



Rhode Island Department of Health

PUBLIC NOTICE

The Director of the Rhode Island Department of Health has determined to amend the rules and regulations listed below to remove the specific dollar value of all fees for licensing, laboratory and administrative services provided by the Department of Health from the individual regulations and reference all such fees to a new consolidated fee regulation (to be promulgated separately). These amendments are proposed pursuant to the authority contained in Public Law 2012-241, enacted by the General Assembly on 15 June 2012, and the relevant sections of the respective professional practice and licensure acts.

The following seventy-five (75) regulations are proposed to be amended:

1. Food Code
2. Rules and Regulations Establishing Educational and Experience Requirements for Registration as a Sanitarian
3. Rules and Regulations for Asbestos Control
4. Rules and Regulations for Bottled Water
5. Rules and Regulations for Certifying Analytical Laboratories
6. Rules and Regulations for Determination of Need for New Health Care Equipment and New Institutional Health Services
7. Rules and Regulations for Lead Poisoning Prevention
8. Rules and Regulations for Licensing Assisted Living Residences
9. Rules and Regulations for Licensing Athletic Trainers
10. Rules and Regulations for Licensing Birth Centers
11. Rules and Regulations for Licensing Chemical Dependency Professionals
12. Rules and Regulations for Licensing Clinical Laboratories and Stations
13. Rules and Regulations for Licensing Clinical Social Workers and Independent Clinical Social Workers
14. Rules and Regulations for Licensing Doctors of Acupuncture and Acupuncture Assistants
15. Rules and Regulations for Licensing Home Nursing Care Providers and Home Care Providers
16. Rules and Regulations for Licensing Hospice Care
17. Rules and Regulations for Licensing Interpreters for the Deaf
18. Rules and Regulations for Licensing Kidney Disease Treatment Centers
19. Rules and Regulations for Licensing Massage Therapists
20. Rules and Regulations for Licensing Mental Health Counselors and Marriage and Family Therapists
21. Rules and Regulations for Licensing Occupational Therapists and Occupational Therapy Assistants
22. Rules and Regulations for Licensing of Hospitals
23. Rules and Regulations for Licensing of Midwives
24. Rules and Regulations for Licensing of Nursing Facilities
25. Rules and Regulations for Licensing of Nursing Home Administrators
26. Rules and Regulations for Licensing Physical Therapists and Physical Therapist Assistants
27. Rules and Regulations for Licensing Psychologists
28. Rules and Regulations for Licensing Rehabilitation Hospital Centers

