

**IN THE MATTER OF THE  
HEALTH PROFESSIONS ACT, S.B.C. 1990, c. 50  
AND THE MIDWIVES REGULATION, B.C. Reg. 103/95**

**BYLAWS  
FOR  
COLLEGE OF MIDWIVES  
OF  
BRITISH COLUMBIA**

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## PART A

### Definitions

1. In these bylaws, the following definitions apply:

“**Act**” means the *Health Professions Act*;

“**appointed board member**” means a member of the board appointed under section 16(3)(b) of the *Act*;

“**board**” means the board for the college;

“**board member**” means an appointed board member or an elected board member;

“**chair**” means the person appointed under this bylaw to chair the board, a committee or a panel, and includes the vice-chair when the context so requires;

“**client**” means the woman and, where appropriate, her newborn, under the care of the registrant;

“**college**” means the College of Midwives of British Columbia;

“**conditional registrant**” means a registrant who is registered in the class established in section 44 (b);

“**conditional (remedial) registrant**” means a registrant who is registered in the class established in section 44 (c);

“**conditional (return to practice) registrant**” means a registrant who is registered in the class established in section 44 (d);

“**consent agreement**” means the record of an undertaking or a consent given under section 35 of the *Act* for the purposes of resolving a complaint;

“**continuity of care**” means the provision of midwifery services during the antepartum, intrapartum and postpartum periods, to a client by a registrant or small group of registrants known to the client, and includes twenty four (24) hour on-call availability of care from a midwife known to the woman;

“**elected board member**” means a member of the board elected under section 16(3)(a) of the *Act*;

“**general registrant**” means a registrant who is registered in the class established in section 44 (a);

“**hospital**” has the same meaning as in section 1 of the *Hospital Act*;

**“incapacitated”** means that a registrant is suffering from a physical or mental ailment, emotional disturbance, or an addiction to alcohol or drugs that impairs her or his ability to practice midwifery;

**“in good standing”**, in respect of a registrant, means

(a) the registrant’s registration as a member of the college is not suspended under the *Act*, and

(b) no limits or conditions are imposed on the practice of midwifery by the registrant under section 20, 32.2, 32.3, 33, 35, 36, 37.1, 38, 39 or 39.1 of the *Act*;

**“jurisprudence examination”** means an examination respecting the regulations, standards and knowledge specific to the practice of midwifery in British Columbia;

**“non-practising registrant”** means a registrant who is registered in the class established in section 44 (h);

**“personal information”** has the meaning prescribed under Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;

**“principal midwife”** means a midwife who, in her or his practice or as part of her or his midwifery education program, takes responsibility for and provides midwifery services as the primary care provider during the intrapartum period, in a hospital or out-of-hospital setting;

**“professional misconduct of a sexual nature”** means exploitation of the registrant-client relationship in a sexual way by the registrant’s words or actions, or both;

**“public representative”** means a person who is not a registrant and who has no close family or business relationship with a registrant and includes an appointed board member when the context so requires;

**“recognized midwifery education program”** means a midwifery education program that is recognized by the college for the purpose of registration and specified in Schedule 6;

**“record”** has the meaning prescribed under Schedule 1 of the *Freedom of Information and Protection of Privacy Act*;

**“registrant”** means a person who is granted registration as a member of the college;

**“registrar”** means the registrar for the college;

**“registration examination”** means the Canadian Midwifery Registration Examination, or any other theoretical or practical examination or assessment, given orally or in writing, or any combination of these used for the purposes of assessing an application for

registration under this Part, and includes a supplemental examination or a re-examination;

**“Regulation”** means the Midwives Regulation, B.C. Reg. 281/2008;

**“regulatory authority”** means a regulatory college, professional association or governmental body that regulates a profession;

**“respondent”** means a registrant named in a citation issued under section 36 of the *Act*;

**“second midwife”** means a midwife who, in her or his practice or as a part of her or his midwifery education program, takes responsibility for assisting the principal midwife during the intrapartum period in a out-of-hospital setting;

**“standards of practice”** means the standards set out in Part VIII of the bylaws or a statement published by the board under section 19(1)(k) of the *Act*, setting out the minimum standard, or minimum standards, for practising the profession or a specified aspect of midwifery practice and which reflect the essential knowledge, skills and abilities registrants are expected to have in order to perform or provide midwifery services in a safe, competent and professional manner, along with any related limits or conditions that must be observed or met to ensure registrants do not practise in an incompetent manner;

**“student registrant”** means a registrant who is registered in the class established in section 44 (i);

**“temporary (emergency) registrant”** means a registrant who is registered in the class established in section 44 (g);

**“temporary (limited scope) registrant”** means a registrant who is registered in the class established in section 44 (f);

**“temporary registrant”** means a registrant who is registered in the class established in section 44 (e).

## **PART I: BOARD OF THE COLLEGE**

### **First board**

- 1.1 (1) Notwithstanding the definitions set out in part 1, for the purposes of this part of the bylaws:
- (a) "**appointed board member**" means a person appointed under section 16(2)(a) of the *Act*, to represent the public on the first board; and
  - (b) "**elected board member**" means a person appointed under section 16(2)(a) of the *Act* to represent midwives on the first board.
- (2) This section is repealed ninety (90) days following the first election referred to in section 16(2)(a) of the *Act*.

### **Board members**

2. The board shall consist of six (6) elected board members and three (3) appointed board members.

### **Nomination procedure**

3. (1) At least six (6) months prior to the expiry of the term of office of an elected board member, the registrar shall notify every registrant of pending vacant positions and provide information about the voting procedure and of the nomination procedure by sending a written notice to each registrant to her or his last known address.
- (2) Any registrant, in good standing, may nominate for office a maximum of three (3) registrants for election to the board.
- (3) Nominations may be made by mailing such nomination to the registrar, together with a letter of consent from the nominee, at least four (4) months prior to the expiry of the term of office.
- (4) A nominee shall declare in writing, that she or he will observe the provisions of the *Act*, the *Regulation* and these bylaws and the procedures related to the election and the conduct of the election.
- (5) The registrar shall disqualify any nominee whose nomination or election contravenes the *Act*, the *Regulation*, or these bylaws.

### **Election procedure**

4. (1) The registrar shall prepare and mail to each registrant an election ballot not less than three (3) months prior to the expiry of the term of office.
- (2) Each registrant will be entitled to one (1) ballot and may vote in favour of one (1) person for each board position to be elected.
- (3) A ballot shall not be counted unless it is received by the registrar at least sixty (60) days prior to the expiry of the term of office and is contained in an envelope on which the registrant's name and signature appears.
- (4) The person or persons receiving the most votes on the return of the ballots shall be elected to the board.
- (5) In the case of a tie vote, an additional vote for one (1) of the tied candidates shall be cast by a random draw to be administered by the registrar.
- (6) The board may establish procedures, consistent with these bylaws, governing the administration of all elections and the registrar shall supervise the administration of all elections in accordance with those procedures.

### **Vacancy**

5. Any vacancy of an elected board member position may be filled by another registrant for the period of time until the next scheduled board election by a vote of at least two thirds (2/3) of the remaining board members.

### **Term of office**

6. (1) The term of office for an elected board member is three (3) years.
- (2) An elected board member is eligible for re-election for a maximum of two (2) consecutive terms.
- (3) A board member may resign at any time by delivering a notice in writing to the registrar and the resignation of a board member shall take effect immediately upon its delivery.
- (4) A member of the board who resigns or whose appointment term has ended:
  - (a) may continue to serve until a successor is appointed; and
  - (b) even if a successor is appointed may continue to serve as a member of a committee or panel to complete work commenced before their resignation or end of term.

- (5) An elected board member may be removed by a special resolution of the board or of the registrants at a general meeting held in accordance with the provisions of Part 3.

### **First election and staggered terms of office**

- 6.1 (1) Notwithstanding section 6, the first term of the elected board members who are elected during the first election shall be:
- (a) three (3) years, for the persons receiving the first and second highest number of votes;
  - (b) two (2) years, for the persons receiving the third and fourth highest number of votes; and
  - (c) one (1) year, for the persons receiving the fifth and sixth highest number of votes.
- (2) This section is repealed four (4) years after the coming into force of this bylaw.

### **Election/appointment of the president and vice-president**

7. (1) The president and vice-president shall each be elected or appointed by the board from its members for one (1) term of up to two (2) years.
- (2) The president and vice-president are eligible for re-election for a maximum of two (2) consecutive terms.

### **Powers of the president and vice-president**

8. The president (or in her or his absence, the vice-president) shall:
- (a) preside at all meetings of the college and board and be an ex-officio member of all committees;
  - (b) sign all certificates, diplomas and other instruments executed on behalf of the college as required;
  - (c) sign the minutes of each meeting when approved by the board; and
  - (d) act generally in accordance with the requirements of her or his office for the proper carrying out of the duties of the board.

### **Acting chair**

9. In the absence of the president or the vice-president, an acting chair for a meeting shall be elected by a majority vote of:
- (a) the members of the board present at a board meeting; or
  - (b) the registrants present at a general meeting.

### **Board meetings**

10. (1) The board shall meet in person at least four (4) times in each fiscal year.
- (2) The registrar shall ensure that reasonable notice of board meetings is given to registrants and to the public.
- (3) Notwithstanding subsection (2), the registrar or the president may call a meeting of the board without providing notice to the registrants where necessary to conduct urgent business.
- (4) The registrar shall provide the following to members of the public on request:
- (a) details of the time and place of a board meeting;
  - (b) a copy of the agenda; and
  - (c) a copy of the minutes of any preceding meeting.
- (5) Meetings of the board shall be called by the registrar at the request of either the president or any three (3) board members.
- (6) A majority of the board constitutes a quorum provided at least one appointed board member is present.
- (7) The registrar shall ensure that minutes are taken at each board meeting and retained on file.

### **Committees**

11. (1) All committees shall carry out the powers, duties or functions assigned under the *Act*.
- (2) A committee member:
  - (a) shall sit for a term of three (3) years;
  - (b) is eligible for re-appointment for a maximum of two (2) consecutive terms; and
  - (c) may be removed by a two-thirds (2/3) vote of the board.
- (3) The board shall appoint a committee chair from among the members of the committee.
- (4) Each committee and panel shall consist of one-third (1/3) public representation.
- (5) The registrar shall be a non-voting, ex-officio member of all committees.

### **Appointment of panels**

12. A committee chair may establish a panel, appoint the chair and members of that panel.

### **General rules governing meetings of the board, a committee or a panel**

13. (1) The meetings of the board, a committee or a panel shall be open to registrants and to the public.
- (2) Notwithstanding subsection (1), the board, committee or panel may exclude any person from any meeting, or part of a meeting, if it is satisfied that:
  - (a) financial or personal or other matters may be disclosed of such a nature that the desirability of avoiding public disclosure of them in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that meetings be open to the public;
  - (b) a person involved in a court or tribunal proceeding may be prejudiced;
  - (c) personnel matters or property acquisitions will be discussed; or
  - (d) instructions will be given to or opinions received from legal counsel for the college, the board, committees or panels.

- (3) If the board, committee or panel excludes any person from a meeting, it shall have its reasons for doing so noted in the minutes of the meeting.
- (4) The president or chair shall ensure that minutes are taken at each committee or panel meeting and retained on file.
- (5) No resolution proposed at a meeting need be seconded.
- (6) The president of the board or a chair of a committee or panel meeting may move or propose a resolution.
- (7) In case of an equality of votes, the president or chair shall not have a casting or second vote in addition to the vote to which he or she is entitled as a board, committee or panel member and the proposed resolution shall not pass.
- (8) A written resolution signed by all members of the board, committee or panel is valid and binding and of the same effect as if such resolution had been duly passed at a meeting of the board, committee or panel.
- (9) The board, a committee or a panel may conduct business by mail, facsimile, or conference telephone.
- (10) A majority of the committee constitutes a quorum if a public representative is present.
- (10.1) Three members of a panel constitutes a quorum if a public representative is present.
- (11) The chair of each committee shall annually submit a written report of that committee's activities to the board, including the activities of any panel of that committee.
- (12) Except as otherwise provided in the *Act*, the *Regulation* or these bylaws, *Robert's Rules of Order, revised*, shall govern the procedures at meetings of the board, a committee or a panel.

