



Midwifery Regulatory Bylaws, 2023

Effective April 28, 2023



Saskatchewan College of Midwives

Midwifery Regulatory Bylaws, 2023

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The Midwifery Act

SASKATCHEWAN COLLEGE OF MIDWIVES — MIDWIFERY REGULATORY BYLAWS, 2023

Title

- 1 These Bylaws may be referred to as *The Midwifery Regulatory Bylaws, 2023*.

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.

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.

Discipline committee

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

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.

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) inactive membership.

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; and
- (d) in the case of a practising member:
 - (i) proof of liability insurance for professional negligence in an amount that is at least \$10,000,000 per incident and \$20,000,000 per year;
 - (ii) proof of current certification in neonatal resuscitation and cardiopulmonary resuscitation from a program that is recognized by the council; and
 - (iii) proof of current obstetrical emergency skills.

Educational program and examinations

8(1) For the purposes of section 20 of the Act, the council may:

- (a) recognize midwifery education programs from Canadian universities that lead to a minimum baccalaureate level degree in midwifery; or
- (b) approve assessment processes that evaluate and bridge individual applicants' ability to perform the entry-level competencies of midwifery.

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

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 subclauses 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 individuals and has conducted at least 50 examinations of infants; 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.

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 the member’s licence is subject pursuant to clause 20(2)(b) of the Act;

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

(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.

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 the member's 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.

Inactive membership

12 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.

LICENSURE

Annual licence required

13 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.

Renewal of full practising licence

14(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 a 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 individuals;
- (c) has conducted at least 25 physical examinations of infants; and
- (d) completes the continuing competence requirements in accordance with section 17.

(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.

Renewal of restricted practising licence

15 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.

Licence suspension where member ineligible

16 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.

Continuing competence requirements

17(1) 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 individual in midwifery care; and

(b) the required number of 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, as follows:

(i) in the case of a member who was initially registered in the immediately previous year, 0 hours;

(ii) in the case of a member who was initially registered two years previously, 20 hours;

(iii) in the case of a member who was initially registered three years previously, 40 hours;

(iv) in the case of a member who was initially registered four or more years previously, 60 hours.

PROFESSIONAL PRACTICE

Generally

18 All members shall ensure that they work within their educational preparation, level of competence, and scope of practice.

Code of Ethics

19 Every member shall conduct themselves in an honourable and ethical manner, upholding the values of truth, honesty and trustworthiness, and shall observe the standards of conduct set out in the *Code of Ethics for Midwives*, December 2021.

Midwifery Standards of Practice

20 Every member shall comply with the standards of practice set out in the current version of *Midwifery Standards of Practice* approved by the council.

Controlled drugs and substances

21 A member must complete a training course approved by the council in order to prescribe, administer and/or possess controlled drugs or substances for the purposes of practising midwifery and as authorized by the *New Classes of Practitioners Regulations*, being SOR 2012-230, enacted pursuant to the authority of the *Controlled Drugs and Substances Act* (Canada).

ADVERTISING BY MEMBERS

Limitations

22(1) Advertising includes any communication made orally, in print, through electronic media or via the internet (including websites and social media), by or on behalf of a member, to the public where its substantial purpose is to promote the member.

- (2) A member must ensure advertising done on their behalf by a third party complies with this bylaw and show, in writing, where advertising by a third party was reviewed and approved by the member.
- (3) 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.
- (4) An advertisement with respect to a member's practice shall contain only relevant factual and verifiable information.
- (5) 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.

COUNCIL REVIEWS

Council reviews

23 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.

COMING INTO FORCE

Coming into force

24 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 Saskatchewan Gazette*.

I hereby certify this to be a true copy of *The Midwifery Regulatory Bylaws, 2023* as approved at the meeting of the Transitional Council of the Saskatchewan College of Midwives on September 13, 2022.

Certified true copy of the *The Midwifery Regulatory Bylaws, 2023*, Saskatchewan College of Midwives in accordance with subsection 15(1) of *The Midwifery Act*.

CERTIFIED TRUE COPY:

Cheryl Deschene, Executive Director/Registrar,
Saskatchewan College of Midwives
Date: January 30, 2023.

APPROVED BY:

Honourable Paul Merriman, Minister of
Health.
Date: April 19, 2023.