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29. Rules and Regulations for Licensing Respiratory Care Practitioners
30. Rules and Regulations for Licensing Speech Pathologists and Audiologists
31. Rules and Regulations for Licensing Swimming and Wading Pools, Hot Tubs, and Spas
32. Rules and Regulations for Licensure and Discipline of Chiropractic Physicians
33. Rules and Regulations for Limited Medical Registration
34. Rules and Regulations for Radon Control
35. Rules and Regulations for the Certification of Administrators of Assisted Living Residences
36. Rules and Regulations for the Certification of Health Plans
37. Rules and Regulations for the Control of Radiation
38. Rules and Regulations for the Licensing of Freestanding Ambulatory Surgical Centers
39. Rules and Regulations for the Licensing of Freestanding Emergency Care Facilities
40. Rules and Regulations for the Licensing of Nurses and Standards for the Approval of Basic Nursing Education Programs
41. Rules and Regulations for the Licensing of Nursing Service Agencies
42. Rules and Regulations for the Licensing of Organized Ambulatory Care Facilities
43. Rules and Regulations for the Licensing of Podiatrists
44. Rules and Regulations for the Licensing of Radiographers, Nuclear Medicine Technologists, Radiation Therapists and Radiologist Assistants
45. Rules and Regulations for the Licensure and Discipline of Physicians
46. Rules and Regulations for the Licensure of Barbers, Hairdressers/Cosmeticians, Manicurists, Estheticians, and Instructors
47. Rules and Regulations for the Licensure of Clinical Laboratory Science Practitioners
48. Rules and Regulations for the Licensure of Physician Ambulatory Surgery Centers and Podiatry Ambulatory Surgery Centers
49. Rules and Regulations for the Licensure of Physician Assistants
50. Rules and Regulations for the Licensure of Veterinarians
51. Rules and Regulations for the Registration of Body Piercing Technicians and Body Piercing Establishments
52. Rules and Regulations for the Registration of Distributors of Controlled Substances in Rhode Island
53. Rules and Regulations for the Registration of Tanning Facilities
54. Rules and Regulations for the Registration of Tattoo Artists and Tattoo Parlors
55. Rules and Regulations for the Utilization Review of Health Care Services
56. Rules and Regulations Governing Vital Statistics
57. Rules and Regulations Pertaining to Certification of Managers in Food Safety
58. Rules and Regulations Pertaining to Dentists, Dental Hygienists, and Dental Assistants
59. Rules and Regulations Pertaining to Embalmers, Funeral Directors, and Funeral Service Establishments
60. Rules and Regulations Pertaining to Opticians
61. Rules and Regulations Pertaining to Optometrists
62. Rules and Regulations Pertaining to Permits for Screening Programs
63. Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers, and Distributors
64. Rules and Regulations Pertaining to Public Drinking Water
65. Rules and Regulations Pertaining to Rhode Island Certificates of Registration for Nursing Assistants, Medication Aides, and the Approval of Nursing Assistant and Medication Aide Training Programs
66. Rules and Regulations Pertaining to the Certification of Public Drinking Water Supply Treatment and Public Water Supply Transmission and Distribution Operators

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67. Rules and Regulations Pertaining to the Licensing of Dietitians/Nutritionists
 68. Rules and Regulations Pertaining to the Medical Examiner System
 69. Rules and Regulations Pertaining to the Newborn Metabolic, Endocrine, and Hemoglobinopathy Screening Program and the Newborn Hearing Loss Screening Program
 70. Rules and Regulations Pertaining to the Processing and Distribution of Shellfish
 71. Rules and Regulations Prescribing Minimum Standards for Processing, Storage and Transportation of Fish and Fishery Products
 72. Rules and Regulations Related to the Licensure of Hearing Aid Dealers and Fitters
 73. Rules and Regulations Related to the Medical Marijuana Program
 74. Rules and Regulations Related to the Practice of Electrolysis
 75. Rules and Regulations Relating to Emergency Medical Services
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Notice is hereby given in accordance with the provisions of §42-35-3(a)(2) of the Rhode Island General Laws, as amended, that the Director is affording all interested persons the opportunity to submit data, views, or arguments in writing on this matter. Opportunity for public hearing shall be granted if requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members. *Otherwise, no hearing shall be convened.* Should a hearing be requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members, *a hearing shall be scheduled only for the regulation(s) for which the request for hearing was received.* All regulations for which a public hearing is not requested will be filed with the Rhode Island Secretary of State pursuant to Chapter 42-35 of the Rhode Island General Laws, as amended, shortly after the **10 September 2012** deadline (as below).

Such input or requests for public hearing must be received in writing **no later than Monday, 10 September 2012**. Such input or requests should be addressed to: Michael Fine, M.D., Director, Rhode Island Department of Health, Three Capitol Hill, Room #401, Providence, Rhode Island 02908-5097.

In the development of these amendments, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach, duplication, or overlap was identified based upon available information.

Copies of all regulations are available for public inspection in the Cannon Building, Room #201, Rhode Island Department of Health, Three Capitol Hill, Providence, Rhode Island 02908-5097, on the Secretary of State's website: <http://www.sos.ri.gov/rules/>, by calling 401-222-7767, or by e-mail to Bill.Dundulis@health.ri.gov.