### **Remuneration**

- 14
- (1) Board members are equally entitled to be
    - (a) paid an honorarium as approved by the board from time to time for attendance at board meetings, and
    - (b) reimbursed by the college for reasonable expenses necessarily incurred in connection with business of the board.

- (2) Committee or panel members are equally entitled to be
  - (a) paid an honorarium as approved by the board from time to time, and
  - (b) reimbursed by the college for reasonable expenses necessarily incurred in connection with business of the committee or a panel of the committee.

### **Executive committee**

- 14.1 (1) The executive committee is established consisting of 3 board members appointed by the board, at least 1 of whom must be an appointed board member.
- (2) The executive committee may act on any matter related to the ongoing administration of the college, and may exercise all the powers of the board except when the board is in session.
- (3) The executive committee must take minutes of its proceedings and submit them to the board at the next board meeting.

### **Registration committee**

15. (1) The registration committee is established consisting of at least six (6) persons appointed by the board, at least one (1) of whom must be an elected board member.
- (2) At least one-third (1/3) of the registration committee must consist of public representatives.

### **Inquiry committee**

16. (1) The inquiry committee is established consisting of at least three (3) persons appointed by the board, at least one (1) of whom must be an elected board member.
  - (1.1) At least one-third (1/3) of the inquiry committee must consist of public representatives.
  - (2) The chair of the inquiry committee may appoint an inquiry panel, consisting of at least three (3) members, one (1) of whom shall be a public representative, to investigate a complaint referred to the committee by the registrar.
  - (3) The chair of the inquiry committee may appoint a fitness to practice panel consisting of at least three (3) representatives, one (1) of whom shall be a public representative, to investigate a registrant where there is reason to believe that the registrant is incapacitated.

### **Discipline committee**

17. (1) The discipline committee is established consisting of at least three (3) persons appointed by the board, at least one (1) of whom must be an elected board member.
  - (1.1) At least one-third (1/3) of the discipline committee must consist of public representatives.
  - (2) The chair of the discipline committee may appoint a panel, consisting of at least three (3) members, one (1) of whom shall be a public representative, to hear any matter set down for a hearing by citation.

### **Quality assurance committee**

18. (1) The quality assurance committee is established consisting of at least six (6) persons appointed by the board, at least three (3) of whom must be registrants and at least one (1) of whom must be an elected board member.
  - (2) At least one-third (1/3) of the quality assurance committee must consist of public representatives.
  - (3) The quality assurance committee is responsible for
    - (a) reviewing the standards of practice to enhance the quality of midwifery practice among registrants and making recommendations to the board,
    - (b) recommending continuing competency requirements for the purposes of section 59 to the board,
    - (c) reviewing the criteria, policies and procedures pertaining to certification programs for the performance of activities described in section 6(2) of the *Regulation*, and the competencies required for certification, and making recommendations to the board for approval,
    - (d) reviewing certification programs for the performance of activities described in section 6(2) of the *Regulation*, in accordance with applicable criteria or policies established by the board, and making recommendations to the board for approval,
    - (e) recommending a quality assurance program to the board,
    - (f) administering the quality assurance program to promote high standards of practice among registrants,

- (g) assessing the professional performance of individual registrants, which may include
  - (i) an on-site visit to a registrant's place of practice,
  - (ii) a review of the patterns of prescribing, ordering of diagnostic tests and consultations described in section 6(1) of the *Regulation*, or
  - (iii) any other method of quality assurance approved by the board, and
- (h) establishing remedial procedures to assist registrants in identifying and correcting deficiencies in their clinical abilities or places of practice.

### **Standards of practice committee**

- 18.1 (1) The standards of practice committee is established consisting of eleven (11) persons appointed by the board as follows:
- (a) four (4) general registrants, at least one (1) of whom must be an elected board member;
  - (b) four (4) public representatives, at least one (1) of whom must be an appointed board member;
  - (c) one (1) registrant in good standing of the College of Physicians and Surgeons of British Columbia, who must be an obstetrician gynaecologist or a family physician in obstetrical practice, confirmed by the College of Physicians and Surgeons as suitable for membership on the committee;
  - (d) one (1) registrant in good standing of the College of Pharmacists of British Columbia confirmed by the College of Pharmacists as suitable for membership on the committee;
  - (e) one (1) person nominated by the Ministry of Health.
- (2) The standards of practice committee is responsible for
- (a) reviewing and recommending to the board the drugs and substances that midwives may prescribe, order and administer consistent with the midwife's scope of practice and Schedules A and B of the *Regulation*,
  - (b) developing and recommending to the board the standards of practice for prescribing, ordering and administering drugs,
  - (c) reviewing and recommending to the board the screening and diagnostic tests that midwives may order and interpret, and

- (d) developing and recommending to the board the standards of practice for ordering and interpreting screening and diagnostic tests.

### **Client relations committee**

19. (1) The client relations committee is the patient relations committee referred to in clause 19(1)(t) of the *Act*.
- (2) The client relations committee is established consisting of at least three (3) persons appointed by the board, at least one (1) of whom must be an elected board member.
- (2.1) At least one-third (1/3) of the client relations committee must consist of public representatives.
- (3) The client relations committee shall:
- (a) develop and co-ordinate sexual abuse educational programs for registrants, as required;
  - (b) develop guidelines for the conduct of registrants with their clients;
  - (c) develop information material for the public explaining the guidelines developed under clause (b);
  - (d) establish and maintain procedures by which the college deals with complaints of professional misconduct of a sexual nature; and
  - (e) monitor and periodically evaluate the operation of the procedures established under clause (d).

### **Committee on aboriginal midwifery**

20. (1) The committee on aboriginal midwifery is established consisting of at least three (3) aboriginal persons appointed by the board.
- (2) The committee on aboriginal midwifery may recommend bylaws to the board regarding the following matters:
- (a) a class of traditional aboriginal midwives and classes of aboriginal midwives;
  - (b) requirements for the registration of traditional aboriginal midwives and aboriginal midwives;

- (c) standards, limits or conditions for the practice of midwifery by aboriginal midwives;
  - (d) standards of professional ethics for aboriginal midwives;
  - (e) standards of education for aboriginal midwives;
  - (f) requirements for continuing education for aboriginal midwives; and
  - (g) procedures to be followed by the committee.
- (3) The committee on aboriginal midwifery may nominate a person to fill a position on each committee of the board.
- (4) Where a recommendation by the committee made under subsection (2) is not accepted by the board regarding a proposed bylaw, the matter may be referred to the Minister jointly by the board and the committee on aboriginal midwifery.

## **PART II: COLLEGE ADMINISTRATION**

### **Seal**

21. (1) The board may provide a common seal for the college.
- (2) The seal of the college shall be affixed to certificates of registration and such other documents as the board may direct by resolution, under the hands of such persons as the board may designate.

### **Registrar**

22. In addition to the powers and duties of the registrar under the *Act*, the registrar must
- (a) be responsible for the funds of the college and make deposits in a chartered bank or other similar financial institution designated by the board,
  - (b) at each meeting of the board, submit a report of all revenues and expenditures since the last meeting unless otherwise ordered by the board,
  - (c) submit an annual report to the annual general meeting of the college,
  - (d) submit a financial statement to the auditor immediately after the end of each fiscal year, and
  - (e) carry out other such duties as directed by the board.

### **Deputy registrar**

- 22.1 If a deputy registrar is appointed by the board,
- (a) the deputy registrar is authorized to perform all duties and exercise all powers of the registrar, subject to the direction of the registrar, and
  - (b) if the registrar is absent or unable to act for any reason, the deputy registrar is authorized to perform all duties and exercise all powers of the registrar.

### **Fiscal year**

23. The fiscal year of the college shall commence on April 1st and end on March 31st of the following year.

### **Payments**

24. All payments on behalf of the college shall be made by cheque or by pre-approved automatic payment for items charged to the college's credit cards:
- (1) All cheques shall be signed by:
    - (a) the registrar and one of the board members with signing authority; or
    - (b) two of the board members with signing authority so long as one of them is a member of the executive; or
    - (c) the registrar and the office manager to a maximum of Cdn \$2,000 per cheque; or
    - (d) the office manager and one of the executive members with signing authority to a maximum of Cdn \$2,000 per cheque.

### **Banking**

25. The college shall establish and maintain such accounts with a chartered bank, trust company or credit union as the board determines necessary from time to time.

### **Payments and commitments**

26. (1) The registrar and a designated board member may approve payments and commitments for the purchase of goods and services up to \$1,000.
- (2) All payments and commitments by the college in excess of \$1,000 shall be approved by the board.
- (3) The board shall not purchase personal or real property or enter contracts for services in excess of \$100,000 without a special resolution approved by the registrants at a general meeting.

### **Financial authority**

27. The board may:
- (a) raise or secure the payment or repayment of money on behalf of and in the name of the college, in the manner it decides, in order to carry out the purposes of the college; and
  - (b) invest funds of the college in lawful securities for the establishment of trust funds in the name of the college and may change those investments.

### **Borrowing powers**

28. The registrants may, by special resolution at an annual or special general meeting, restrict the borrowing powers of the board, but a restriction imposed expires at the next annual general meeting.

### **Investment income**

29. All income derived from invested funds shall be added to and become part of the ordinary income of the college.

### **Auditor**

30. The board shall appoint a chartered accountant or a certified general accountant to be the auditor who shall audit the financial statement submitted by the registrar immediately after the end of each fiscal year.

### **Legal counsel**

31. The board may retain legal counsel for the purpose of assisting the board, committees, or panels in carrying out any duty or responsibility under the *Act*, the *Regulation* or these bylaws.

### **PART III: GENERAL MEETINGS OF REGISTRANTS**

#### **General meetings and annual general meetings**

32. (1) A general meeting of the registrants shall be held in British Columbia at a time and place determined by the board.
- (2) The first annual general meeting shall be held not more than fifteen (15) months after the date the bylaws are approved by the Lieutenant Governor in Council and after that an annual general meeting shall be held at least once in every calendar year and not more than fifteen (15) months after the holding of the last preceding annual general meeting.
- (3) The following matters shall be considered at an annual general meeting:
- (a) financial statements;
  - (b) the report of the board; and
  - (c) the report of the auditor, if any.
- (4) Every general meeting, other than an annual general meeting, is an extraordinary general meeting.
- (5) The board:
- (a) may convene an extraordinary general meeting by resolution of the board; and
  - (b) shall convene an extraordinary general meeting within sixty (60) days after receipt by the registrar of a request for such a meeting signed by at least ten (10) percent of registrants or fifteen (15) registrants, whichever is greater.

#### **Notice of general meetings**

33. (1) The board shall deliver notice of an annual or extraordinary general meeting to every registrant at least forty-five (45) days prior to the meeting.
- (2) Notice of a general meeting shall include:
- (a) the place, day and time of the meeting;
  - (b) the general nature of the business to be considered at the meeting;
  - (c) any resolutions proposed by the board; and

- (d) any resolutions proposed by the registrants under section 34 and delivered to the registrar prior to the mailing of the notice.
- (3) The accidental omission to deliver notice of a meeting to, or the non-receipt of a notice by, any registrant or board member entitled to receive notice does not invalidate proceedings at that meeting.

### **Resolutions proposed by registrants**

34. (1) Any ten (10) registrants may deliver a written notice to the registrar requesting the introduction of a resolution at least thirty (30) days prior to the date of an annual or extraordinary general meeting.
- (2) On receipt of a notice specified in subsection (1) and at least fourteen (14) days prior to the date of that meeting, the registrar shall deliver a notice and a copy of the resolution to each registrant.
- (3) A registrant may propose a resolution at a general meeting from the floor and any such resolution will be noted by the chair of the meeting and placed at the end of the agenda to be debated if time permits.
- (4) A resolution passed or defeated at a general meeting must not bind the board, any committee of the college, the registrar, or any other officer, employee or agent of the college in the exercise of its or their powers or in the performance of its or their duties under the *Act* or any other enactment.

### **Proceedings at general meetings**

35. (1) A quorum is ten (10) percent of total registrants or fifteen (15) registrants, whichever is greater.
- (2) No business, other than the adjournment or termination of the meeting, may be conducted at a general meeting at a time when a quorum is not present.
- (3) If at any time during a general meeting there ceases to be a quorum present, business then in progress shall be suspended until there is a quorum present.
- (4) If within thirty (30) minutes from the time appointed for the commencement of a general meeting or from any time during a general meeting when a quorum is not present, the meeting shall be adjourned.
- (5) In the absence of the president and the vice-president of the board, an acting chair for a meeting shall be elected by a majority vote of the registrants present.

