the issue to the Professional Conduct Committee as a complaint.

Section 15.3 new, Gazette, September 12, 2104, p.1987.

Continuing competence requirements

15.4 Each member shall complete and document, in a form acceptable to council:

- (a) on an annual basis:
 - (i) at least three peer review sessions;
 - (ii) a process of reflective practice assessment; and
 - (iii) the distribution of quality of care evaluation forms, as provided by the college, to every woman in her care; and
- (b) during the preceding three years, at least 60 hours of professional development or continuing education activities recognized by the council, at least half of which hours are directly related to the performance of authorized practices.

Section 15.4 new, Gazette, September 12, 2104, p.1987.

COUNCIL REVIEWS

Council reviews

16 For the purposes of a review by council of a decision of the registrar in accordance with subsection 21(4) of the Act, an applicant who is refused registration shall, by written notice, apply to the council for a review within 30 days of receipt of the decision of the registrar.

Section 16 new, Gazette, April 4, 2008, p. 554.

ADVERTISING BY MEMBERS

Limitations

17(1) Subject to the other provisions of this section, members may make information about themselves and the services they provide available to any client, a potential client or the public generally.

(2) An advertisement with respect to a member's practice shall contain only relevant factual and verifiable information.

(3) Advertising, promotion and other marketing activities must be accurate and not capable of misleading the public, either directly or indirectly, through any medium or agent that:

- (a) misrepresents facts;
- (b) compares either directly, indirectly or by innuendo, a member's services or ability with that of any other member or practitioner, or promises or offers more effective service or better results than those available elsewhere;

(c) deprecates another member or a member of another profession as to service, ability or fees;

(d) creates an unjustified expectation about the results the member can achieve;

(e) is made under any false or misleading guise, takes advantage, whether physically, emotionally or financially, of any patient, or uses coercion, duress or harassment;

(f) is incompatible with the best interests of the public or members, or tends to harm the standing of the midwifery profession generally;

(g) contains any testimonial or discloses the names of clients; or

(h) contains any reference to a specific brand of drug, device or equipment.

(4) Members may list on office letterhead and business cards:

(a) only those qualifications they hold;

(b) their name and that of the office, its address, phone, fax, office hours and similar details; and

(c) services provided or area of specialty.

Section 17 new, Gazette, April 4, 2008, p. 555.

INSURANCE

Liability insurance

18 All practising members are required to be insured against liability for professional negligence in an amount that is at least \$10,000,000 per incident and \$20,000,000 per year.

Section 18 new, Gazette, April 4, 2008, p. 555.

CODE OF ETHICS

Compliance required

19 Every member shall comply with the code of ethics contained in Appendix 1.

Section 19 new, Gazette, April 4, 2008, p. 555.

APPENDIX 1

CODE OF ETHICS FOR MIDWIVES IN SASKATCHEWAN

Whereas, The Saskatchewan College of Midwives has been established to protect the public by ensuring safe, accountable midwifery in Saskatchewan, the adoption of a code of ethics is one way of achieving that goal.

Whereas, the observance of ethical standards increases respect and trust for midwifery, by both current and future practitioners as well as the community served.

1. Midwives shall practice midwifery in accordance with *The Midwifery Act*, regulations pursuant to *The Midwifery Act*, the regulatory bylaws and policies of the Saskatchewan College of Midwives and other relevant laws and regulations.
2. Each registered midwife shall at all times act in a manner that enhances the reputation of the profession.
3. Midwives shall respect birth as a normal life process.
4. Midwives shall maintain current competency in their midwifery practice.
5. Midwives shall maintain their own well-being and remain fit to practice.
6. Midwives shall provide midwifery care without discriminating on the basis of the prohibitions set out in the Saskatchewan Human Rights Code.
7. Midwives shall respect a woman's right to informed choice.
8. Midwives shall inform their clients of the scope of midwifery practice and any limitations to the individual midwife's scope of practice.
9. Midwives shall maintain client privacy and confidentiality subject to health privacy legislation as it relates to midwifery and so inform the client.
10. Midwives shall not abandon care of a client in labour or in an emergency, but will make all reasonable efforts not to be in a situation requiring deviation from accepted standards of care.
11. Midwives shall interact professionally, collaboratively, respectfully and honestly with the people with whom they work and practice.
12. Midwives shall not accept any gift, favour or hospitality for a professional endorsement of a commercial product for participation as a registrant at continuing education events.

13. Midwives will not accept any gift, favour or hospitality from a client that could be interpreted as an inducement to provide preferential treatment to them.
14. Midwives shall actively promote equal access to health care that meets the needs of childbearing women.
15. Midwives shall make known to the appropriate person or authority the practice of a colleague that appears not to maintain standards of practice in their profession.
16. Midwives shall provide the best possible care within the midwifery scope of practice in all circumstances. When a midwife is unable to provide care, the midwife shall make all reasonable attempts to find alternative care for the client.

Appendix 1 new, Gazette, April 4, 2008, p. 555-6.

Coming into force

In accordance with subsection 13(4) of *The Midwifery Act*, these Bylaws come into force when they are approved by the Minister and published in the *Gazette*.

I hereby certify this to be a certified and true copy of *The Midwifery Regulatory Bylaws* pursuant as approved at the meeting of the Transitional Council of the Saskatchewan College of Midwives on April 22, 2014.

CERTIFIED TRUE COPY:

Cheryl Olson, Executive Director/Registrar,
Saskatchewan College of Midwives.
Date: July 10, 2014.

APPROVED BY:

Honourable Dustin Duncan,
Minister of Health.
Date: September 4, 2014.