Signed this 3rd day of August 2012

Original signed by Michael Fine, MD

Michael Fine, M.D., Director of Health

RULES AND REGULATIONS

FOR

LICENSING OF MIDWIVES

(R23-13-MID)



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

March 1978

As Amended:

March 1982

November 1989

December 1990

September 1994

December 1994

November 1998

June 2000

November 2001

January 2002 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

January 2007 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

January 2007

September 2007

October 2008

January 2012 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

August 2012 (Proposed)

COMPILER'S NOTES:

Proposed Additions: Underlined

Proposed Deletions: ~~Strikeouts~~

INTRODUCTION

These rules and regulations are promulgated pursuant to the authority conferred under sections 23-13-9 and 23-1-1 of the General Laws of Rhode Island, as amended, and are established for the purpose of adopting requirements pertaining to the composition of the Advisory Council on Midwifery, prescription privileges for certified nurse-midwives, consistent with statutory provisions, and for the purpose of adopting prevailing standards for the practice of midwifery in Rhode Island.

Pursuant to the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, the following were given consideration in arriving at the proposed amendments: (1) alternative approaches to the amendments; and (2) duplication or overlap with other state regulations.

These amended rules and regulations shall supersede all previous rules and regulations for licensing midwives promulgated by the Rhode Island Department of Health and filed with the Secretary of State.

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Section 1.0 *Definitions*

Wherever used in these regulations, the following terms shall be construed as follows:

- 1.1 **"Approved educational program in midwifery"** means an academic and practical program of midwifery approved by the American College of Nurse-Midwives.
- 1.2 **"Council"** means the Advisory Council on Midwifery as established by the rules and regulations herein.
- 1.3 **"Department"** means the Rhode Island Department of Health.
- 1.4 **"Director"** means the Director of the Rhode Island Department of Health.
- 1.5 **"General supervision"** of a newly-graduated midwife, pursuant to section 7.4 herein, means that a licensed midwife, an obstetrician/gynecologist, or a family practice physician is readily available for consultation.
- 1.6 **"Midwife"** means a person who has successfully completed an approved educational program in midwifery, holds a current certification as a midwife or nurse-midwife by the American College of Nurse-Midwives, and is licensed to practice midwifery in Rhode Island.
- 1.7 **"Midwifery"** means the independent management of cases of normal childbirth, including prenatal, intrapartum, postpartum, and normal newborn care, and well woman care including the management of common health problems.
- 1.8 **"Nurse-midwife"** means a person who has successfully completed an approved educational program in midwifery, holds a current certification as a nurse-midwife by the American College of Nurse-Midwives (ACNM), and is licensed to practice midwifery in Rhode Island.
- 1.9 **"Physician"** means an individual licensed under the provisions of Chapter 5-37 of the General Laws of Rhode Island, as amended, to practice medicine with current obstetrical privileges in a licensed hospital.
- 1.10 **"Regionally accredited"** means the official guarantee that a college or university or other educational institution is in conformity with the standards of education prescribed by a regional accrediting commission recognized by the U.S. Commissioner of Education.

Section 2.0 *License Requirements*

- 2.1 Any person practicing or offering to practice midwifery shall be required to submit evidence that such person is qualified to practice and shall be licensed as herein provided, in order to safeguard the life and health of the people.
- 2.2 It shall be unlawful for any person to practice or to offer to practice midwifery in this state or to use any title, abbreviation, sign, card or device to indicate that such a person is practicing

midwifery unless such person has been duly licensed as a midwife in accordance with section 23-13-9 of the General Laws of Rhode Island, as amended, and the rules and regulations herein.

Section 3.0 *Advisory Council on Midwifery*

- 3.1 Within the Department, the Director shall establish an Advisory Council on Midwifery that shall meet at least once a year, and consist of seven (7) members: two (2) physicians; three (3) midwives and two (2) consumers.
- 3.2 No member shall be appointed for more than two (2) consecutive full terms. A member appointed for less than a full term (originally, or to fill a vacancy) may serve two (2) full terms in addition to that part of a full term, and a former member shall again be eligible for appointment after a lapse of one (1) or more years. A full term shall be equal to three (3) years.
- 3.3 Successors to members of the Council whose term expires shall be appointed in such year by the Director to hold office for three (3) years or until their respective successors are appointed.
- 3.4 The Director may remove any member of the Council for neglect of duty or incompetency and may fill vacancies that occur for any purpose for the remainder of the unexpired term.