- (6) A general meeting may be adjourned from time to time and from place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (7) When a meeting is adjourned in accordance with subsection (4) or by motion, notice of the rescheduled meeting shall be delivered as in the case of the original meeting.
- (8) A registrant present at a meeting is entitled to one (1) vote and the chair of the meeting, where the chair is a registrant, is entitled to one (1) vote.
- (9) Voting shall be conducted by ballot.
- (10) In case of a tie vote, the proposed resolution shall not pass.
- (11) Except as these bylaws otherwise provide, the most recent edition of *Robert's Rules of Order* governs the procedures at an annual or extraordinary general meeting.

#### **Notice to public representatives**

36. Every notice or mailing provided to the general membership of the college shall also be provided to a public representative serving on the board or a committee or panel.

## **PART IV: COLLEGE RECORDS**

### **Body responsible for administering the *Freedom of Information and Protection of Privacy Act***

37. (1) The registrar is the "head" of the college for the purposes of the *Freedom of Information and Protection of Privacy Act*.
- (2) The registrar may authorise a person employed by the college or a person who has contracted to perform services for the college to perform any duty or exercise any function of the registrar that arises under the *Freedom of Information and Protection of Privacy Act*.
- (3) The board is responsible for ensuring that the registrar fulfils the applicable duties under the *Freedom of Information and Protection of Privacy Act*.
- (4) The registrar shall report to the board regarding the steps she or he has taken to fulfil the applicable duties under the *Freedom of Information and Protection of Privacy Act*.

### **Fees for information requests**

38. Subject to section 75 of the *Freedom of Information and Protection of Privacy Act*, an applicant who requests access to a college record under section 5 of the *Freedom of Information and Protection of Privacy Act* shall pay the fees set out in Schedule 4 for services required to comply with the information request.

### **Protection of personal information**

39. The board shall take all reasonable measures to ensure that:
- (a) the collection, use, and disclosure of personal information occurs in accordance with the *Freedom of Information and Protection of Privacy Act*; and
- (b) where personal information is sent to any person or service organisation for processing, storage or destruction, a contract is made with that person or organisation which includes an undertaking by the person or organisation that confidentiality will be maintained.

### **Disclosure of annual report**

40. The college shall deliver a copy of the annual report to every registrant and to a person on request.

### **Disclosure of registration status**

41. (1) Where an inquiry about the registration status of a person is received by the board or the registrar, the registrar shall disclose:
- (a) whether or not that person is a registrant or a former registrant;
  - (b) whether or not the discipline committee has ever issued an order relating to that person under section 38 of the *Act* and the details of that order;
  - (c) whether or not that person has ever signed a consent agreement under section 35 of the *Act*; and
  - (d) the details of a consent agreement pertaining to a change in that person's registration status or a restriction on the practice of the profession.
- (2) Except with the consent of the person affected, the registrar shall not release the names of complainants, clients, or their families or information which might otherwise enable a person inquiring about the status of a registrant to establish the identity of complainants, clients or their families.

### **Manner of disposal of college records containing personal information**

42. The board shall ensure that a college record containing personal information is disposed of only by:
- (a) effectively destroying a physical record by utilising a shredder or by complete burning;
  - (b) erasing information recorded or stored by electronic methods on tapes, disks or cassettes in a manner that ensures that the information cannot be reconstructed;
  - (c) returning the record to the person the information pertains to; or
  - (d) returning the record to the registrant who compiled the information.

## **PART V: REGISTRATION**

### **Repealed**

43. Repealed.

### **Classes of registrants**

44. The following classes of registrants are established:

- (a) general;
- (b) conditional;
- (c) conditional (remedial);
- (d) conditional (return to practice);
- (e) temporary;
- (f) temporary (limited scope);
- (g) temporary (emergency);
- (h) non-practising;
- (i) student.

### **Basic registration requirements**

45. (1) An applicant for registration, or reinstatement of registration, must deliver the following to the registrar:
- (a) a completed and signed application for registration, or reinstatement of registration, and a statutory declaration, in Form 1;
  - (b) any applicable administrative, application, jurisprudence examination, registration examination, registration, reinstatement or other fees specified in Schedule 3;
  - (c) any other fee, fine, debt or levy owed to the college;
  - (d) a certified passport size photograph of the applicant taken within one (1) year prior to the date of application;

- (e) a notarized copy, or other evidence satisfactory to the registration committee, of the applicant's
    - (i) Canadian citizenship, or
    - (ii) authorization to reside and work in Canada, or in the case of an applicant for student registration, to reside and study in Canada;
  - (f) evidence satisfactory to the registration committee of the applicant's English language proficiency;
  - (g) a signed criminal record check authorization or criminal record check verification authorization, as applicable, in the form required by the *Criminal Records Review Act*;
  - (h) in the case of an applicant who is practising or has practised midwifery or another health profession in another jurisdiction, an authorization for a criminal record check in that other jurisdiction.
- (2) An applicant for registration, or reinstatement of registration, must
- (a) disclose on her or his application form all information that relates to the applicant and her or his practice of midwifery, including but not limited to the following, regardless of where the events took place:
    - (i) a finding of professional misconduct, incompetence or incapacity by a regulatory authority;
    - (ii) an investigation in process with a regulatory authority;
    - (iii) a reprimand or imposition of conditions or educational requirements by a regulatory authority as a result of a complaint;
    - (iv) an agreement to an undertaking made by consent with a regulatory authority;
    - (v) a dismissal for cause by an employer;
    - (vi) a denial of registration by a regulatory authority;
    - (vii) a voluntary resignation of registration on the request or advice of a regulatory authority;
    - (viii) any verdict and recommendations of a coroner's investigation, coroner's inquiry or coroner's inquest;

- (ix) a coroner's investigation, inquiry or inquest that is in process;
  - (x) a denial, suspension, restriction or modification of hospital admitting privileges or a permit to practice;
  - (xi) a voluntary resignation of hospital privileges on the request or advice of a hospital or health authority administration;
  - (xii) a professional liability insurance claim;
  - (xiii) a settlement or judgement in any civil law suit or particulars of any civil action that is pending where the applicant is a party;
  - (xiv) a conviction in relation to any federal or provincial offence,
- (b) satisfy the registration committee that any deficiency in her or his practice or ethics revealed by the matters disclosed under paragraph (a) has been remedied and there is no undue risk to public health and safety, and
  - (c) satisfy the registration committee of her or his good character consistent with the responsibilities of a registrant and the standards of practice expected of a registrant.
- (3) Subsections (1) and (2) do not apply in respect of
    - (a) an application for registration, or renewal of registration, under section 49.2,
    - (b) an application for registration under section 50, or
    - (c) an application for return to general or temporary registration under section 56.
  - (4) Subsection (2) applies in respect of an application for renewal of registration under section 53.

### **Repealed**

45.1. Repealed.

### **General registration**

- 46. (1) For the purposes of section 20 (2) of the *Act*, the conditions and requirements for general registration are

- (a) graduation from a recognized midwifery education program,
- (b) attendance as a midwife, in a jurisdiction where midwifery is recognized by law, at a minimum of sixty (60) births within the five (5) years prior to the date of application under this section, of which
  - (i) at least thirty (30) births were conducted in accordance with the principles of continuity of care, and
  - (ii) at least forty (40) births were attended as the principal midwife, and of those
    - (A) at least five (5) births were in a hospital setting, and
    - (B) at least five (5) births were in an out-of-hospital setting,
- (c) successful completion of the registration examination required by the registration committee, no more than three (3) years prior to the date of application under this section,
- (d) successful completion of the jurisprudence examination required by the registration committee, no more than three (3) years prior to the date of application under this section,
- (e) current certification in neonatal resuscitation, cardiopulmonary resuscitation and emergency skills from programs that are acceptable to the registration committee, and
- (f) receipt by the registrar of
  - (i) a notarized, certified or other copy acceptable to the registration committee of all certificates, diplomas or degrees, and evidence satisfactory to the registration committee that the applicant is the person named therein,
  - (ii) a letter or certificate, in a form satisfactory to the registration committee, from each body responsible for the regulation of midwifery or another health profession in a jurisdiction where the applicant is, or has been, authorized to practice midwifery or another health profession, specifying particulars of any cancellation, suspension, limitation or conditions on the applicant's entitlement to practice, or any investigation, review or proceeding which could lead to cancellation, suspension, limitation or conditions on the applicant's entitlement to practice,

- (iii) proof of professional liability protection or insurance coverage as required under section 58,
  - (iv) the items required under section 45 (1), and
  - (v) evidence satisfactory to the registration committee that the applicant meets the conditions and requirements established in section 45 (2) (b) and (c).
- (2) Despite subsection (1), an applicant may be granted registration under this section if the applicant
  - (a) is authorized, by a regulatory authority that regulates the practice of midwifery in another Canadian jurisdiction, to practice midwifery in the other Canadian jurisdiction as the equivalent of a general registrant,
  - (b) satisfies the registration committee that she or he is in good standing and currently authorized to practice midwifery in the other jurisdiction, with no practice restrictions, limitations or conditions,
  - (c) for the purpose of meeting the requirements of subsection (2) (a), provides the registrar with a signed consent authorizing the regulatory body in any Canadian jurisdiction in which the applicant is currently or was previously registered to provide the registrar with a letter of good standing in respect of the applicant, and
  - (d) meets the conditions and requirements established in subsection (1) (d), (e) and (f) (ii) to (v).
- (3) Despite subsection (1), the registration committee has discretion, in satisfying itself under section 20 of the *Act* that the applicant meets the conditions or requirements for registration as a member of the college under this section, to
  - (a) consider whether the applicant's knowledge, skills and abilities are substantially equivalent to the standard of academic and technical achievement and the competencies or other qualifications established in subsection (1) (a) and (b), and
  - (b) grant registration under this section on that basis if the applicant also meets the conditions and requirements established in subsection (1) (c) to (f).
- (4) Despite subsection (1), an applicant may be granted registration under this section if the applicant
  - (a) is appointed to the full-time faculty of a recognized midwifery education program,

- (b) is a graduate of
  - (i) a recognized midwifery education program, or
  - (ii) a midwifery education program in a jurisdiction where midwifery is recognized by law,
- (c) has attended as a midwife, in a jurisdiction where midwifery is recognized by law, at a minimum of two hundred (200) births,
- (d) has attended as a midwife, in a jurisdiction where midwifery is recognized by law, at a minimum of twenty five (25) births within the five (5) years prior to the date of application under this section, of which
  - (i) at least fifteen (15) births were conducted in accordance with the principles of continuity of care,
  - (ii) at least twenty (20) births were attended as the principal midwife, and of those, at least five (5) births were in a hospital setting, and
  - (iii) at least five (5) births were in an out-of-hospital setting and were attended as the principal midwife or as the second midwife, and
- (e) meets the conditions and requirements established in subsection (1) (c) to (f).

### **Repealed**

47. Repealed.

### **Conditional registration**

48. (1) For the purposes of section 20 of the *Act*, the conditions and requirements for conditional registration are
- (a) the applicant does not meet the conditions and requirements established in section 46 (1) (a) and (b), (2) (a) and (b), (3) (a) or (4) (c), as applicable,
  - (b) in the opinion of the registration committee, the applicant
    - (i) is likely to meet the conditions and requirements established in section 46 (1) (a) and (b), (2) (a) and (b), (3) (a) or (4) (c), as applicable, by completing educational upgrading courses or a period of supervised practice acceptable to the registration committee, and
    - (ii) can practice as a conditional registrant without any undue risk to public health and safety, and

- (c) the applicant meets the conditions and requirements established in section 46 (1) (c) to (f).
- (2) Conditional registration may be granted under subsection (1) for a period of up to one (1) year.
- (3) For the purposes of section 20 of the *Act*, the conditions and requirements for renewal of conditional registration are receipt by the registrar, prior to the date that the registration granted under subsection (1) will be cancelled otherwise, of
  - (a) a completed and signed application for renewal of registration in Form 2,
  - (b) the applicable registration renewal fee, if any, specified in Schedule 3, and
  - (c) if applicable, evidence satisfactory to the registration committee that the conditional registrant's authorization to reside and work in Canada has been extended for an additional period.
- (4) Conditional registration may be renewed under subsection (3) once for an additional period of up to one (1) year.
- (5) Until proof of successful completion of the specified educational upgrading courses or supervised practice requirements has been received and is accepted by the registration committee, a conditional registrant may provide midwifery services only
  - (a) under the supervision of a general registrant, temporary registrant or other health care practitioner acceptable to the registration committee, and
  - (b) in accordance with a supervision plan approved by the registration committee.
- (6) Despite section 46 or 49, general or temporary registration may be granted to a conditional registrant if she or he successfully completes, to the satisfaction of the registration committee, the educational upgrading courses or supervised practice requirements specified by the registration committee.
- (7) Despite sections 3 to 5, a conditional registrant must not
  - (a) be nominated for election, or elected, to the board, or
  - (b) be appointed to fill a vacancy of an elected board member position.

