

**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**

**COLLEGE OF MIDWIVES  
OF BRITISH COLUMBIA  
900 – 200 Granville Street  
Vancouver, 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 17 (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;

“**code of ethics**” means the principles published by the board, setting out the conduct of registrants and providing a framework to enhance the registrants’ capacity for effective ethical decision making and reflection;

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

“**conditional registrant**” means a registrant who is registered in the class established in section 45 (b);

“**conditional (remedial) registrant**” means a registrant who is registered in the class established in section 45 (c);

“**conditional (return to practice) registrant**” means a registrant who is registered in the class established in section 45 (d);

“**consent agreement**” means the record of an undertaking or a consent given under section 36 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;

“**deliver**” with reference to a notice or other document, includes mail to or leave with a person, or deposit in a person’s mailbox or receptacle at the person’s place of residence or place of business, or transmit to the most recent electronic mail address provided to the college by a registrant for the purpose of delivery;

“**elected board member**” means a member of the board elected under section 17 (3) (a) of the *Act*;



**“general registrant”** means a registrant who is registered in the class established in section 45 (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 (2.1) or (3), 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 45 (h);

**“personal information”** means:

(a) For the purposes of Part 3, “personal information” as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*; and

(b) For the purposes of section 73, “personal information” as defined in section 1 of the *Personal Information Protection 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 3;

**“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 current or former registrant named in a citation issued under section 37 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 an out-of-hospital setting;

**“standards of practice”** means the standards published by the board, setting out the minimum standard 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 45 (i);

**“temporary (emergency) registrant”** means a registrant who is registered in the class established in section 45 (g);

**“temporary (limited scope) registrant”** means a registrant who is registered in the class established in section 45 (f);

**“temporary registrant”** means a registrant who is registered in the class established in section 45 (e).

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

### Board members

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

### Nomination procedure

3. (1) At least three (3) 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 delivering such nomination to the registrar, together with a letter of consent from the nominee, at least two (2) 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 must supervise and administer all board elections and may establish additional procedures, consistent with these bylaws, for that purpose.
- (2) The registrar shall prepare and deliver to each registrant an election ballot not less than six weeks prior to the expiry of the term of office.
- (3) 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.
- (4) The registrar must not count a ballot unless it has been received by the election trustee in accordance with the procedures established in subsection (1) no later than the date determined by the registrar under subsection (1) and indicated on the ballot.
- (5) The person or persons receiving the most votes on the return of the ballots shall be elected to the board.

- (6) In the case of a tie vote, the registrar must select the successful candidate by random draw.
- (7) If only one candidate is nominated for election to a vacant office under section 3 by the close of nominations, the nominee is elected by acclamation.
- (8) In the event of a service or technical interruption of a voting method, the registrar may extend the deadline until such time as is reasonable to accommodate for the interruption.

#### 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 from date elected.
  - (2) An elected board member is eligible for re-election, for a maximum of two (2) consecutive terms.
  - (3) An elected board member ceases to hold office as an elected board member if he or she:
    - (a) is removed from office under section 17.11 (5) of the Act,
    - (b) ceases to be a registrant in good standing with the college,
    - (c) becomes an employee of the college,
    - (d) becomes a director or officer of a midwifery professional association,
    - (e) resigns from office as an elected board member, or
    - (f) dies.
  - (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.

#### 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:
- (1) preside at all meetings of the college and board and be an ex-officio member of all committees;
  - (2) sign all certificates, diplomas and other instruments executed on behalf of the college as required; and
  - (3) 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:
- (1) the members of the board present at a board meeting; or
  - (2) the registrants present at a general meeting.

### Board meetings

10. (1) The board shall meet 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. Notice may be provided to registrants by posting a notice on the college website.
- (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 for the board meeting; and
  - (c) a copy of the minutes of the previous board 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.
- (8) Subject to subsection (9), meetings of the board must be open to registrants and to the public.
- (9) The board may exclude any person who is not a board member from any part of a meeting if it is satisfied that one or more of the following matters will be discussed:
  - (a) financial or personal or other matters that are of such a nature that the interest of any affected person or the public interest in avoiding disclosure of those matters outweighs the public interest in board meetings being open to the public;
  - (b) information concerning an application by any individual for registration under section 20 of the Act or reinstatement or renewal thereof the disclosure of which would be an unreasonable invasion of the applicant's personal privacy;
  - (c) information concerning a complaint against, or an investigation of, any individual under Part 3 of the Act, the disclosure of which would be an unreasonable invasion of the individual's personal privacy;
  - (d) information concerning an assessment of the professional performance of a registrant under section 26.1 of the Act, the disclosure of which would be an unreasonable invasion of the registrant's personal privacy;
  - (e) information the disclosure of which may prejudice the interests of any person involved in
    - (i) a proceeding under the Act, including a disciplinary proceeding under Part 3 of the Act, a review under Part 4.2 of the Act, or
    - (ii) any other criminal, civil or administrative proceeding;
  - (f) personnel matters;
  - (g) property acquisitions;
  - (h) the contents of examinations;
  - (i) information concerning the scoring or results of examinations, or a report of an examiner under section 59 (4), the disclosure of which would be an unreasonable invasion of any individual's personal privacy;
  - (j) communications with the Office of the Ombudsperson;