Section 4.0 *Functions of Advisory Council*

- 4.1 The Council shall serve in an advisory capacity to the Director in matters pertaining to the licensing of midwives and the practice of midwifery. The Council shall advise the Director on such matters as policies affecting examination, qualifications, issuance and renewal, denial or revocation of licenses, and the development of rules and regulations.

Section 5.0 *Administration*

- 5.1 The Department shall be responsible for the administrative functions required to implement the provisions of section 23-13-9 of the General Laws of Rhode Island, as amended, and the rules and regulations herein including such duties as: maintaining a register of all licensed midwives; maintaining all records pertaining to the licensing of midwives; approving certification examinations; reviewing American Midwifery Certification Board (AMCB) examination results, as needed; staffing the Council; and discharging such other duties as may be warranted.

Section 6.0 *Qualifications of Midwives*

- 6.1 An applicant for a license to practice midwifery in Rhode Island shall have successfully completed an approved educational program in midwifery that is accredited by the American College of Nurse-Midwives.

The Director shall require submission of such information as may be deemed necessary to evaluate the nature and scope of the applicant's academic and clinical preparation in accordance with the requirements herein. Such information may include but not be limited to:

- a) transcripts of academic courses or other documented evidence of successful completion of an approved educational program in midwifery;
- b) documentation of successful completion of a written examination in accordance with the requirements of section 7.1 herein;
- c) payment of required fee as stipulated in section 7.2.1, 7.3, or 7.4 herein.

Section 7.0 *Licensing of Midwives--By Examination*

7.1 Applicants for a license to practice midwifery in Rhode Island shall have successfully completed an approved educational program in midwifery that is accredited by the American College of Nurse-Midwives.

Further, applicants shall be required to pass an examination that is administered by the American Midwifery Certification Board (AMCB) in order to test the qualifications of the applicant pursuant to the statutory and regulatory requirements herein.

7.2 *By Endorsement:*

If an applicant was licensed by examination in another state or territory, she/he may be issued a license to practice midwifery in Rhode Island, if, in the opinion of the Council, she/he meets the licensure qualifications in place in Rhode Island at the time of licensure in the other state or territory.

7.2.1 An applicant who submits an application along with the non-refundable, non-returnable application fee of ~~one hundred thirty dollars (\$130.00)~~ as set forth in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health, provides acceptable evidence of being currently licensed by an examination or endorsement under the laws of other states of the United States or the District of Columbia and presents evidence of meeting the requirements of section 7.2 (above) shall be provided with a dated receipt to work which shall be valid for ninety (90) days. Provided, however, the applicant shall be duly licensed in this state within ninety (90) days from the dated receipt to work issued by the Department. This interim work privilege shall not be extended or renewed beyond ninety (90) days.

7.3 *Foreign Trained Midwives:*

All midwives prepared in a midwifery program outside the United States of America shall submit evidence of having graduated from a midwifery program along with the non-refundable, non-returnable application fee of ~~one hundred thirty dollars (\$130.00)~~ as set forth

in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health, and of holding a license in midwifery from a given foreign country and in addition shall be required to successfully complete the examination administered by the American Midwifery Certification Board (AMCB).

7.4 ***New Graduate Midwives:***

Upon submission to the Department of a complete application form along with the non-refundable, non-returnable application fee of ~~one hundred thirty dollars (\$130.00)~~, as set forth in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health including supporting documents of credentials for licensure and verification of registration to sit for a certification examination that is in accordance with the requirements of the American Midwifery Certification Board (AMCB), a new graduate of an approved educational program in midwifery shall receive a receipt to work that shall be valid for a period of ninety (90) days from the date of issuance or until examination results are reported. This privilege to work 90 days shall not be extended or renewed. If the applicant fails the examination, all privileges to practice shall cease.

7.4.1 During this 90-day period, a new graduate midwife shall function under the general supervision of a midwife licensed in this state. If a licensed midwife is not present in the practice setting, a family practice physician or an obstetrician/gynecologist may provide this supervision. All health care records shall require the supervisor's co-signature.