### **Conditional (remedial) registration**

- 48.1 (1) A registrant must be transferred to the conditional (remedial) class if
- (a) the registrant's registration as a member of the college is suspended under the *Act*, or
  - (b) limits or conditions are imposed on the registrant's practice of midwifery under section 20, 32.2, 32.3, 33, 36, 37.1, 38, 39 or 39.1 of the *Act*.
- (2) Subject to any applicable order or agreement under the *Act*,
- (a) for the purposes of section 20 of the *Act*, the conditions and requirements for renewal of conditional (remedial) registration are, for each conditional (remedial) registrant, the conditions and requirements for renewal of registration in the class from which she or he was transferred, and
  - (b) a conditional (remedial) registrant must be transferred back to the class from which she or he was transferred, if subsection (1) (a) or (b) no longer describes the registrant.
- (3) Despite sections 3 to 6 and 35, a conditional (remedial) registrant must not
- (a) be nominated for election, or elected, to the board,
  - (b) be appointed to fill a vacancy of an elected board member position,
  - (c) vote in an election of board members, or
  - (d) vote at a general meeting of registrants,
- and on becoming a conditional (remedial) registrant, she or he ceases to hold office as a member of the board if she or he is a member of the board immediately before becoming a conditional (remedial) registrant.

### **Conditional (return to practice) registration**

- 48.2 (1) For the purposes of section 20 of the *Act*, the conditions and requirements for conditional (return to practice) registration are
- (a) the applicant is
    - (i) a general registrant who meets the conditions and requirements established in section 53 (a) and (c) to (e),

- (ii) a non-practicing registrant who meets the conditions and requirements established in section 56 (a) and (c) to (e), or
  - (iii) a former registrant who meets the conditions and requirements established in section 56.1 (a), (c) and (d), and
- (b) in the opinion of the registration committee, the applicant
  - (i) is likely to attain the knowledge, skills and abilities required to continue or re-enter practice as a general registrant by completing educational upgrading courses or supervised practice requirements acceptable to the registration committee, and
  - (ii) can practice as a conditional (return to practice) registrant without any undue risk to public health and safety.
- (2) Conditional (return to practice) registration may be granted under subsection (1) for a period of up to one (1) year.
- (3) For the purposes of section 20 of the *Act*, the conditions and requirements for renewal of conditional (return to practice) registration are receipt by the registrar, prior to the date that the registration granted under subsection (1) will be cancelled otherwise, of
  - (a) a completed and signed application for renewal of registration in Form 2,
  - (b) the applicable registration renewal fee, if any, specified in Schedule 3, and
  - (c) if applicable, evidence satisfactory to the registration committee that the conditional (return to practice) registrant's authorization to reside and work in Canada has been extended for an additional period.
- (4) Conditional (return to practice) registration may be renewed under subsection (3) once for an additional period of up to one (1) year.
- (5) Until proof of successful completion of the specified educational upgrading courses or supervised practice requirements has been received and is accepted by the registration committee, a conditional (return to practice) registrant may provide midwifery services only
  - (a) under the supervision of a general registrant, temporary registrant or other health care practitioner acceptable to the registration committee, and
  - (b) in accordance with a supervision plan approved by the registration committee.

- (6) Despite section 46 or 49, general or temporary registration may be granted to a conditional (return to practice) registrant if she or he successfully completes, to the satisfaction of the registration committee, the educational upgrading courses or supervised practice requirements specified by the registration committee.

### **Temporary registration**

49. (1) For the purposes of section 20 of the *Act*, the conditions and requirements for temporary registration are that the applicant
- (a) meets the conditions and requirements established in section 46 (1) (a), (b) and (d) to (f),
  - (b) meets the conditions and requirements established in section 46 (2),
  - (c) is a non-practising registrant who meets the conditions and requirements established in section 56, or
  - (d) is a former registrant who meets the conditions and requirements established in section 56.1.
- (2) Temporary registration may be granted under subsection (1)
- (a) for a period of up to sixty (60) days, if the application is under subsection (1) (a), and
  - (b) for a period of up to ninety (90) days, in any other case.
- (3) For the purposes of section 20 of the *Act*, the conditions and requirements for renewal of temporary registration are receipt by the registrar, prior to the date that the registration granted under subsection (1) will be cancelled otherwise, of
- (a) a completed and signed application for renewal of registration in Form 2,
  - (b) the applicable registration renewal fee, if any, specified in Schedule 3, and
  - (c) if applicable, evidence satisfactory to the registration committee that the temporary registrant's authorization to reside and work in Canada has been extended for an additional period.
- (4) Temporary registration may be renewed under subsection (3)
- (a) for one or more additional periods of up to sixty (60) days, if the registration was granted under subsection (1) (a), and
  - (b) for one or more additional periods of up to ninety (90) days, in any other case.

- (5) Despite sections 3 to 6, a temporary registrant must not
- (a) be nominated for election, or elected, to the board, or
  - (b) be appointed to fill a vacancy of an elected board member position,
- but may continue to serve as a member of the board until the next scheduled board election, if she or he was a member of the board immediately before becoming a temporary registrant.

**Temporary (limited scope) registration**

- 49.1 (1) For the purposes of section 20 of the *Act*, the conditions and requirements for temporary (limited scope) registration are that the applicant
- (a) is a non-practicing registrant who meets the conditions and requirements established in section 56 (a), (b) and (e), or
  - (b) is a former registrant who meets the conditions and requirements established in section 56.1 (a), (b) and (d).
- (2) Temporary (limited scope) registration may be granted under subsection (1) for a period of up to one hundred and eighty (180) days.
- (3) For the purposes of section 20 of the *Act*, the conditions and requirements for renewal of temporary (limited scope) registration are receipt by the registrar, prior to the date that the registration granted under subsection (1) will be cancelled otherwise, of
- (a) a completed and signed application for renewal of registration in Form 2,
  - (b) the applicable registration renewal fee, if any, specified in Schedule 3, and
  - (c) if applicable, evidence satisfactory to the registration committee that the temporary (limited scope) registrant's authorization to reside and work in Canada has been extended for an additional period.
- (4) Temporary (limited scope) registration may be renewed under subsection (3) for one or more additional periods of up to one hundred and eighty (180) days.
- (5) Despite subsection (4), the cumulative total period of time that any person is registered under this section must not exceed three (3) years.
- (6) A temporary (limited scope) registrant may provide only the following midwifery services:

- (a) antepartum or postpartum care;
  - (b) intrapartum care as a second midwife.
- (7) Despite subsection (6), a temporary (limited scope) registrant must not attend a birth as a second midwife unless the registrant holds current certificates in neonatal resuscitation and cardiopulmonary resuscitation from programs that are acceptable to the registration committee.
- (8) Despite sections 3 to 6, a temporary (limited scope) registrant must not
- (a) be nominated for election, or elected, to the board, or
  - (b) be appointed to fill a vacancy of an elected board member position,
- but may continue to serve as a member of the board until the next scheduled board election, if she or he was a member of the board immediately before becoming a temporary (limited scope) registrant.

#### **Temporary (emergency) registration**

- 49.2 (1) For the purposes of section 20 of the *Act*, the conditions and requirements for temporary (emergency) registration are
- (a) the applicant
    - (i) meets the conditions and requirements established in section 46 (2) (a) and (b),
    - (ii) is a non-practising registrant who meets the conditions and requirements established in section 56 (a) to (c), or
    - (iii) is a former registrant who meets the conditions and requirements established in section 56.1 (a) and (b),
  - (b) an emergency situation has been declared by the registrar, according to criteria set by the board, and
  - (c) receipt by the registrar of
    - (i) a completed and signed application for temporary (emergency) registration and a declaration, in Form 3, confirming that the applicant is applying for temporary (emergency) registration solely for the purpose of providing assistance during the emergency situation, and

- (ii) a notarized copy, or other evidence satisfactory to the registration committee, of the applicant's Canadian citizenship or authorization to reside and work in Canada.
- (2) Temporary (emergency) registration may be granted under subsection (1) for a period of up to ninety (90) days.
- (3) For the purposes of section 20 of the *Act*, the conditions and requirements for renewal of temporary (emergency) registration are
  - (a) the registrar's declaration of an emergency situation continues to be in effect, and
  - (b) receipt by the registrar, prior to the date that the registration granted under subsection (1) will be cancelled otherwise, of
    - (i) a completed and signed application for renewal of temporary (emergency) registration renewal in Form 4, and
    - (ii) if applicable, evidence satisfactory to the registration committee that the temporary (emergency) registrant's authorization to work in Canada has been extended for an additional period.
- (4) Temporary (emergency) registration may be renewed under subsection (3) for one or more additional periods of up to ninety (90) days.
- (5) A temporary (emergency) registrant must not attend a birth as the principal midwife, or as a second midwife, unless the registrant holds current certificates in neonatal resuscitation, cardiopulmonary resuscitation and emergency skills from programs that are acceptable to the registration committee.
- (6) Despite sections 3 to 6, a temporary (emergency) registrant must not
  - (a) be nominated for election, or elected, to the board, or
  - (b) be appointed to fill a vacancy of an elected board member position.

but may continue to serve as a member of the board until the next scheduled board election, if she or he was a member of the board immediately before becoming a temporary (emergency) registrant.

### **Non-practising registration**

50. (1) For the purposes of section 20 of the *Act*, the conditions and requirements for non-practising registration are
- (a) the applicant is a general registrant or temporary registrant, and
  - (b) receipt by the registrar of
    - (i) a completed and signed application for non-practising registration and a statutory declaration, in Form 5, and
    - (ii) the applicable registration and other fees, if any, specified in Schedule 3.
- (2) A non-practising registrant must not provide midwifery services in British Columbia.
- (3) Despite sections 3 to 5, a non-practising registrant must not
- (a) be nominated for election, or elected, to the board, or
  - (b) be appointed to fill a vacancy of an elected board member position,
- but, for greater certainty, may continue to serve as a member of the board until the end of her or his term of office or appointment, if she or he is a member of the board immediately before becoming a non-practising registrant.

### **Repealed**

51. Repealed.

### **Student registration**

- 51.1 (1) For the purposes of section 20 of the *Act*, the conditions and requirements for student registration are
- (a) the applicant is currently enrolled as a student in a recognized midwifery education program, and
  - (b) receipt by the registrar of
    - (i) evidence of the applicant's enrollment in a recognized midwifery education program, and evidence satisfactory to the registration committee that the applicant is the person named therein,
    - (ii) the items required under section 45 (1), and

- (iii) evidence satisfactory to the registration committee that the applicant meets the conditions and requirements established in section 45 (2) (b) and (c).
- (2) Student registration may be granted under subsection (1) for a period of up to one (1) year.
- (3) For the purposes of section 20 of the *Act*, the conditions and requirements for renewal of student registration are receipt by the registrar, prior to the date that the registration granted under subsection (1) will be cancelled otherwise, of
  - (a) a completed and signed application for renewal of registration in Form 2,
  - (b) the applicable registration renewal fee, if any, specified in Schedule 3,
  - (c) if applicable, evidence satisfactory to the registration committee that the conditional registrant's authorization to reside and study in Canada has been extended for an additional period, and
  - (d) evidence of the applicant's continued enrollment in a recognized midwifery education program.
- (4) Student registration may be renewed under subsection (3) for one or more additional periods of up to one year.
- (5) A student registrant's registration is cancelled if she or he ceases to be enrolled in a recognized midwifery education program.
- (6) A student registrant may only provide midwifery services in connection with fulfilling the conditions and requirements of the recognized midwifery education program in which she or he is enrolled.
- (7) Despite sections 3 to 5 and 35, a student registrant must not
  - (a) be nominated for election, or elected, to the board,
  - (b) be appointed to fill a vacancy of an elected board member position,
  - (c) vote in an election of board members, or
  - (d) vote at a general meeting of registrants.