- (k) instructions given to or opinions received from legal counsel, or any other matter which is subject to solicitor-client privilege;
  - (l) information which the college would be required or authorized to refuse to disclose to an applicant making a request for records under Part 2 of the *Freedom of Information and Protection of Privacy Act*; or
  - (m) information which the college is otherwise required by law to keep confidential.
- (10) If the board excludes any person from a part of the meeting, it must have its reasons for doing so noted in the minutes of the meeting.
- (11) In the case of a tie, the chair of the meeting does not have a second vote in addition to the vote to which the chair is entitled as a board member, and the proposed resolution does not pass.
- (12) The board may meet and conduct business in person or by video, telephone conference, web casting, or an equivalent medium.
- (13) A resolution approved by the majority of all board members in writing, including mail, facsimile, or email, is valid and binding and of the same effect as if such resolution had been duly passed at a meeting of the board.
- (14) Such a resolution as passed in subsection (13) must be verified and made a part of the minutes of the next board meeting.
- (15) 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.
- (16) The accidental omission to deliver notice of a meeting to, or on the non-receipt of a notice by, any person entitled to receive notice under subsection (2) does not invalidate proceedings at that meeting.

### 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 from date appointed;
  - (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. (1) A committee chair may establish a panel, appoint the chair and members of that panel.
- (2) A panel of a committee may exercise any power, duty or function of the committee.

#### General rules governing meetings of a committee or a panel

13. (1) The chair shall ensure that minutes are taken at each committee or panel meeting and retained on file.
- (2) The chair of a committee or panel meeting may move or propose a resolution.
- (3) The committee or a panel may conduct business in person or by video, telephone conference, web casting, or an equivalent medium.
- (4) A majority of the committee constitutes a quorum if a public representative is present.
- (5) Three members of a panel constitutes a quorum if a public representative is present.
- (6) 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.
- (7) 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 a committee or a panel.

#### Remuneration

14. (1) Board members are equally entitled to be:
  - (a) remunerated for time spent on business of the college, in the amount 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 board.



- (2) Committee or panel members are equally entitled to be:
  - (a) remunerated for time spent on business of the college, in the amount 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

15. (1) The executive committee is established consisting of three (3) board members appointed by the board, at least one (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.

#### Registration committee

16. (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.
- (3) The registration committee is responsible for granting registration, including reinstatement of registration, of a person as a registrant of its college under section 20 of the Act. The committee may also determine and refuse to grant registration, grant registration for a limited period specified for the registrant or grant registration with limits or conditions imposed on the practice of midwifery.
- (4) The chair of the registration committee may appoint an approval panel, consisting of at least three (3) members, one (1) of whom shall be a public representative, to review and approve applications for registration.
- (5) The chair of the registration committee may appoint a supervision panel, consisting of at least three (3) members, one (1) of whom shall be a public representative, to review and approve supervision requirements for conditional registrant and conditional (return to practice) registrant.

#### Inquiry committee

17. (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.

- (2) At least one-third (1/3) of the inquiry committee must consist of public representatives.
- (3) 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.
- (4) 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.
- (5) The board must not appoint a person to be a member of the inquiry committee and the discipline committee at the same time.

#### Discipline committee

18. (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.
- (2) At least one-third (1/3) of the discipline committee must consist of public representatives.
- (3) 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.
- (4) The board must not appoint a person to be a member of the discipline committee and the inquiry committee at the same time.

#### Quality assurance committee

19. (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 and code of ethics 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 63 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 and ethics 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

20. (1) The standards of practice committee is established consisting of ten (10) 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) three (3) 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; and
  - (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

21. (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.
- (3) At least one-third (1/3) of the client relations committee must consist of public representatives.
- (4) 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) provide information to 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 indigenous midwifery

22. (1) The committee on indigenous midwifery is established consisting of at least three (3) indigenous persons appointed by the board.
- (2) The committee on indigenous midwifery may recommend bylaws to the board regarding the following matters:
- (a) a class of traditional indigenous midwives and classes of indigenous midwives;
  - (b) requirements for the registration of traditional indigenous midwives and indigenous midwives;
  - (c) standards, limits or conditions for the practice of midwifery by indigenous midwives;
  - (d) standards of professional ethics for indigenous midwives;
  - (e) standards of education for indigenous midwives;
  - (f) requirements for continuing education for indigenous midwives; and
  - (g) procedures to be followed by the committee.
- (3) The committee on indigenous 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 indigenous midwifery.

## **PART II: COLLEGE ADMINISTRATION**

### Seal

23. (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

24. In addition to the powers and duties of the registrar under the Act, the registrar:
- (1) is the Executive Director of the college and holds final responsibility for all administrative and operational matters for the college,
- (2) at each meeting of the board, submits a report of all revenues and expenditures since the last meeting unless otherwise ordered by the board,
- (3) submits an annual report to the annual general meeting of the college,
- (4) is authorized to establish, by bylaw, forms for the purposes of the bylaws, and to require the use of such forms by registrants, and
- (5) carries out other such duties as directed by the board.