7.4.2 The midwife shall have the results of the certification examination sent directly from the AMCB to the Advisory Council.

Section 8.0 ***Renewal of License***

8.1 On or before the first day of August of every odd-numbered year, the Department shall mail a renewal of license notice to every midwife to whom a license has been issued or renewed for the period ending 1 September. Every person so licensed who intends to engage in the practice of midwifery during each ensuing two (2) years shall apply for a license by application to the Department.

8.2 Upon receipt of the application, the non-refundable, non-returnable renewal fee of ~~one hundred thirty dollars (\$130.00)~~ as set forth in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health, and the accompanying attestation of continuing education and continued national certification required herein, the accuracy of the application shall be verified and the Director may grant a license renewal effective 1 September and expiring the thirty-first day of August in the odd-numbered year following the issuance of such license and shall render the holder to be a legal practitioner of midwifery for the period stated on the license renewal unless sooner revoked or suspended.

- 8.3 Any licensee who allows his or her license to lapse by failing to renew the license by the appropriate date may be reinstated upon submission of an application and the non-refundable, non-returnable renewal fee of ~~one hundred twenty dollars (\$120.00)~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* along with the accompanying data as required herein and as approved by the Director.
- 8.4 Any person practicing midwifery after lapse of licensure shall be considered an illegal practitioner and subject to the penalties of the provisions of section 23-13-9 of the General Laws of Rhode Island, as amended.

Continuing Education Requirements

- 8.5 An application for renewal shall include an attestation statement of twenty (20) hours of continuing education in a two (2) year period, including four (4) hours in pharmacology.
- 8.6 It shall be the sole responsibility of the midwife to obtain documentation (e.g., course descriptions, proof of attendance) from the sponsoring organization, agency, or institution of his/her participation in a continuing education program and/or activity. These documents shall be retained by each licensee for no less than two (2) years and are subject to random audit by the Department.
- 8.7 A licensee who fails to complete the continuing education requirements described herein may be subject to disciplinary action pursuant to section 12.1 herein.
- 8.8 A license may be denied to any applicant who fails to provide satisfactory evidence of completion of continuing education relevant to the practice of a midwife as required herein.
- 8.9 A midwife initially licensed by examination after the August 31st renewal date shall be exempt from the continuing education requirements stated herein until the date of the next renewal cycle (i.e., September 1st of the next odd-numbered year).
- 8.10 An extension of time to complete the continuing education requirements may be granted to a midwife solely at the discretion of the Council for reasons of hardship or other extenuating circumstances.

Section 9.0 Practice of Midwifery

- 9.1 The license to practice midwifery authorizes the holder to practice the independent management of cases of normal childbirth, including prenatal, intrapartum, postpartum, and normal newborn care, and well woman care including the management of common health problems that provides for consultation, collaborative management, or referral as indicated by the health status of the client in accordance with standards established by the American College of Nurse-Midwives of reference 4 herein.

- 9.2 Licensed midwives shall conform to all state laws pertaining to the conduct of childbirth and management of the newborn, including, but not limited to, the provisions of: section 23-13-4, "Ophthalmia Neonatorum"; 23-13-12, "Phenylketonuria"; 23-13-19, "HIV"; 23-13-13 "Testing for Hearing Impairments"; 23-13-14 "Newborn Screening"; and 23-3-10, "Birth Registration" of the General Laws of Rhode Island, as amended.
- 9.3 There shall be guidelines available at the practice site describing the practice of the licensed midwife. These guidelines shall include provisions for the prescription of controlled substances by licensed nurse-midwives cited in section 10.2 herein.

Section 10.0 *Prescription Privileges of Licensed Nurse-Midwives*

- 10.1 Pursuant to the provisions of section 23-13-9 of the General Laws of Rhode Island, as amended, a licensed nurse-midwife is permitted to prescribe all legend medications and those controlled substances cited in section 10.2 herein.
- 10.1.1 The licensed nurse-midwife shall prescribe any medication(s) referenced in section 10.1 in accordance with the guidelines available at the practice site.
- 10.2 Licensed nurse-midwives may apply for authorization to prescribe drugs classified under Chapter 21-28 as controlled substances in schedules II, III, IV, and V only.