### **Certificates of registration and registration cards**

52. (1) For the purpose of indicating that the holder is a registrant of the college and whether the registrant is entitled to practice midwifery in British Columbia, the registrar must issue each of the following, in a form approved by the board, to each registrant on the granting of registration as a member of the college:
- (a) a certificate of registration;
  - (b) a registration card;
  - (c) an identity card containing a photograph of the registrant.
- (2) A certificate of registration must specify the class of registrants in which the registrant is registered, and the limits or conditions, if any, that apply to that class of registrants or to the registrant.
- (3) A certificate of registration or registration card is valid until no later than
- (a) the following March 31, if issued to a general registrant or a non-practising registrant, and
  - (b) the date shown on the certificate or card, in any other case.
- (4) If registration is renewed in accordance with these bylaws, the registrar must issue each of the following, in a form approved by the board, to the registrant on such renewal:
- (a) a new certificate of registration;
  - (b) a new registration card.

### **Renewal of general or non-practising registration**

53. For the purposes of section 20 (2) of the *Act*, the conditions and requirements for renewal of general or non-practising registration are, despite section 46 or 50,
- (a) receipt by the registrar of a completed and signed application for renewal of registration in Form 2, and an attestation that the registrant is in compliance with
    - (i) the *Act*, the *Regulation*, and these bylaws, and
    - (ii) any limits or conditions imposed under the *Act*,

- (b) in the case of a general registrant, the registrant meets the conditions and requirements established in section 46 (1) (b),
- (c) the registrant has completed any applicable continuing competency requirements under section 59,
- (d) in the case of a general registrant, the registrant holds current certification in neonatal resuscitation, cardiopulmonary resuscitation and emergency skills from programs that are acceptable to the registration committee,
- (e) receipt by the registrar of
  - (i) any applicable administrative or renewal fees specified in Schedule 3,
  - (ii) any other fee, fine, debt or levy owed to the college, and
  - (iii) evidence satisfactory to the registration committee that the registrant meets the conditions and requirements established in section 45 (2) (b) and (c).

#### **Failure to renew**

54. (1) On or before April 1 in each year, each general registrant or non-practising registrant must meet the applicable conditions and requirements established in section 53.
- (2) If a general registrant or non-practising registrant fails to meet, on or before April 1 in a year, the applicable conditions and requirements established in section 53, the registrant's registration is cancelled.

#### **Registration examinations**

55. (1) Except for the Canadian Midwifery Registration Examination prepared by and under the direction of the Canadian Midwifery Regulators Consortium, any registration examination required to be taken under these bylaws must be prepared by or under the direction of the registration committee.
- (2) The registration committee must
- (a) review the results of the registration examination for each applicant in making a determination as to that applicant's qualification for registration, and
  - (b) notify the applicant, in writing, of the results of the registration examination as soon as is practicable.
- (3) An applicant who fails the initial attempt at a registration examination is entitled to two (2) further opportunities to attempt the registration examination.

- (4) If an invigilator has reason to believe that an applicant has engaged in improper conduct during the course of a registration examination, the invigilator must make a report to the registration committee and may recommend that the registration committee take one or more of the following courses of action:
  - (a) fail the applicant;
  - (b) pass the applicant;
  - (c) require the applicant to re-attempt the registration examination, in which case the re-attempt will count as an attempt for the purpose of subsection (3);
  - (d) disqualify the applicant from participating in any registration examination for a period of time.
- (5) After considering a report made under subsection (4), the registration committee may take one or more of the actions specified in subsection (4) (a) to (d).
- (6) An applicant disqualified under subsection (4) (d) must be provided with written reasons for the disqualification.

#### **Non-practising registrant returning to practice**

56. For the purposes of section 20 (2) of the *Act*, the conditions and requirements for a non-practising registrant to return to general or temporary registration are, despite section 46 or 49,
  - (a) the registrant's registration is not suspended under the *Act*,
  - (b) the registrant meets the conditions and requirements established in section 46 (1) (b),
  - (c) the registrant has completed any applicable continuing competency requirements under section 59,
  - (d) the registrant holds current certification in neonatal resuscitation, cardiopulmonary resuscitation and emergency skills from programs that are acceptable to the registration committee, and
  - (e) receipt by the registrar of
    - (i) a completed and signed application for return to general or temporary registration in Form 6,

- (ii) any applicable administrative or registration fees specified in Schedule 3, and
- (iii) evidence satisfactory to the registration committee that the registrant meets the conditions and requirements established in section 45 (2) (b) and (c).

### **Reinstatement of former general or temporary registrant**

56.1. For the purposes of section 20 (2) of the *Act*, the conditions and requirements for reinstatement of the most recent previous registration of a former registrant are, despite section 46 (1) or (3) or 49,

- (a) the former registrant's most recent previous registration was as a general registrant or temporary registrant, the registration was not cancelled under Part 3 of the *Act* and the former registrant was in good standing at the time of cancellation,
- (b) the former registrant meets the conditions and requirements established in section 46 (1) (b),
- (c) the former registrant holds current certificates in neonatal resuscitation, cardiopulmonary resuscitation and emergency skills from programs that are acceptable to the registration committee,
- (d) receipt by the registrar of
  - (i) the items required under section 45 (1), and
  - (ii) evidence satisfactory to the registration committee that the registrant meets the conditions and requirements established in section 45 (2) (b) and (c).

### **Repealed**

57. Repealed

### **Liability insurance**

58. (1) Each registrant, except a non-practising registrant or student registrant, must obtain and at all times maintain professional liability protection or insurance coverage with a limit of liability not less than seven million dollars (\$7M) per occurrence protecting or insuring against liability arising from an error, omission or negligent act of the registrant.

- (2) A registrant who ceases to be protected or insured as required under subsection (1) must
  - (a) cease the practice of midwifery immediately, and
  - (b) no more than seven (7) days after ceasing to be protected or insured, notify the registrar and
    - (i) apply for non-practising registration, or
    - (ii) voluntarily relinquish her or his registration as a member of the college.
- (3) A registrant's registration is cancelled if she or he fails to comply with subsection (2) (b).

### **Continuing competency**

- 59. Each registrant must complete all applicable annual, bi-annual or other continuing competency requirements recommended by the quality assurance committee and approved by the board.

## PART VI: INQUIRY AND DISCIPLINE COMMITTEE

### Definitions

60. In this part “**professional misconduct**” includes the following conduct:
- (a) the registrant has been found guilty of an offence that, in the opinion of the discipline committee, is relevant to the registrant’s competency to practice midwifery;
  - (b) the registrant has been found by another regulatory body to have committed an act that would, in the opinion of the discipline committee, be an act of professional misconduct as defined in clauses (c) to (s);
  - (c) the registrant has committed an offence of professional misconduct of a sexual nature;
  - (d) the registrant has contravened a term, condition, or limitation imposed on a registrant’s certificate of registration;
  - (e) the registrant has contravened a standard of practice or a provision of the code of ethics;
  - (f) the registrant has contravened the *Act*, the *Regulation*, the bylaws or a consent agreement;
  - (g) the registrant has abused a client, physically, verbally or psychologically, or taken unfair advantage of the confidence and trust within the relationship;
  - (h) the registrant has failed to obtain consent, where consent is required by law;
  - (i) the registrant has practiced the profession while her ability to do so is impaired by a substance or by a physical or medical condition;
  - (j) the registrant has prescribed, dispensed or sold drugs for any improper purpose;
  - (k) the registrant has discontinued midwifery services that are needed unless:
    - (i) the client requests the discontinuation,
    - (ii) alternative services are arranged, or

- (iii) the client is given a reasonable opportunity to arrange alternative services;
- (l) the registrant has given information about a client to a person other than the client or her authorised representatives, except with the consent of the client or her authorised representatives, or as required by law;
- (m) the registrant has falsified a record relating to the registrant's practice;
- (n) the registrant has failed, without reasonable cause, to provide services to a client during labour and birth in the client's chosen birth place;
- (o) the registrant has failed, without reasonable cause, to provide continuity of care to a client;
- (p) the registrant has practised the profession while she or he is in a conflict of interest;
- (q) the registrant has failed to provide a client access to her or his health care records as required by the bylaws;
- (r) the registrant has signed or issued, in her or his professional capacity, a document the registrant knows contains false or misleading statements; or
- (s) the registrant has engaged in conduct or has performed an act, in the course of practising the profession, that, having regard to all the circumstances would reasonably be regarded by registrants as disgraceful, dishonourable or unprofessional.

**Incapacity to practice and the fitness to practice panel**

61. (1) Where the inquiry committee has reason to believe that a registrant may be incapacitated, the chair of the committee shall appoint a fitness to practice panel to investigate the complaint forthwith.
- (2) The fitness to practice panel shall:
- (a) request the co-operation and consent of the registrant with respect to the investigation including, if appropriate, requesting the registrant's consent to be assessed by an appropriate health care professional and to have the health care professional report the findings of that assessment directly to the committee;

- (b) if the co-operation and consent of the registrant is not forthcoming, the fitness to practice panel shall consider whether it is appropriate to make a recommendation to the inquiry committee to take the necessary action to protect the public under section 34 of the *Act*; and
  - (c) at any time if, as a result of their investigation, the fitness to practice panel has reason to believe that the public is at risk it may request the inquiry committee take action under section 34 of the *Act*.
- (3) In cases where there are reasonable grounds to believe that the registrant is incapacitated, the fitness to practice panel will recommend to the inquiry committee to negotiate a consent agreement with the registrant.
- (4) A consent agreement can only be entered into if the inquiry committee is satisfied that the public is protected and the committee has the full co-operation of the registrant.

### **Investigations by inquiry committee**

62. The inquiry committee shall notify a registrant who is the subject of an investigation and any complainant of the disposition of the investigation and any action taken under section 32(4) of the *Act*.

### **Consent agreements**

63. A consent agreement shall:
- (a) include any consent to a reprimand or any other action made by the registrant under section 35 of the *Act*;
  - (b) include any undertaking made by the registrant under section 35 of the *Act*;
  - (c) specify the length of time that an undertaking specified in clause (b) is binding on the registrant;
  - (d) specify the procedure that the registrant may follow to be released from an undertaking specified in clause (b); and
  - (e) specify which terms of the consent agreement may be disclosed to the public.

### **Mediation**

64. (1) The inquiry committee may recommend under section 32(4)(b) of the *Act* that a complaint be mediated where:
- (a) the inquiry committee determines that the issuance of a citation under section 36 of the *Act* is not warranted; and
  - (b) the complainant and the registrant agree to mediation.
- (2) Following a recommendation under subsection (1), the inquiry committee shall appoint a mediator who is acceptable to the complainant and the registrant.
- (3) The mediator shall conduct the mediation process in accordance with any policies and procedures established by the board and the terms of a written mediation contract executed by the inquiry committee, the complainant and the registrant.
- (4) Where an agreement between the complainant and the registrant is reached through mediation, the terms of the agreement may be approved by the inquiry committee.
- (5) Where the term of an agreement between the complainant and the registrant reached through mediation requires the registrant to undertake or consent to an action referred to in section 35 of the *Act*, the inquiry committee may request the registrant to make such an undertaking or consent where the inquiry committee considers the undertaking or consent to be appropriate in the circumstances.
- (6) Where an agreement is approved by the inquiry committee under subsection (5), the inquiry committee shall:
- (a) report the resolution of the matter to the board; and
  - (b) retain a copy of the agreement on file.
- (7) Where an agreement is not reached through mediation, the mediator shall refer the matter back to the inquiry committee and may recommend that the inquiry committee take one or more actions under section 35 of the *Act*.