### Deputy registrar

25. If a deputy registrar(s) is appointed by the board, under section 21 of the Act,
- (1) the deputy registrar is authorized to perform all duties and exercise all powers of the registrar, subject to the direction of the registrar, and
- (2) 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

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

### Banking

27. 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

28. (1) The board:
- (a) must approve an operating expense and revenue budget for each fiscal year, and
  - (b) may, from time to time, as and subject to any conditions the board considers necessary, authorize the registrar to approve capital expenditures up to a maximum amount as determined by the board.
- (2) The registrar may authorize any budgeted expenditure provided that the registrar is satisfied that the expenditure will not cause the total of the annual operating expense budget to be exceeded.
- (3) The registrar may authorize an expenditure that was not contemplated by the operating expense budget or that exceeds the amounts set out in that budget for any item of expense or a capital expenditure, provided the registrar is satisfied that the contemplated expenditure will not
- (a) compromise the board's annual objectives
  - (b) cause the total of the annual operating expense budget to be exceeded, or
  - (c) exceed the registrar's authority to approve capital expenditures as authorised by the board under subsection (1) (b).
- (4) If the registrar authorizes an expenditure under subsection (3), the registrar must report that action to the board at its next meeting.

### Financial authority

29. The board may:
- (1) 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
  - (2) 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

30. 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

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

Auditor

32. 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 within 90 days of the end of each fiscal year.

Legal counsel

33. The board or, with approval of the board, a committee or panel or the registrar, 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

34. (1) A general meeting of the registrants shall be held in British Columbia at a time and place determined by the board.
- (2) 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, and the report of the auditor if any; and
  - (b) the report of the board.
- (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.

#### Notice of general meetings

35. (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 36 and delivered to the registrar prior to the mailing of the notice.
- (3) At the discretion of the board, notice of the general meeting may specify that registrants will be permitted to attend the meeting by video, teleconference, web casting, or an equivalent medium, in accordance with instructions specified in the notice.

- (4) Notice of the general meeting may be provided to the public by posting a notice on the college website.
- (5) 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

36. (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

37. (1) A quorum is ten (10) percent of total registrants in good standing.
- (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) In case of a tie vote, the proposed resolution shall not pass.
- (10) 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

- 38. 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**

##### Responsibility for administration of *Freedom of Information and Protection of Privacy Act*

39. (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 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

40. 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 1 of the *Freedom of Information and Protection of Privacy Regulation* for services required to comply with the information request.

##### Protection of personal information

41. The board shall take all reasonable measures to ensure that:
- (1) the collection, use, and disclosure of personal information occurs in accordance with the *Freedom of Information and Protection of Privacy Act*; and
- (2) 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

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

Disclosure of registration status

43. (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 39 of the Act and the details of that order;
  - (c) whether or not that person has ever signed a consent agreement under section 36 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

44. The board shall ensure that a college record containing personal information is disposed of only by:
- (1) effectively destroying a physical record by utilising a shredder, a secured commercial shredding company, or by complete burning;
  - (2) erasing information recorded or stored by electronic methods such as tapes, disks, cassettes, flash drive, or electronic devices in a manner that ensures that the information cannot be reconstructed;
  - (3) returning the record to the person the information pertains to; or
  - (4) returning the record to the registrant who compiled the information.

## **PART V: REGISTRATION**

### Classes of registrants

45. 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.

### Registration requirements

46. (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 that the applicant will be in compliance with the Act, the Regulation and these bylaws, in the form established by the registrar under section 24 (4) for the purposes of this section;
- (b) any applicable administrative, application, jurisprudence examination, registration examination, registration, reinstatement or other fees specified in Schedule 1;
- (c) any other fee, fine, debt or levy owed to the college;
- (d) a copy of photo identification;
- (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 within five (5) years prior to the date of application under this section, an authorization for a criminal record check in that other jurisdiction; and
  - (i) any further information the Board may require.
- (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) particulars of any pending civil/criminal action, a notice of claim, and/or settlement or judgement in any civil/criminal law suit where the applicant is a party;
  - (xiv) a conviction in relation to any federal or provincial offence;
  - (xv) a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs that impairs ability to practice midwifery;
- (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;
  - (c) satisfy the registration committee of her or his good character consistent with the responsibilities of a registrant; and
  - (d) satisfy the registration committee of her or his compliance with the code of ethics and standards of practice of the college.
- (3) Subsections (1) and (2) do not apply in respect of:
    - (a) an application for registration, or renewal of registration, under section 53; or
    - (b) an application for registration under section 54 except section 54 (1) (a) (iv).
  - (4) Subsection (2) applies in respect of an application under sections 57 and 60.

#### General registration

- 47. (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 as listed in Schedule 3;
  - (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/completion of neonatal resuscitation, cardiopulmonary resuscitation and emergency skills from programs that are acceptable to the registration committee;
- (f) demonstrated education and certification, as approved by the board and/or through a recognized midwifery education program as listed in Schedule 3, in the prescription of drugs specified in Schedule 1 or 1A of the Drug Schedules Regulation; and
- (g) 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 62;
  - (iv) the items required under section 46 (1); and
  - (v) evidence satisfactory to the registration committee that the applicant meets the conditions and requirements established in section 46 (2).

- (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 standing and professional conduct in respect of the applicant; and
  - (d) meets the conditions and requirements established in subsection (1) (d), (e), (f) and (g) (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 (g).
- (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 (g).
- (5) Despite subsections (1) to (4), general registration may be granted to the following registrants:
- (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;
  - (b) conditional (return to practice) registrant if she or he successfully completes, to the satisfaction of the registration committee, the educational upgrading courses or specific practice requirements specified by the registration committee;
  - (c) temporary registrant if she or he meets the conditions and requirements established in section 47 (1) (c); or applied for and was granted temporary registration; and
  - (d) temporary (limited scope) registrant if she or he meets the conditions and requirements established in sections 47 (1) (e) and 63.