In order to prescribe such drugs, a licensed nurse-midwife must:

- 10.2.1 Obtain a state registration for prescribing controlled substances by completing the application for registration, and submitting it with its specified filing fee as set forth in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health to:
- Rhode Island Department of Health, Pharmacy Unit
Three Capitol Hill, Room 205
Providence, RI 02908-5097
- 10.2.2 Obtain a federal registration for controlled substances by completing application form DEA-224, or its successor form, and submitting it with its specified filing fee as set forth in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.
- 10.3 The Director will determine whether issuance of a registration is consistent with the public interest, and may refuse registration where the issuance of said registration would be inconsistent with the public interest, according to the provisions of Chapter 21-28 of the General Laws.

Section 11.0 *Records and Reports*

- 11.1 A medical record for each mother and newborn shall be maintained and shall include documentation of all care rendered.

11.2 All medical records shall be retained for a period of five (5) years in accordance with the provisions of section 23-3-26 of the General Laws of Rhode Island, as amended, except in the case of minors (17 years of age or under) which medical records shall be kept at least five (5) years after such minor has reached the age of eighteen (18) years.

Section 12.0 *Discipline of Licensees*

12.1 The Director is authorized to deny or revoke any license to practice midwifery or otherwise discipline a licensee upon proof that the person is guilty of unprofessional conduct which shall include, but not be limited to:

- (a) fraudulent or deceptive procuring or use of a license;
- (b) all advertising of midwifery business which is intended or has a tendency to deceive the public;
- (c) conviction of a crime involving moral turpitude; conviction of a felony; conviction of a crime arising out of the practice of midwifery;
- (d) abandonment of patient;
- (e) dependence upon controlled substances, habitual drunkenness or rendering professional services to a patient while the midwife is intoxicated or incapacitated by the use of drugs;
- (f) promotion by the sale of drugs, devices, appliances, or goods or services provided for a patient in such a manner as to exploit the patient for the financial gain of the midwife;
- (g) immoral conduct of a midwife in the practice of midwifery;
- (h) willfully making and filing false reports or records in the practice of midwifery;
- (i) willful omission to file or record, or willfully impeding or obstructing a filing or recording, or inducing another person to omit to file or record medical or other reports as required by law;
- (j) solicitation of professional patronage by agents or persons or profiting from acts of those representing themselves to be agents of the midwife;
- (k) division of fees or agreeing to split or divide the fees received for professional services for any person for bringing to or referring a patient;
- (l) willful misrepresentation in treatments;
- (m) practicing midwifery with an unlicensed midwife or aiding or abetting such unlicensed persons in the practice of midwifery;

- (n) gross and willful overcharging for services; including filing of false statements for collection of fees for which services are not rendered or willfully making or assisting in making a false claim or deceptive claim or misrepresenting a material fact for use in determining rights to health care or other benefits;
- (o) professional or mental incompetency;
- (p) incompetent, negligent or other willful misconduct in the practice of midwifery, which shall include the rendering of medically unnecessary services and/or any departure from or the failure to conform to the minimal standards of acceptable and prevailing midwifery practice. The Director need not establish actual injury to the patient in order to adjudge a midwife guilty of the named conduct;
- (q) surrender, revocation, suspension, limitation of privilege based on quality of care provided or any other disciplinary action against a license or authorization to practice midwifery in another state or jurisdiction, or surrender, revocation, suspension or any other disciplinary action relating to a membership on any medical staff or in any medical or professional association or society while under disciplinary investigation by and of those authorities or bodies for acts or conduct similar to acts or conduct which would constitute grounds for action as set forth in Chapter 21-28 of the General Laws and these rules and regulations;
- (r) failure to furnish the Director, his/her investigator or representatives, information legally requested;
- (s) violation of any provision(s) of Chapter 23-13 of the General Laws or any rules or regulations promulgated by the Director or of an action, stipulation or agreement of the Director;
- (t) cheating on or attempting to subvert the licensing examination;
- (u) violating any state or federal law or regulation relating to controlled substances;
- (v) malpractice.