### **Citation for disciplinary hearing**

65. (1) On the direction of a panel of the discipline committee, the registrar may:
- (a) join one or more complaints or other matters which are to be the subject of a discipline hearing in one citation as appropriate in the circumstances;

- (b) sever one or more complaints or other matters which are to be the subject of a discipline hearing as appropriate in the circumstances; and
  - (c) amend a citation issued under section 36 of the *Act*.
- (2) Where a citation is amended under subsection (1)(c) prior to a discipline hearing, the amended citation shall be delivered to the respondent by personal service or sent by regular mail to the respondent at the last known address for the person recorded in section 20(2) of the *Act* not fewer than fourteen (14) days before the date of the hearing.
- (3) Where a citation is amended under subsection (1)(c) prior to a discipline hearing, and the amended citation changes the date, time or place of the hearing, the registrar shall notify any complainant of the amendment not fewer than fourteen (14) days before the date of the hearing.

### **Notice of disciplinary committee action under section 39.1 of Act**

- 65.1 The discipline committee must notify a registrant not fewer than 14 days before making an order under section 39.1 of the *Act*.

### **Hearings of discipline committee**

66. (1) No person may sit on the discipline committee while she or he is a member of the inquiry committee.
- (2) No member of the discipline committee may sit on the panel hearing a matter in which she or he;
- (a) was involved as a member of the inquiry committee; or
  - (b) has had any prior involvement.
- (3) Information about the date, time and subject matter of the hearing shall be provided to any person on request.
- (4) The chair of the discipline committee shall provide notice by registered mail or by personal service to a person who is required to attend a hearing under section 37(6) of the *Act*.

### **Disclosure**

67. (1) At least two (2) weeks before the scheduled hearing, the registrar shall provide to the respondent:
- (a) a copy of every document which the college intends to tender in evidence;

- (b) a copy of any statement made by a person whom the college intends to call as a witness; and
  - (c) a summary of any other relevant evidence in the college's possession whether or not the college intends to rely on it at the hearing.
- (2) A respondent required to appear before the discipline committee, or panel of the discipline committee may, at any time after a citation has been issued, request in writing that the college disclose all the documents on which it intends to rely at the hearing.

### **Factors the discipline committee may consider**

68. In determining the penalty to be imposed on a registrant after making a determination on the facts, the discipline committee may consider a previous relevant disciplinary decision regarding the registrant or an undertaking or consent to a reprimand given by the registrant under section 35(1) of the *Act*.

### **Publication and notification of a decision**

69. (1) At the conclusion of a disciplinary proceeding, the board must, within a reasonable time and in addition to the requirements of section 39.3 of the *Act*, advise every registrant of
- (a) the name of the respondent or respondents,
  - (b) the facts of the case,
  - (c) the reasons for the decision, and
  - (d) the disposition of the case, the nature of any limitations or suspension and the date it is in effect.
- (2) If disciplinary proceedings result in the imposition of limits or conditions on, or suspension of, a registrant's registration, the registrar must notify
- (a) the regulatory authorities responsible for the regulation of the profession of midwifery in every Canadian jurisdiction,
  - (b) a regulatory authority for another health profession in British Columbia, if the registrant is a member of that body,
  - (c) any hospital where the registrant holds privileges or a permit to practice, and

- (d) on request, any other regulatory authority for a health profession in a Canadian or foreign jurisdiction.

### **Retention of records**

70. The registrar shall keep records of the results of all investigations of the inquiry committee and all decisions of the discipline committee for a period of not less than seven (7) years.

### **Registrant under suspension**

71. (1) A registrant while under suspension must
- (a) not represent herself or himself as a registrant or display a certificate of registration,
  - (b) not provide midwifery services or perform a restricted activity described in the *Regulation*,
  - (c) not hold office in the college,
  - (d) not make appointments for clients or prospective clients,
  - (e) not contact or communicate with clients or prospective clients, except for the purposes of,
    - (i) advising clients or prospective clients of the fact and duration of the suspension,
    - (ii) advising clients or prospective clients that another registrant will continue to operate in the suspended registrant's place, or
    - (iii) referring clients to another registrant in good standing,
  - (f) remove from their premises and the building in which the premises are located, their name and any sign relating to their practice,
  - (g) prominently display a notice of suspension in the form and in an area approved by the registrar, which states the duration and reasons for the suspension,
  - (h) immediately surrender to the registrar the registrant's practice certificate and membership card,
  - (i) pay any fee or special assessment required by the College when due in order to remain a registrant, and

- (j) not be entitled to a refund of the annual fee for the portion of the suspension or of any special assessment that the registrant has paid.
- (2) During the period of suspension, a suspended registrant may permit another registrant in good standing to practice within the suspended registrant's office, if the suspended registrant complies with subsection (1).
- (3) Any communication under subsection (1)(e) may be made in writing in a form approved in advance by the registrar, or by employing office staff, an answering service or other telephonic device specifically for this purpose.

### **Fines**

- 72. The maximum amount of a fine that may be ordered by the discipline committee under section 38 of the *Act* is \$35,000.

## PART VII: REGISTRANT RECORDS

### Definitions

73. For the purposes of this part, "**client's representative**" means:
- (a) a "**committee of the patient**" as defined under the *Patient's Property Act*;
  - (b) the parent or guardian of a client who is under 19 years of age;
  - (c) after the *Representation Agreement Act* comes into force, a representative authorised by a representation agreement registered under the *Representation Agreement Act* to make or help in making decisions on behalf of a client;
  - (d) after the *Representation Agreement Act* comes into force, a monitor named in a representation agreement registered under the *Representation Agreement Act* to ensure that the representative fulfils the duties described in section 16 of that *Act*; and
  - (e) after the *Adult Guardianship Act* comes into force, a decision maker or guardian appointed under section 10 of the *Adult Guardianship Act*; and

### Purpose for which personal information may be collected

74. No registrant may collect personal information regarding a client unless:
- (a) the information relates directly to and is necessary for providing health care services to the client or for related administrative purposes, or
  - (b) the collection of that information is expressly authorised by or under an enactment.

### Source of personal information

75. (1) A registrant shall collect personal information about a client directly from the client.
- (2) Notwithstanding subsection (1), a registrant may collect personal information from another person if the registrant has reasonable grounds to believe:
- (a) that the client has been made aware of the matters set out in section 76(1) and has authorised collection of the personal information from another person;

- (b) that the client is unable to give her or his authority and the registrant, having made the client's representative aware of the matters set out in section 76(1), collects the information from the representative or the representative authorises collection from another person;
- (c) that compliance with subsection (1) is not reasonably practicable in the circumstances of the particular case;
- (e) that the collection is for the purpose of assembling a family or genetic history of a person and is collected directly from that person;
- (f) that the information is publicly available information;
- (g) that the information:
  - (i) will not be used in a form in which the client concerned is identified, or
  - (ii) will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the client; or
- (h) that non-compliance with subsection (1) is necessary where the information is about law enforcement or anything referred to in sections 15(1) or (2) of the *Freedom of Information and Protection of Privacy Act*.

### **Collection of personal information**

76. (1) Where a registrant collects personal information directly from the client, or from the client's representative, the registrant shall take such steps as are, in the circumstances, reasonable to ensure that the client or client's representative is aware of:
- (a) the fact that the personal information is being collected;
  - (b) the purpose for which the personal information is being collected;
  - (c) the intended recipients of the personal information;
  - (d) whether or not the supply of the personal information is voluntary or mandatory and, if mandatory, the legal authority for collecting the personal information;

- (e) the consequences, if any, for that client if all or any part of the requested personal information is not provided; and
  - (f) the rights of access to personal information provided in section 91.
- (2) The steps referred to in subsection (1) shall be taken before the personal information is collected or, if that is not practicable, as soon as practicable after the personal information is collected.
- (3) A registrant is not required to take the steps referred to in subsection (1) in relation to the collection of personal information from a client, or the client's representative, if the registrant has taken those steps in relation to collection, from the client or client's representative, of the same information or information of the same kind for the same or a related purpose, on a recent previous occasion.
- (4) Notwithstanding subsection (1), a registrant is not required to comply with subsection (1) if the registrant believes on reasonable grounds:
- (a) that non-compliance is authorised by the client concerned;
  - (b) that compliance would:
    - (i) prejudice the interests of the client concerned, or
    - (ii) defeat the purpose or prejudice the use for which the information is collected;
  - (c) that compliance is not reasonably practicable in the circumstances of the particular case; or
  - (d) that the information is about law enforcement or anything referred to in sections 15(1) or (2) of the *Freedom of Information and Protection of Privacy Act*.

### **Manner of collection of personal information**

77. Personal information shall not be collected by a registrant:

- (a) by unlawful means; or
- (b) by means that, in the circumstances of the case:
  - (i) are unfair, or
  - (ii) intrude to an unreasonable extent upon the personal affairs of the client concerned.

### **Confidentiality of personal information**

78. A registrant shall at all times protect and maintain the confidentiality of personal information collected under sections 75, 76 and 77.

### **Accuracy of personal information**

79. The registrant shall make every reasonable effort to ensure that the information is current and is legibly, accurately and completely recorded.

### **Right to request correction of personal information**

80. (1) A person who believes there is an error or omission in a record containing her or his personal information may request that the registrant having the record in her or his custody or control correct the information.
- (2) If after receiving a request for correction under subsection (1), the registrant disagrees that there is an error or omission in the record, the registrant shall note the request in the record with particulars of the correction that was sought.

### **Use of personal information by a registrant**

81. (1) A registrant may use personal information only:
- (a) for the purpose of providing health care services to the client or related administrative purpose;
  - (b) for a use or disclosure consistent with a purpose specified in clause (a);
  - (c) if the client has consented to the use; or
  - (d) for a purpose for which that information may be disclosed by the registrant under sections 82 and 84.

### **Disclosure of personal information by a registrant**

82. A registrant shall maintain confidentiality of personal information and may disclose relevant personal information only:
- (a) if the client concerned has consented to the disclosure;
  - (b) for the purpose of providing health care services to the client or related administrative purpose or for a disclosure consistent with either purpose;

- (c) for the purpose of complying with an enactment of, arrangement or agreement made under an enactment of British Columbia or Canada;
- (d) for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the production of information;
- (e) to an employee of, or contractor providing services to, the registrant, if the information is necessary for the performance of the duties of, or for the protection of the health or safety of, the employee or contractor;
- (f) to a lawyer acting for the registrant, for use in civil or criminal proceedings involving the registrant;
- (g) where necessary to comply with the *Coroners Act*;
- (h) where necessary to comply with the *Ombudsman Act*;
- (i) for the purposes of:
  - (i) collecting a debt or fine owing by a client to the registrant, or
  - (ii) making a payment owing by the client to a registrant;
- (j) to an auditor, the college or any other person or body authorised by law, for audit purposes;
- (k) where the registrant believes on reasonable grounds that there is a risk of significant harm to the health or safety of any person and that the use or disclosure of the information would reduce that risk;
- (l) so that the next of kin or a friend of an injured, ill or deceased individual may be contacted;
- (m) in accordance with sections 84 and 91; or
- (n) as otherwise required by law.

### **Definition of consistent purpose**

83. A use or disclosure of personal information is consistent with the purposes of providing health care services to a client or related administrative purposes under sections 81 and 82 if the use or disclosure has a reasonable and direct connection to either purpose.

### **Disclosure for research and statistical purposes**

84. A registrant may disclose personal information for a research purpose, including statistical research, only if:
- (a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form or the research purpose has been approved by the quality assurance committee;
  - (b) any record linkage is not harmful to the individuals concerned and the benefits to be derived from the record linkage are clearly in the public interest;
  - (c) the head of the public body concerned has approved conditions relating to the following:
    - (i) security and confidentiality,
    - (ii) the removal or destruction of individual identifiers at the earliest reasonable time, and
    - (iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorisation of the quality assurance committee;
  - (d) the person to whom that information is disclosed has signed an agreement to comply with the approved conditions, these bylaws and any of the policies and procedures of the quality assurance relating to the confidentiality of personal information.

### **Storage and retention of personal information**

85. (1) All records of midwifery care shall be retained for a period of twenty-one (21) years, but, if circumstances warrant, the registrant may keep these records for a longer period of time.
- (2) Before resigning as a registered member or ceasing to practice midwifery in British Columbia a member shall ensure that all retained records of clinical care

are transferred to another registered member and shall notify the College of Midwives of British Columbia as to their whereabouts. The member to whom the record is transferred shall retain the record for the balance of the time referred to in subsection 85(1).