#### 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 47 (1) (a) and (b), or (2) (a) and (b), or (3) (a) or (4) (a) to (d), as applicable, and:
    - (i) in the opinion of the registration committee, the applicant:
      - (A) is likely to meet the conditions and requirements established in section 47 (1) (b), or (2) (b), or (3) (a) or (4) (c) and (d), as

applicable, by completing practice requirements specified by the registration committee; and

- (B) can practice as a conditional registrant without any undue risk to public health and safety; and
- (ii) the applicant meets the conditions and requirements established in section 47 (1) (c) to (g); or
- (b) the applicant does not meet the conditions and requirements established in section 47 (2) (a) and 47 (1) (f); and
  - (i) in the opinion of the registration committee, the applicant:
    - (A) is likely to meet the conditions and requirements established in section 47 (1) (f), as applicable, by completing educational upgrading courses acceptable to the registration committee; and
    - (B) can practice as a conditional registrant without any undue risk to public health and safety; and
  - (ii) the applicant meets the conditions and requirements established in section 47 (1) (c) to (e) and (g);  
and
- (c) receipt by the registrar of:
  - (i) in the case of applicant under subsection (1) (a) the items required under sections 46 (1); or
  - (ii) in the case of applicant under subsection (1) (b) the items required under sections 46 (1) and 47 (1) (g) (ii);  
and
  - (iii) evidence satisfactory to the registration committee that the registrant meets the conditions and requirements established in section 46 (2).
- (2) A registrant must be transferred to the conditional class if limits or conditions are imposed on the registrant's practice of midwifery under sections 20 and 35 of the Act.
- (3) Conditional registration may be granted under subsection (1) for a period of up to one (1) year.

- (4) 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 the form established by the registrar under section 24 (4) for the purposes of this section, 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) the applicable registration renewal fee, if any, specified in Schedule 1; 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.
- (5) Conditional registration may be renewed under subsection (3) once for an additional period of up to one (1) year.
- (6) Until proof of successful completion of the specified practice requirements has been received and is accepted by the registration committee, the conditional registrant may provide midwifery services only in accordance with the limits and/or conditions set 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

49. (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 sections 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 37 (8), 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, committee or panel if she or he is a member of the board, committee or panel immediately before becoming a conditional (remedial) registrant.

#### Conditional (return to practice) registration

50. (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 57 (1) (a) and (b) (ii);
    - (ii) A temporary (limited scope) registrant who seeks general registration and does not meet the conditions and requirements established in section 63;
    - (iii) a non-practicing registrant who meets the conditions and requirements established in section 60 (a) and (c); or
    - (iv) a former registrant who meets the conditions and requirements established in section 61 (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 and/or practice requirements specified by the registration committee; and

- (ii) can practice as a conditional (return to practice) registrant without any undue risk to public health and safety; and
- (c) receipt by the registrar, if she or he applies under subsection (1) (a) (i), of:
  - (i) a completed and signed application for change of registration class in the form established by the registrar under section 24 (4) for the purposes of this subsection;
  - (ii) any applicable administrative or registration fees specified in Schedule 1; and
  - (iii) evidence satisfactory to the registration committee that the registrant meets the conditions and requirements established in section 46 (2).
- (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 the form established by the registrar under section 24 (4) for the purposes of this section, 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) the applicable registration renewal fee, if any, specified in Schedule 1; 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 specified practice requirements has been received and is accepted by the registration committee, a conditional (return to practice) registrant may provide midwifery services only in accordance with the limits and/or conditions set by the registration committee.
- (6) Despite sections 3 to 5, a conditional (return to practice) 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 or as a member of a committee or panel until the term(s) end, if she or he was a member of the board, committee or panel immediately before becoming a conditional (return to practice) registrant.

#### Temporary registration

51. (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 47 (1) (a), (b) and (d) to (g);
  - (b) meets the conditions and requirements established in section 47 (2);
  - (c) is a non-practising registrant who meets the conditions and requirements established in section 60;
  - (d) is a former registrant who meets the conditions and requirements established in section 61;
  - (e) is a conditional registrant who successfully completes, to the satisfaction of the registration committee, the educational upgrading courses or practice requirements specified by the registration committee;
  - (f) is a conditional (return to practice) registrant who successfully completes, to the satisfaction of the registration committee, the educational upgrading courses or practice requirements specified by the registration committee;
  - (g) is a temporary (limited scope) registrant who meets the conditions and requirements established in sections 47 (1) (e) and 63; or
  - (h) is a general registrant; and.
  - (i) receipt by the registrar, if she or he applies under subsection (1) (a), (b) or (d), of:
    - (i) the items required under sections 46 (1); and
    - (ii) evidence satisfactory to the registration committee that the registrant meets the conditions and requirements established in section 46 (2); or
  - (j) receipt by the registrar, if she or he applies under subsection (1) (c), (e), (f), (g) or (h), of:



- (i) a completed and signed application for change of registration class in the form established by the registrar under section 24 (4) for the purposes of this subsection;
  - (ii) any applicable administrative or registration fees specified in Schedule 1;
  - (iii) evidence satisfactory to the registration committee that the registrant meets the conditions and requirements established in section 46 (2).
- (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 the form established by the registrar under section 24 (4) for the purposes of this section, 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) the applicable registration renewal fee, if any, specified in Schedule 1; 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 section 52, temporary (limited scope) registration may be granted to a temporary registrant who applied for and was granted temporary registration under subsection (1) (b) to (h).
- (6) 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 or as a member of a committee or panel until the term(s) end, if she or he was a member of the board, committee or panel immediately before becoming a temporary registrant.