12.1.1 If national certification is withdrawn for reason during licensure, current license would be automatically placed in license hold status after notice to the licensee and not renewed until national certification is reinstated.

12.1.2 Complaints charging a person with violation of any rule herein or state law, shall be maintained on file by the Department and shall be considered in rendering determination to deny or revoke the license of a midwife.

12.2 Upon receipt of a complaint charging a person with violations of the provisions of section 23-13-9 of the General Laws of Rhode Island, as amended and the rules and regulations herein, an investigation of the charges shall be initiated by the Department or the Director, thence referred to the Council for recommendation to the Director for appropriate action.

- 12.3 Whenever an action shall be proposed to deny or revoke the license, the Department shall notify the person by certified mail setting forth the reasons for the proposed action and the applicant or licensee shall be given an opportunity for a prompt and fair hearing in accordance with the provisions of Chapter 42-35 of the General Laws of Rhode Island, as amended, and the *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*.
- 12.4 Furthermore, when it appears to the Director after due process that a person is violating any provisions of section 23-13-9 of the General Laws of Rhode Island, as amended, or any of the rules and regulations herein, the Director may initiate an action in accordance with the provisions of such statute.

Section 13.0 *Severability*

- 13.1 If any provision of these rules and regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.

REFERENCES

1. *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*, Rhode Island Department of Health, April 2004 and subsequent amendments thereto. Available online:
http://www2.sec.state.ri.us/dar/regdocs/released/pdf/DOH/DOH_2945.pdf
2. *Rules and Regulations for the Licensing of Professional (Registered), Certified Registered Nurse Practitioners, Certified Registered Nurse Anesthetists and Practical Nurses and Standards for the Approval of Basic Nursing Education Programs*, Rhode Island Department of Health, December 2004 and subsequent amendments thereto.
Available online:
http://www2.sec.state.ri.us/dar/regdocs/released/pdf/DOH/DOH_3270.pdf
3. "Licensing and Regulation of Midwives," Section 23-13-9 of the General Laws of Rhode Island, as amended.
Available online: <http://www.rilin.state.ri.us/Statutes/TITLE23/23-13/23-13-9.HTM>
4. *Standards for the Practice of Midwifery*, American College of Nurse-Midwives, 2003.
Available online: <http://www.midwife.org/display.cfm?id=485>
5. *Rules and Regulations for the Termination of Pregnancy*, Rhode Island Department of Health, March 2000 and subsequent amendments thereto. Available online:
http://www2.sec.state.ri.us/dar/regdocs/released/pdf/DOH/DOH_132_.pdf
6. *The Core Competencies for Basic Midwifery Practice*, American College of Nurse-Midwives, May 1997. Available online: <http://www.midwife.org/display.cfm?id=484>
7. *Joint Statement of Practice Relations Between Obstetrician-Gynecologists and Certified Nurse-Midwives/Certified Midwives*, American College of Nurse-Midwives, 2002.
Available online:
http://www.midwife.org/siteFiles/position/Joint_Statement_05.pdf?CFID=2207001&CF_TOKEN=26489644
8. *Collaborative Management in Midwifery Practice for Medical, Gynecological and Obstetrical Conditions*, American College of Nurse-Midwives, 1997. Available online:
http://www.midwife.org/siteFiles/position/Collaborative_Mgmt_05.pdf?CFID=2207001&CF_TOKEN=26489644
9. *Requirements for Signed Collaborative Agreements Between Physicians and Certified Nurse-Midwives (CNM) or Certified Midwives (CM)*, American College of Nurse-Midwives, March 2006. Available online:
http://www.midwife.org/siteFiles/position/Requirements_for_Signed_Collaborative_Agreements_4.06.pdf?CFID=2207001&CF_TOKEN=26489644