### **Manner of disposal of records**

86. A registrant shall ensure that records are disposed of only by:
- (a) transferring the record, with the consent of the client, to another registrant, another health care practitioner or a health care agency;
  - (b) effectively destroying a physical record by utilising a shredder or by complete burning;
  - (c) erasing information recorded or stored by electronic methods on tapes, disks or cassettes in a manner that ensures that the information cannot be reconstructed; or
  - (d) transferring the record to the client.

### **Registrant ceasing to practise**

87. (1) A registrant who ceases to practise for any reason shall dispose of personal information in accordance with this part, notify the college, and provide the college with a written summary of the steps he or she has taken to dispose of the personal information.
- (2) A registrant shall make appropriate arrangements to ensure that, in the event that the registrant dies or becomes unable to practise for any reason and is unable to dispose of the personal information, the personal information will be safely and securely transferred to another registrant.
- (3) A registrant who receives personal information transferred in accordance with subsection (2).

### **Protection of personal information**

88. (1) A registrant shall protect personal information by making reasonable security arrangements against such risks as unauthorised access, collection, use, disclosure or disposal.
- (2) A registrant shall take reasonable measures to ensure that a third party, including a volunteer, employee of or contractor of the registrant, a health professions

corporation, or a student practitioner or registrant under the supervision of the registrant, does not access, collect, use, disclose, store or dispose of personal information except in accordance with the requirements of this Part.

### **Contracts for handling personal information**

89. A registrant shall ensure that, where personal information is transferred to any person or service organisation for processing, storage or disposal, a contract is made with that person which includes an undertaking by the recipient that confidentiality and physical security will be maintained.

### **Remedying a breach of security**

90. A registrant shall take appropriate measures to remedy any unauthorised access, use, disclosure or disposal of personal information under this part as soon as possible after the breach is discovered, including:
- (a) taking steps to recover the personal information or to ensure its disposal if it cannot be recovered;
  - (b) taking steps to ensure that any remaining personal information is secured;
  - (c) notifying:
    - (i) anyone affected by the unauthorised access including clients and other health care providers,
    - (ii) the college, and
    - (iii) law enforcement officials, where criminal action may have contributed to the unauthorised action; and
  - (d) modifying existing security arrangements to prevent a re-occurrence of the unauthorised access.

### **Client access to personal information**

91. (1) For the purposes of this section, "access to" means the opportunity to examine or make copies of the original record.
- (2) If a client or a client Representative makes a request for access to personal information about the client, the registrant shall comply as soon as practicable but not more than thirty (30) days following the request by:

- (a) providing access to the client or client's representative;
  - (b) providing access to the remainder of the personal information where that information excepted from disclosure under subsection (3) can reasonably be severed; or
  - (c) providing written reasons for the refusal of access to the personal information or to any portion of the health records.
- (3) The registrant may refuse to disclose personal information to a client or client representative:
- (a) where there is a significant likelihood of a substantial adverse effect on the physical, mental or emotional health of the client;
  - (b) where there is a significant likelihood of harm to a third party; or
  - (c) if the disclosure could reasonably be expected to disclose personal information regarding another individual.
- (4) Where a registrant provides access and the client or client representative requests a copy of the personal information, a copy shall be provided if it can reasonably be reproduced.
- (5) A registrant may charge a reasonable fee for the reproduction of personal information which does not exceed the fee established in Schedule 4.
- (6) Subject to subsection (3), a client under 19 years of age may have access to a record where, in the opinion of the registrant, the client is capable of understanding the subject matter of the record.
- (7) Except where authorised by the client, a registrant shall not provide access to the records of a client who is under 19 years of age to the guardian or parent of the client where the subject matter of the record is health care which was provided without the consent of a parent or guardian in accordance with the requirements of section 16 of the *Infants Act*.

### **PART VIII: STANDARDS OF PRACTICE**

92. (1) The college holds the registrants to the minimum standards for practising the profession of midwifery which reflect the essential knowledge, skills and abilities registrants are expected to have in order to perform or provide midwifery services in a safe, competent and professional manner, along with any related limits or conditions that must be observed or met to ensure registrants do not practise in an incompetent manner, as established herein or otherwise published by the board under section 19(1)(k) of the *Act*.
- (2) The standards of practice provide a framework to evaluate the midwife's practice to ensure that it is safe and consistent with the practice of midwifery in British Columbia.

STANDARD ONE	The midwife shall be the primary care provider within the midwives' scope of practice.
STANDARD TWO	The midwife shall collaborate with other health professionals and, when the client's condition or needs exceed the midwives' scope of practice, shall consult with and refer to a physician.
STANDARD THREE	If the pregnancy becomes high-risk and primary care is transferred to a physician, the midwife may continue to counsel, support and advise the client at her request.
STANDARD FOUR	The midwife shall work in partnership with the client, recognising individual and shared responsibilities.
STANDARD FIVE	The midwife shall uphold the client's right to make informed choices and to provide consent throughout the childbearing experience.
STANDARD SIX	The midwife shall provide continuity of care to the client according to the Model of Practice throughout the childbearing experience.
STANDARD SEVEN	The midwife shall respect the client's right to make informed choices about the setting for birth and shall provide care in all appropriate settings. In each case, the midwife shall assess safety considerations and the risks to the client and inform her of same.

STANDARD EIGHT	The midwife shall make every effort to ensure that a second midwife or a qualified birth attendant who is currently certified in neonatal resuscitation and cardiopulmonary resuscitation assists at every birth.
STANDARD NINE	The midwife shall ensure that no act or omission places the client at unnecessary risk.
STANDARD TEN	The midwife shall maintain complete and accurate health care records.
STANDARD ELEVEN	The midwife shall ensure confidentiality of information except with the client's consent, or as required to be disclosed by law, or in extraordinary circumstances where the failure to disclose will result in immediate and grave harm to the client.
STANDARD TWELVE	The midwife shall be accountable to the client, the midwifery profession and the public for safe, competent, and ethical care.
STANDARD THIRTEEN	The midwife shall participate in the continuing education and evaluation of self, colleagues and the community.
STANDARD FOURTEEN	The midwife shall critically assess research findings for use in practice and shall support research activities.
STANDARD FIFTEEN	The midwife shall only prescribe, order or administer drugs and substances in the categories set out in Schedules A and B of the <i>Regulation</i> and these shall be prescribed, ordered or administered in accordance with the standards of practice for prescribing, ordering and administering drugs.
STANDARD SIXTEEN	The midwife shall only order, perform or collect samples for and interpret screening and diagnostic tests in accordance with the standards of practice for ordering and interpreting screening and diagnostic tests.

## PART IX: ADVERTISING

93. (1) In this Part:

“**advertisement**” means the use of space or time in a public medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public or a segment thereof, for the purpose of promoting professional services or enhancing the image of the advertiser.

“**marketing activity**” includes:

- (a) an advertisement;
- (b) any publication or communication in any medium with any client, prospective client or the public generally in the nature of an advertisement, promotional activity or material, a listing in a directory, a public appearance or any other means by which professional midwifery services are promoted; and
- (c) contact with a prospective client initiated by a registrant.

“**unprofessional**” means if, in the determination of the discipline committee, the marketing activity is contrary to the best interest of the public or it tends to diminish the profession’s ability to provide service of the highest quality.

(2) Any marketing activity undertaken or authorised by a registrant in respect of her or his professional services shall not be:

- (a) false;
- (b) inaccurate;
- (c) reasonably capable of misleading the recipient or intended recipient;
- (d) unverifiable; or
- (e) unprofessional.

(3) The discipline committee shall find that a marketing activity violates subsection (2) if it:

- (a) is calculated or likely to take advantage of or mislead the recipient, or intended recipient;
- (b) implies that the registrant can obtain results;

- (i) not achievable by other registrants,
    - (ii) by improperly influencing a public body or official, or any corporation, agency or person having any interest in the welfare of the recipient, or
    - (iii) by any other improper means; or
  - (c) compares the quality of services provided with those provided by another registrant.
- (4) A registrant shall not state publicly that she or he speaks on behalf of the college unless she or he has been expressly authorised by the board to state the official position of the profession.
- (5) A registrant who, in any advertisement, includes a statement of fees for a specific service:
- (a) shall ensure that the statement sufficiently describes the fees and services so as to enable the recipient or intended recipient to understand the nature and extent of the services to be provided and the cost to the client; and
  - (b) shall not, in the advertisement, compare the fees charged by the registrant with those charged by another registrant.
- (6) Unless otherwise authorised by the *Act*, the *Regulation*, these bylaws, or the board, a registrant:
- (a) shall not use the title “specialist” or any similar designation suggesting a recognised special status or accreditation on any letterhead or business card or in any other marketing activity; and
  - (b) shall take all reasonable steps to discourage use, in relation to the registrant by another person, of the title “specialist” or any similar designation suggesting a recognised special status or accreditation in any marketing activity.
- (7) A registrant shall retain for one (1) year after the date of publication or broadcast of any advertisement or brochure, and shall provide to the board upon request:
- (a) a copy of any such publication;

- (b) a recording of any such broadcast made by use of any electronic media, including radio, television and microwave transmission; and
  - (c) a written record of when and where the publication or broadcast was made.
- (8) It is the duty of the registrant, when called upon by the discipline committee, inquiry committee, or the board to do so, to verify the statements made in her or his marketing activity.

## **SCHEDULES**

**Schedule 1 – Moved to Midwives Regulation**

**Schedule 2 – Moved to Midwives Regulation**

**Schedule 3**

**FEES SCHEDULE**

1. The fees payable by applicants or registrants shall be as follows:

- (a) Non-refundable application fee for:
  - (i) certificate of registration \$200
  - (ii) student registration \$75
  - (iii) reinstatement of registration \$200
- (b) Registration fee for:
  - (i) annual registration in year 2016 \$2,250
  - (ii) temporary registration in year 2016 \$225 per month
  - (iii) annual non-practising registration \$300
  - (iv) student registration (full year) \$200
  - student registration (school year) \$150
  - student registration (clinical placement) \$20 per month

each year thereafter until Schedule 3 is further amended, inflationary increases of 2% will apply to annual practicing registration fee.

- (c) *Registrant's Handbook* and/or *Orientation to Midwifery Practice in BC* - Electronic media version (including shipping) \$50
- (d) BC jurisprudence examination \$300 per sitting

2. Fees listed in 1 (b) (i) will be prorated on a monthly basis for a registrant who is registered for less than a full year. A refund will be issued to a registrant who resigns registration or applies for non-practising status for any full months that person is not registered with written notice received by the College at a minimum of one month prior to the effective date of status change, for the balance of the registration year (or period paid for), less any fees owing to the College.