Temporary (limited scope) registration

52. (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 60 (a) to (c);
  - (b) is a former registrant who meets the conditions and requirements established in section 61 (a) (c) and (d);
  - (c) is a general registrant;
  - (d) is a temporary registrant who applied for and was granted temporary registration under sections 51 (1) (b) to (h); or
  - (e) an applicant who
    - (i) is registered by a regulatory authority that regulates the practice of midwifery in another Canadian jurisdiction as the equivalent of a general or full registrant currently holding a general or full registration in another Canadian jurisdiction;
    - (ii) satisfies the registration committee that she or he is in good standing with no other practice restrictions, limitations or conditions;
    - (iii) for the purpose of meeting the requirements of subsection (ii), 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 standing and professional conduct in respect of the applicant; and
    - (iv) meets the conditions and requirements established in sections 47 (1) (d), (f), (g) (ii) and (iii), and 63;
- and
- (f) receipt by the registrar, if she or he applies under subsection (1) (a), (c) or (d), of:

- (i) a completed and signed application for change of registration class in the form established by the registrar under section 24 (4) for the purposes of this subsection;
  - (ii) any applicable administrative or registration fees specified in Schedule 1; and
  - (iii) evidence satisfactory to the registration committee that the registrant meets the conditions and requirements established in section 46 (2); or
- (g) receipt by the registrar, if she or he applies under subsection (1) (b) or (e), of:
  - (i) the items required under sections 46 (1); and
  - (ii) evidence satisfactory to the registration committee that the registrant meets the conditions and requirements established in section 46 (2).
- (2) Temporary (limited scope) registration may be granted under subsection (1) for a period of up to twelve (12) months.
- (3) Temporary (limited scope) registration may be renewed under subsection (5) for one or more additional periods of up to twelve (12) months.
- (4) Despite subsection (3), the cumulative total period of time that any person is registered under this section must not exceed five (5) years.
- (5) 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 the form established by the registrar under section 24 (4) for the purposes of this section, 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) the applicable registration renewal fee, if any, specified in Schedule 1, 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.
- (6) A temporary (limited scope) registrant may provide only the following midwifery services:

- (a) antepartum;
  - (b) postpartum care; and/or
  - (c) intrapartum care as a second midwife if the registrant holds current certificates in neonatal resuscitation and cardiopulmonary resuscitation from programs that are acceptable to the registration committee.
- (7) 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 or as a member of a committee or panel until the term(s) end, if she or he was a member of the board, committee or panel immediately before becoming a temporary (limited scope) registrant.

#### Temporary (emergency) registration

53. (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 47 (2) (a) and (b);
    - (ii) is a non-practising registrant who meets the conditions and requirements established in section 60 (a) to (c); or
    - (iii) is a former registrant who meets the conditions and requirements established in section 61 (a) and section 47 (1) (e) to (g);
  - (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 the form established by the registrar under section 24 (4) for the purposes of this section, confirming that the applicant is applying for temporary (emergency) registration solely for the purpose of providing assistance during the emergency situation;
    - (ii) the applicable registration fee, if any, specified in Schedule 1; and

- (iii) 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 in the form established by the registrar under section 24 (4) for the purposes of this section, and an attestation that the registrant is in compliance with:
      - (A) the Act, the Regulation, and these bylaws; and
      - (B) any limits or conditions imposed under the Act; and
    - (ii) the applicable registration renewal fee, if any, specified in Schedule 1; and
    - (iii) 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 or as a member of a committee or panel until the term(s) end, if she or he

was a member of the board, committee or panel immediately before becoming a temporary (emergency) registrant.

Non-practising registration

54. (1) For the purposes of section 20 of the Act, the conditions and requirements for non-practising registration are:
- (a) the applicant is:
    - (i) a general registrant;
    - (ii) a temporary registrant;
    - (iii) a temporary (limited scope) registrant; or
    - (iv) an applicant who
      - (A) is registered by a regulatory authority that regulates the practice of midwifery in another Canadian jurisdiction as the equivalent of a non-practising registrant currently holding a non-practising registration in another Canadian jurisdiction;
      - (B) satisfies the registration committee that she or he is in good standing with no other practice restrictions, limitations or conditions;
      - (C) for the purpose of meeting the requirements of subsection (B), 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 standing and professional conduct in respect of the applicant; and
      - (D) meets the conditions and requirements established in section 47 (1) (d); and
  - (b) receipt by the registrar of:
    - (i) in the case of a general, temporary or temporary (limited scope) registrant, a completed and signed application for non-practising registration and a statutory declaration, in the form established by the registrar under section 24 (4) for the purposes of this section; and
    - (ii) the applicable application, registration and other fees, if any, specified in Schedule 1.
- (2) A non-practising registrant must not provide midwifery services in British Columbia.

- (3) Despite sections 3 to 6, 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 may continue to serve as a member of the board until the next scheduled board election or as a member of a committee or panel until the term(s) end, if she or he was a member of the board, committee or panel immediately before becoming a non-practising registrant.

### Student registration

55. (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 46 (1); and
    - (iii) evidence satisfactory to the registration committee that the applicant meets the conditions and requirements established in section 47 (2) (a) to (d).
- (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 the form established by the registrar under section 24 (4) for the purposes of this section, 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) the applicable registration renewal fee, if any, specified in Schedule 1;

- (c) if applicable, evidence satisfactory to the registration committee that the student 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 37 (8), 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

- 56. (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 make available, in a form approved by the board, to each registrant on the granting of initial registration as a member of the college:
  - (a) an initial certificate of registration; and
  - (b) a certificate of registration.
- (2) A certificate of registration must specify the registrant's class of registration, any limits or conditions that apply to that class of registrants, and the expiration date of the registrant's current registration.
- (3) If registration is renewed in accordance with these bylaws, the registrar must issue, in a form approved by the board, to the registrant on such renewal:
  - (a) a renewal certificate of registration that specifies the registrant's class of registration, any limits or conditions that apply to that class of registrants, and the expiration date of the registrant's current registration.



### Renewal of general or non-practising registration

57. (1) 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 47 or 54:
- (a) receipt by the registrar of:
    - (i) a completed and signed application for renewal of registration in the form established by the registrar under section 24 (4) for the purposes of this section, and an attestation that the registrant is in compliance with:
      - (A) the Act, the Regulation, and these bylaws; and
      - (B) any limits or conditions imposed under the Act;
    - (ii) any applicable administrative or renewal fees specified in Schedule 1;
    - (iii) any other fee, fine, debt or levy owed to the college;
    - (iv) evidence satisfactory to the registration committee that the registrant meets the conditions and requirements established in section 46 (2); and
    - (v) any further information the board may require; and
  - (b) in the case of a general registrant:
    - (i) the registrant has met the requirements of sections 47 (1) (e) and (f) and 63; and
    - (ii) the registrant has met the requirements of section 62 (1).

### Failure to renew

58. (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 57.
- (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 57, the registrant's registration is cancelled.

### Registration examinations

59. (1) Except for the Canadian Midwifery Registration Examination prepared by and under the direction of the Canadian Midwifery Regulators Council, 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

60. For the purposes of section 20 (2) of the Act, the conditions and requirements for a non-practising registrant to return to general, temporary or temporary (limited scope) registration are, despite section 47, 51 or 52:
  - (a) the registrant's registration is not suspended under the Act;
  - (b) for general or temporary registration, the registrant meets the conditions and requirements established in sections 47 (1) (e) and (f), and 63; or
  - (c) for temporary (limited scope) registration, the registrants meets the conditions and requirements established in sections 47 (1) (f) and 63; and
  - (d) receipt by the registrar of:

- (i) a completed and signed application for return to general or temporary registration in the form established by the registrar under section 24 (4) for the purposes of this section, and an attestation that the registrant is in compliance with:
  - (A) the Act, the Regulation, and these bylaws; and
  - (B) any limits or conditions imposed under the Act;
- (ii) any applicable administrative or registration fees specified in Schedule 1;
- (iii) evidence satisfactory to the registration committee that the registrant meets the conditions and requirements established in section 46 (2); and
- (iv) the item required under section 47 (1) (g) (iii).

#### Reinstatement of former registrant

61. 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 47 or 51:
- (a) the former registrant's most recent previous registration was as a general registrant, temporary registrant or non-practising, 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 47 (1) (b);
  - (c) the former registrant meets the conditions of section 47 (1) (d) to (f); and
  - (d) receipt by the registrar of:
    - (i) the items required under sections 46 (1) and 47 (1) (g) (iii); and
    - (ii) evidence satisfactory to the registration committee that the registrant meets the conditions and requirements established in section 46 (2).

#### Liability insurance

62. (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

63. Each registrant must provide proof of compliance of the conditions and requirements established to ensure competency and currency of skills as recommended by the quality assurance committee and approved by the board.

## **PART VI: INVESTIGATION, INQUIRY AND DISCIPLINE**

### Definitions

64. “**Professional misconduct**” means, for the purposes of this part, “professional misconduct” as defined in Part 3, Section 26 of the Act.

### Incapacity to practice and the fitness to practice panel

65. (1) Where the inquiry committee has reason to believe that a registrant may be incapacitated, the chair of the committee may appoint a fitness to practice panel as established in section 17 (4) 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 35 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 35 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.

### Disposition of Complaints by Registrar

66. The registrar is authorized to act under section 32 (3) of the Act.

### Inspections

67. An inspector must not observe a registrant while a registrant is providing a service to a client expect where:
- (a) the consent of the client being cared for has been obtained in advance, or

- (b) the service is being provided in a public setting.

#### Notification of investigations by inquiry committee

68. 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 33 (6) of the Act.

#### Consents and undertaking

69. The record of an undertaking or consent given under section 36 of the Act, a consent order under section 37.1 of the Act, or an agreement under section 32.2 (4) (b) or 32.3 (3) (b) of the Act must:
- (a) include any consent to a reprimand or any other action made by the registrant under section 32.2 (4) (b), 32.3 (3) (b), 36, or 37.1 of the Act;
  - (b) include any undertaking made by the registrant under section 36 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 subsection (b); and
  - (e) specify which terms of the consent agreement may be disclosed to the public.