3. The following additional fees apply to registration matters:

- (a) annual registration renewal administration fee: \$50
- (b) fee for cheques/payments returned for insufficient funds (NSF) or decline of credit card \$40
- (c) name change fee for a change to the official register and documents \$75
- (d) duplicate documents (per registration document) \$30
- (e) certificate of professional conduct \$30
- (f) letter of good standing \$100
- (g) request for second birth attendant \$40
- (h) change of registration class administration fee \$30
- additional request for change of registration class within the same registration year \$100
- (i) practice name reservation letter to Corporate Registry \$40
- (j) midwifery projects to serve women with diverse needs application fee \$500
- (k) Quality Assurance Program non compliance fee up to \$500
- (l) remediation ordered by the Inquiry Committee up to \$2,500

## Schedule 4

### MAXIMUM FEES FOR INFORMATION REQUESTS

1. For applicants other than commercial applicants:
  - (a) for locating and retrieving a record: \$7.50 per 1/4 hour after the first 3 hours,
  - (b) for producing a record manually: \$7.50 per 1/4 hour,
  - (c) for producing a record from a machine readable record: \$16.50 per minute for cost of use of central mainframe processor and all locally attached devices plus \$7.50 per 1/4 hour for developing a computer program to produce the record,
  - (d) for preparing a record for disclosure and handling a record: \$7.50 per 1/4 hour,
  - (e) for shipping copies: the actual costs of shipping by method chosen by applicant,
  - (f) photocopies and computer printouts: \$.25 per page (8.5 x 11, 8.5 x 14) and \$.30 per page (11 x 17),
  - (g) for copying:
    - (i) floppy disks: \$10.00 per disk,
    - (ii) computer tapes: \$40.00 per tape, up to 2400 feet,
    - (iii) microfiche: \$10.00 per fiche,
    - (iv) 16 mm microfilm duplication: \$25.00 per roll,
    - (v) 35 mm microfilm duplication: \$40.00 per roll,
    - (vi) microfilm to paper duplication: \$.50 per page,
    - (vii) photographs (colour or black and white): \$5.00 to produce a negative, and  
\$12.00 each for 16" x 20"  
\$9.00 each for 11" x 14"  
\$4.00 each for 8" x 10"  
\$3.00 each for 5" x 7",
    - (viii) photographic print of textual, graphic or cartographic records (8" x 10" black and white) \$12.50 each,

- (ix) hard copy laser print, B/W, 300 dots/inch: \$.25 each,
  - (x) hard copy laser print, B/W, 1200 dots/inch: \$.40 each,
  - (xi) hard copy laser print, colour: \$1.65 each,
  - (xii) photomechanical reproduction of 105 mm cartographic record/plan: \$3.00 each,
  - (xiii) slide duplication: \$.95 each,
  - (xiv) plans: \$1.00 per square metre,
  - (xv) audio cassette duplication: \$10.00 plus \$7.00 per 1/4
  - (xvii) video cassette (1/4" or 8 mm) duplication: \$11.00 per 60 minute cassette plus \$7.00 per 1/4 hour of recording; \$20.00 per 120 minute cassette plus \$7.00 per 1/4 hour of recording,
  - (xviii) video cassette VHS duplication: \$15.00 per cassette plus \$11.00 per 1/4 hour of recording, and
  - (xix) video cassette (3/4") duplication: \$40.00 per cassette plus \$11.00 per 1/4 hour of recording.
2. For commercial applicants for each service listed in section 1: the actual cost of providing that service.

## Schedule 5

### COSTS

#### Interpretation

1. In this tariff:
  - (1) “process” means the drawing, filing, service or delivery of a document and any amendment to it or particulars of it, but does not include an application made with respect to the process or any part of the process.
  - (2) “tribunal” means the discipline committee or a panel of the discipline committee.

#### Scale of costs

2.
  - (1) Where a tribunal has made an order for costs, it may fix the scale, from Scale 1 to 3 in subsection (2), under which the costs will be assessed, and may order that one or more steps in the proceeding be assessed under a different scale from that fixed for other steps.
  - (2) In fixing the scale of costs the tribunal shall have regard to the following principles:
    - (a) Scale 1 is for matters of little difficulty;
    - (b) Scale 2 is for matters of ordinary difficulty or complexity;
    - (c) Scale 3 is for matters of more than ordinary difficulty or complexity.
  - (3) In fixing the appropriate scale under which costs will be assessed, the tribunal may take into account the following:
    - (a) whether a difficult issue of law, fact or construction is involved;
    - (b) whether an issue is of importance to a class or body of persons, or is of general interest;
    - (c) whether the result of the proceeding effectively determines the rights and obligations as between the parties beyond the relief that was actually granted or denied.
  - (4) Where an order for costs has been made, or where, on a settlement, payment of assessed costs has been agreed to, but no scale has been fixed or agreed to, then the costs shall be assessed under Scale 2, unless a party, on application, obtains an order of the tribunal that the costs be assessed under another scale.
  - (5) Where costs may be assessed without order or agreement, the scale of costs shall be fixed by the tribunal upon the assessment.

### **Value of Units**

3. (1) The value for each unit allowed on an assessment is as follows:
  - (a) Scale 1 – \$40 for each unit;
  - (b) Scale 2 - \$80 for each unit;
  - (c) Scale 3 - \$120 for each unit.
- (2) Where maximum and minimum numbers of units are provided for in an Item in the Tariff, the tribunal has the discretion to allow a number within that range of units.
- (3) In assessing costs where the Tariff indicates a range of units, the tribunal shall have regard to the following principles:
  - (a) one unit is for matters upon which little time should ordinarily have been spent;
  - (b) the maximum number of units is for matters upon which a great deal of time should ordinarily have been spent.

### **Per Diem Rates**

4. (1) Where in a Tariff Item a number of units is allowed for each day but the time spent during a day is not more than 4 hours, only 1/2 of the number of units shall be allowed for that day.
- (2) Where in a Tariff Item a number of units is allowed for each day but the time spent during a day is more than 8 hours, the number of units allowed for that day shall be increased by 1/2 of the number.
- (3) Where in a Tariff Item a number of units is allowed for preparation for an attendance but the time spent on the attendance is not more than 4 hours, only 1/2 of the number of units for preparation shall be allowed.
- (4) Where in the Tariff units may be allowed for preparation for an activity, the tribunal may allow units for preparation for an activity that does not take place or is adjourned up to the maximum allowable for one day.

### **Offer to Settle Bill of Costs**

5. (1) A party to an assessment may deliver to another party an offer to settle the amount of the bill of costs and, after the assessment has been completed, may produce the offer to the tribunal, and the tribunal shall determine whether the offer should have been accepted and, if so, may disallow items of the Tariff which relate to the assessment to the party presenting the bill, and:
  - (a) allow, by way of set off, items of the Tariff which relate to the assessment to the party making the offer, or
  - (b) allow double the value of items of the Tariff which relate to the assessment to the party presenting the bill and making the offer.

### **Disbursements**

6. In addition to the tariff, actual reasonable disbursements are recoverable.

<b>TARIFF</b>		
<b>Item</b>	<b>Description</b>	<b>Units</b>
1.	<b>Instructions and Investigations</b> Correspondence, conferences, instructions, investigations or negotiations by a party relating to a proceeding, whether before or after commencement, for which provision is not made elsewhere in this tariff.	Minimum 1 Maximum 20
2.	<b>Initiating Complaint</b> Review and consideration of letter of complaint or other documentation initiating complaint and any reports submitted regarding the complaint.	Minimum 1 Maximum 10
3.	<b>Initiating Process in Respect of Citation</b> All process for which provision is not made elsewhere in this tariff for commencing a proceeding.	Minimum 1 Maximum 5
4.	<b>Disclosure</b> All processes associated with obtaining or providing disclosure of evidence, including documents.	Minimum 1 Maximum 10
5.	<b>Pre Discipline Committee Hearing Applications</b> Preparation for a pre discipline committee hearing application, for each day of hearing where the hearing is commenced: (a) where unopposed; (b) where opposed.	2 3
6.	<b>Pre Discipline Committee Hearing Application</b> For each day of attendance: (a) where unopposed; (b) where opposed.	4 7
7.	<b>Discipline Committee Hearing</b> Preparation for hearing for each day of hearing.	5
8.	Attendance at discipline committee hearing for each day.	10
9.	Process for making admission of facts	Minimum 1 Maximum 10
10.	<b>Pre-Hearing Conferences</b> Preparation for attendance at a pre-hearing conference for each day of attendance	Minimum 1 Maximum 3
11.	Attendance at Pre-Hearing Conference for each day.	Minimum 1 Maximum 5
12.	Preparation of written argument where requested by the tribunal	Minimum 1 Maximum 10
13.	Attendance at the hearing where party is ready to proceed and when hearing not commenced.	3
14.	Settlement of Costs	Minimum 1 Maximum 5

15.	Settlement of Order	Minimum 1 Maximum 3
16.	Process relating to the tribunal signing the order.	Minimum 1 Maximum 3
17.	Negotiations, including mediation, and process for settlement, or dismissal of any proceeding if settled or dismissed as a result of negotiations.	Minimum 1 Maximum 10

<b>DISBURSEMENTS</b>		
<b>Item</b>	<b>Including, but not limited to....</b>	<b>Costs</b>
1.	Photocopying	\$0.15 per page
2.	Binding costs	Actual Reasonable
3.	Hearing Room Expenses	Actual Reasonable
4.	Court Recorder and/or other expenses related to producing a record of the proceedings	Actual Reasonable
5.	Expert Witness Fees	Actual Reasonable
6.	Long Distance Telephone Charges	Actual Reasonable
7.	Delivery Costs	Actual Reasonable
8.	Courier	Actual Reasonable
9.	Service Fees, Subpoenas, Citations, etc.	Actual Reasonable
10.	Traveling and subsistence expenses for tribunal members and witnesses	Actual Reasonable

**Schedule 6**

**RECOGNIZED MIDWIFERY EDUCATION PROGRAMS**

McMaster University	Baccalaureate Midwifery Program
Ryerson University	Baccalaureate Midwifery Program
Laurentian University	Baccalaureate Midwifery Program
University of British Columbia	Baccalaureate Midwifery Program
Canadian Midwifery Regulators Consortium	Multi-jurisdictional Midwifery Bridging Program (interim recognition only)

## Schedule 7

### CODE OF ETHICS

These principles direct the conduct of midwives in their relationships with individuals, institutions and the community as a whole. They provide a framework to enhance the midwife's capacity for effective ethical decision making and reflection.

Midwives are professionals who recognize their accountability to their clients, the public and their profession. Midwives should always act in a manner that enhances the reputation of, and inspires public confidence in the profession.

- 1. A midwife's primary responsibility is to safeguard the well being of the women and newborns in her care. Midwives use their knowledge and expertise to provide a high standard of care to women and their families.**
  - 1.1. Midwives shall practice midwifery in accordance with the *Act*, the *Midwives Regulation*, the bylaws and policies of the College of Midwives of British Columbia.
  - 1.2. Midwives shall promote the normal process of birth within the context of safe practice.
  - 1.3. Midwives shall accept full responsibility for the care they provide to women and their newborn infants.
  
- 2. Midwives recognize the importance of continuing education and participation in the education of students and other midwives. Midwives are expected to share midwifery knowledge through a variety of processes such as peer review and research.**
  - 2.1. Midwives shall maintain current competency in their midwifery practice.
  - 2.2. Midwives shall only engage in research that is consistent with the Standards of Practice.
  
- 3. Midwives provide care that is responsive to the needs and values of women and respect the dignity of their clients. Midwives work with women and support the woman's right to participate fully in decisions about her care. Midwives provide the best possible care in all circumstances. When a midwife is unable to provide care she should make a reasonable attempt to assist the woman to find appropriate alternate care. Midwives do not let their personal beliefs deprive their clients of essential health care services.**

- 3.1. Midwives shall provide midwifery care without discriminating on the basis of race, colour, ancestry, place of origin, political beliefs, religion, marital status, family status, age, sexual orientation, physical or mental disability.
  - 3.2. Midwives shall respect a woman's right of informed choice and consent.
  - 3.3. Midwives shall inform their clients of the scope and limitations of midwifery practice.
  - 3.4. Midwives shall inform their clients of the legal limitations of confidentiality.
  - 3.5. Midwives shall ensure that no act or omission places the woman or her newborn at risk.
  - 3.6. Midwives shall not compromise care for reasons of personal or institutional expedience.
  - 3.7. Midwives shall not abandon care of a client in labour.
  - 3.8. Midwives shall never practice midwifery while their ability to do so is impaired.
- 4. Midwives recognize the human interdependence within their field of practice and seek to resolve inherent conflicts. The midwife recognizes the contribution and expertise of colleagues from other health care disciplines. Midwives also acknowledge and respect the role of community groups who provide care and support for childbearing women.**
- 4.1. Midwives shall interact respectfully and honestly with the people with whom they work and practice.
  - 4.2. Midwives shall collaborate with other health care professionals, consulting and referring as necessary when the woman's need for care exceeds the midwife's professional expertise.
- 5. Midwives act as effective role models by maintaining a standard of practice that is both professional and ethical. Midwives should not engage in any professional activity that would adversely affect the honour, dignity, or credibility of the profession.**
- 5.1. Midwives shall adhere to the professional standards in making known the availability of their services.
  - 5.2. Midwives shall not accept any gift, favour or hospitality which might be construed as either professional endorsement of a commercial product or seeking to obtain preferential consideration from a client.

**6. Midwives work with policy and funding agencies to determine women's need for health services and to promote the fair allocation of health care resources.**

- 6.1. Midwives shall actively promote equal access to health care that meets the needs of childbearing women.



**APPENDIX 1 - Repealed**

**APPENDIX 2 – Moved to Schedule 7**