#### Alternate Dispute Resolution

70. (1) The inquiry committee may recommend under section 33 (6) (b) of the Act that a complaint be referred to alternate dispute resolution where:
- (a) the inquiry committee determines that the issuance of a citation under section 37 of the Act is not warranted; and
  - (b) the complainant and the registrant agree to alternate dispute resolution.
- (2) Following a recommendation under subsection (1), the inquiry committee may appoint a mediator who is acceptable to the complainant and the registrant.
- (3) The mediator shall conduct the alternate dispute resolution process in accordance with any policies and procedures established by the board and the terms of a written alternate dispute resolution contract executed by the inquiry committee, the complainant and the registrant.

- (4) Where an agreement between the complainant and the registrant is reached through alternate dispute resolution, 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 alternate dispute resolution requires the registrant to undertake or consent to an action referred to in section 36 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 alternate dispute resolution or the terms of an agreement reached are not approved by the inquiry committee, that matter must be referred back to the inquiry committee, which may then take any other action under section 33 (6) of the Act.

Citation for disciplinary hearing

71. (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 37 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 registered mail to the respondent at the last known address for the person recorded in section 21 (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.

### Hearings of discipline committee

72. (1) In accordance with sections 17 (5) and 18 (4), 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 38 (6) of the Act.

### Public Notice of Disciplinary Action

73. (1) In addition to the requirements of section 39.3 of the Act with respect to any of the actions referred to in section 39.3 (1) (a) to (e) of the Act, the registrar
- (a) must notify:
    - (i) all registrants, and
    - (ii) the regulatory bodies governing the practice of registered midwifery in every other Canadian jurisdiction, and
  - (b) may notify any other regulatory or government body of a health profession inside or outside Canada,
  - (c) may notify any hospital where the registrant holds privileges or a permit to practice.
- (2) Notification provided to all registrants under subsection (1) (a) (i):
- (a) must include all information included in the public notification under section 39.3 of the Act, and
  - (b) unless otherwise directed by the inquiry committee or the discipline committee, as the case may be, must exclude any information withheld from the public notification under section 39.3 (3) or (4) of the Act.
- (3) Unless otherwise directed by the inquiry committee or the discipline committee, as the case may be, notification provided to other regulatory or government bodies under subsection (1) (a) (ii) or (b) may include information that is not



releasable to the public under section 39.3 (5) or that has otherwise been withheld from the public notification under section 39.3 (3) or (4) of the Act.

#### Retention of records

74. 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

75. (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, if required by an order under section 35, 37.1, 38, 39, or 39.1 of the Act, an agreement under section 32.2 (4) (b) or 32.3 (3) (b) of the Act, or other action taken under section 33 (2) of the Act, a notice of suspension in the form established by the registrar under section 24 (4) for the purposes of this section and in an area approved by the registrar, which states the duration and reasons for the suspension,
  - (h) pay any fee or special assessment required by the College when due in order to remain a registrant, and

- (i) 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 the form established by the registrar under section 24 (4) for the purposes of this section, or by employing office staff, an answering service or other telephonic device specifically for this purpose.

### Fines

76. The maximum amount of a fine that may be ordered by the discipline committee is directed under section 39 of the Act.

### Costs

77. (1) The tariff of costs set out in Schedule 2, to partially indemnify the college for investigations under section 33 of the Act, is established under section 19 (1) (v.1) of the Act.
- (2) The tariff of costs set out in Schedule 2, to partially indemnify parties for their expenses incurred in the preparation for and conduct of hearings under section 38 of the Act, is established under section 19 (1) (w.1) of the Act.
- (3) Any costs awarded by the discipline committee under section 39 (4) or (5) of the Act, or by the inquiry committee under section 33 (7) of the Act or in accordance with a proposal under section 37.1 of the Act, must be assessed by the applicable committee in accordance with Schedule 2 and the applicable tariff of costs set out therein.

### Notices to pharmacists and licensed dealers of narcotics and controlled drugs

78. (1) If a registered midwife admits that he or she has failed to comply with a relevant standard, the inquiry committee or the discipline committee may direct the registrar to deliver a written request to the Federal Minister for issuance of a notice in respect of the registered midwife.
- (2) If the discipline committee determines under section 39 (1) (b) of the Act that a registered midwife has failed to comply with a relevant standard, the discipline committee may direct the registrar to deliver a written request to the Federal Minister for issuance of a notice in respect of the registered midwife.
- (3) The registrar may disclose to the Federal Minister, in response to a request to consult, information or records relating to a registered midwife's conduct of an activity with a listed substance.

- (4) The inquiry committee may authorize the registrar to provide a consent to retraction of a notice, other than a notice that was requested at the direction of the discipline committee, if:
- (a) the inquiry committee is satisfied that the consent to retraction is not contrary to the public interest, and
  - (b) the consent to retraction is not inconsistent with any other limits or conditions imposed on the registered midwife's practice under the Act.
- (5) The discipline committee may authorize the registrar to provide a consent to retraction of a notice that was requested at the direction of the discipline committee, if:
- (a) the discipline committee is satisfied that the consent to retraction is not contrary to the public interest, and
  - (b) the consent to retraction is not inconsistent with any other limits or conditions imposed on the registered midwife's practice under the Act.
- (6) The registrar must not issue a consent to retraction except in accordance with subsection (4) or (5).
- (7) In this section:
- “conduct of an activity”, with reference to a listed substance, includes:
- (a) use, possession, compounding, dispensing, administration or prescription of the listed substance; and
  - (b) issuance of an order to compound, dispense or administer the listed substance;

“consent to retraction” means, in respect of a notice, a letter under section 80 (b) (ii) of the Benzodiazepines and Other Targeted Substances Regulations (Canada), section G.04.004.3 (b) (ii) of the Food and Drug Regulations (Canada) or section 60 (b) (ii) of the Narcotic Control Regulations (Canada) signifying the college's consent to retraction of the notice;

“Federal Minister” means the Minister of Health of Canada, and includes an agent authorized to act on his or her behalf;

“listed substance” means a “listed substance” as defined in section 1 of the New Classes of Practitioners Regulations (Canada);

“notice” means a notice under section 79 (1) of the Benzodiazepines and Other Targeted Substances Regulations (Canada), section G.04.004.2 (1) of the Food

and Drug Regulations (Canada) or section 59 (1) of the Narcotic Control Regulations (Canada);

“relevant standard” means a standard, limit or condition established under the standards of practice or the standards of professional ethics, or otherwise imposed under the Act, that is relevant to a midwife’s conduct of an activity with a listed substance;

“request to consult” means an inquiry by the Federal Minister under section 79 (5) (a) of the Benzodiazepines and Other Targeted Substances Regulations (Canada), section G.04.004.2 (5) (a) of the Food and Drug Regulations (Canada) or section 59 (5) (a) of the Narcotic Control Regulations (Canada).

## **PART VII: REGISTRANT RECORDS**

### Privacy Requirement

79. A registrant must take all reasonable measures to ensure that the purpose, source, collection, use, protection, disclosure, access and disposal of a client's personal information occurs in accordance with all Federal and British Columbia statutes applicable to the practice of midwifery including, without limitation,
- (1) the *Personal Information Protection Act* of British Columbia,
  - (2) the *Personal Information Protection and Electronic Document Act* of Canada,
  - (3) the *Privacy Act of British Columbia*,
  - (4) the *Access to Information Act* of Canada, and
  - (5) the *E-Health (Personal Health Information Access and Protection of Privacy) Act* of British Columbia.

### Storage and retention of personal information

80. (1) All records of midwifery care shall be retained for a period of sixteen (16) years from either the date of last entry or from the age of majority, whichever is later, except as otherwise required by law.
- (2) A registrant must ensure the safe and secure storage of all records.

### Transfer, destruction or disposition of medical records

81. A registrant must dispose of records only by:
- (a) transferring the record to another registrant, or with the consent of the client, to another health care practitioner or a health care agency, or to a person or organization retained by the registrant to act on the registrant's behalf to store records in a manner that is secure and provides reasonable access for the duration of the time set in section 80 (1),
  - (b) effectively destroying a physical record by shredding or incinerating in a controlled environment, or
  - (c) erasing information recorded or stored by electronic methods in a manner that ensures all traces of the original data are destroyed and that the information cannot be reconstructed.

### Registrant ceasing to practise

82. (1) A registrant who ceases to practise for any reason shall dispose of personal information in accordance with section 81 (a), 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) or section 81 (a) must make a reasonable attempt notify the client concerned of the transfer.

#### Contracts for handling personal information

83. 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 legal access, confidentiality and physical security will be maintained.

#### Remedying a breach of security

84. 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;
    - (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.

## PART VIII: MARKETING AND ADVERTISING

85. (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 products or enhancing the image of the registrant or advertiser if other than the registrant.

“**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 or under the direction of 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 or inaccurate;
- (b) reasonably expected to mislead the recipient or intended recipient;
- (c) unverifiable;
- (d) contrary to the public interest in the practice of the profession; or
- (e) in bad taste, offensive, self-laudatory, or otherwise contrary to the honour and dignity of the profession or maintenance of a high standard of professionalism.

(3) 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 or registrants of other regulated health professions;
  - (d) is likely to create in the mind of the recipient or intended recipient an unjustified expectation about the services the registrant can perform or provide results which the registrant can achieve;
  - (e) makes claims of special skills that are not supported by the education and experience of the registrant, or announces or holds out that the registrant has special qualifications that are not possessed by the registrant; or
  - (f) is for the purpose of marketing products and:
    - (i) the primary purpose of the registrant's activity is the sale of a product(s);
    - (ii) the product being sold is not used in the provision of midwifery services; or
    - (iii) the registrant's practice is based on the use of a particular product which the client must purchase in order to use the registrant's midwifery services.
- (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
  - (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 – Fees Schedule

#### **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 (April to March) |              | \$300           |
| (iv) student registration (school/full year)              |              | \$150           |
| student registration (clinical placement)                 |              | \$20 per month  |

each year thereafter until Schedule 1 is further amended, inflationary increases of 2% will apply to annual practicing registration fee.

- |                                                                                                                                        |  |                   |
|----------------------------------------------------------------------------------------------------------------------------------------|--|-------------------|
| (c) <i>Registrant's Handbook</i> and/or <i>Orientation to Midwifery Practice in BC</i> - 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. Non-practising registration fee as listed in 1 (b) (iii) is an annual fee which will be paid in full no matter the actual registration duration for the year and no prorated refund will be issued.
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 |
| (m) alternate practice arrangement application fee (per practice)                            | \$100         |
| (n) alternate practice arrangement application fee (per additional registrant)               | \$50          |

## Schedule 2 – Costs

### **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
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<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 3 – Recognized Midwifery Education Programs

**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
Mount Royal University	Baccalaureate Midwifery Program (interim recognition)
University of British Columbia	Internationally Educated Midwifery Bridging Program (interim recognition)

