

CHAPTER 467

MIDWIFERY

- 467.001 Short title.
 467.002 Legislative intent.
 467.003 Definitions.
 467.004 Council of Licensed Midwifery.
 467.005 Authority to make rules.
 467.006 Requirements to practice midwifery.
 467.009 Midwifery programs; education and training requirements.
 467.011 Licensure by examination.
 467.012 Renewal of license.
 467.0125 Licensure by endorsement.
 467.013 Inactive status.
 467.0135 Fees.
 467.014 Financial responsibility.
 467.015 Responsibilities of the midwife.
 467.016 Informed consent.
 467.017 Emergency care plan; immunity.
 467.019 Records and reports.
 467.201 Violations and penalties.
 467.203 Disciplinary actions; penalties.
 467.205 Approval of midwifery programs.
 467.207 Exceptions.
 467.209 Saving clauses.

467.001 Short title.—This chapter shall be known and may be cited as the "Midwifery Practice Act."

History.—ss. 1, 3, ch. 82-99; s. 8, ch. 84-268; ss. 4, 5, ch. 91-429; s. 19, ch. 92-179.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61, Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

467.002 Legislative intent.—The Legislature recognizes the need for a person to have the freedom to choose the manner, cost, and setting for giving birth. The Legislature finds that access to prenatal care and delivery services is limited by the inadequate number of providers of such services and that the regulated practice of midwifery may help to reduce this shortage. The Legislature also recognizes the need for the safe and effective delivery of newborn babies and the health, safety, and welfare of their mothers in the delivery process. The Legislature finds that the interests of public health require the regulation of the practice of midwifery in this state for the purpose of protecting the health and welfare of mothers and infants. Therefore, it is unlawful for any person to practice midwifery in this state unless such person is licensed pursuant to the provisions of this chapter or s. 464.012.

History.—ss. 1, 3, ch. 82-99; ss. 1, 8, ch. 84-268; ss. 4, 5, ch. 91-429; ss. 1, 19, ch. 92-179.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61, Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

467.003 Definitions.—As used in this chapter, unless the context otherwise requires:

(1) "Approved program" means a midwifery school or a midwifery training program which is approved by the department pursuant to s. 467.205.

(2) "Certified nurse midwife" means a person who is licensed as an advanced registered nurse practitioner under chapter 464 and who is certified to practice midwifery by the American College of Nurse-Midwives.

(3) "Council" means the Council of Licensed Midwifery.

(4) "Department" means the Department of Business and Professional Regulation.

(5) "Intrapartal" means occurring during the process of giving birth.

(6) "Licensure" means authorization and license granted by the department for a person to engage in the practice of midwifery.

(7) "Midwife" means any person not less than 21 years of age, other than a licensed physician or certified nurse midwife, who is licensed under this chapter to supervise the birth of a child.

(8) "Midwifery" means the practice of supervising the conduct of a normal labor and childbirth, with the informed consent of the parent; the practice of advising the parents as to the progress of the childbirth; and the practice of rendering prenatal and postpartal care.

(9) "Normal labor and childbirth" means the physiological process of a healthy woman giving birth to a healthy infant and expelling an intact placenta, without injury, complications, or undue strain to the mother.

(10) "Physician" means a person licensed to practice medicine as authorized in chapter 458 or chapter 459.

(11) "Postpartal" or "postpartum" means existing or occurring subsequent to birth.

(12) "Preceptor" means a physician, a licensed midwife, or a certified nurse midwife, who has a minimum of 3 years' professional experience, and who directs, teaches, supervises, and evaluates the learning experiences of the student midwife.

(13) "Prenatal" or "antepartal" means occurring during pregnancy up to the point of onset of labor.

(14) "Secretary" means the Secretary of Business and Professional Regulation.

(15) "Stillbirth" means the death of a fetus of more than 20 weeks' gestation.

History.—ss. 1, 3, ch. 82-99; ss. 2, 8, ch. 84-268; ss. 4, 5, ch. 91-429; ss. 2, 19, ch. 92-179; s. 128, ch. 94-218.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61, Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

467.004 Council of Licensed Midwifery.—

(1) The Council of Licensed Midwifery is created within the department and shall consist of nine members to be appointed by the secretary.

(2) One member of the council shall be a certified nurse midwife. One member of the council shall be a physician who is an obstetrician certified by the American Board of Obstetrics and Gynecology and one family physician certified by the American Board of Family Practice. One member of the council shall be a physician who is a pediatrician certified by the American Board of Pediatrics. Four members of the council shall be licensed midwives. The one remaining member shall be a resident of this state who has never been a licensed midwife and who has no financial interest in the practice of midwifery or in any health care facility, agency, or insurer. The council members shall serve staggered 4-year terms as determined by rule.

(3) The council shall:

(a) Assist and advise the department in developing rules relating to: training requirements, including core competencies, for persons training to become licensed midwives; the licensure examination; fees; the informed consent form; responsibilities of midwives; emergency care plans; records and reports to be filed by licensed midwives; and other regulatory requirements developed by the department.

(b) Assist the department in developing rules to implement s. 467.205, relating to approval of midwifery training programs.

(c) Monitor and inform the department on the practice of midwifery in other states and countries by persons who are not nurses.

(d) Educate the public and other providers of obstetrical care about the role of licensed midwives.

(e) Collect and review data regarding licensed midwifery.

(f) Recommend changes in the Midwifery Practice Act to the department and the Legislature.

(g) Address concerns and problems of practicing licensed midwives in order to promote improved safety in the practice of midwifery.

(4) Members of the council shall serve without pay. The council members shall be entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

History.—ss. 1, 3, ch. 82-99; s. 2, ch. 83-265; ss. 3, 8, ch. 84-268; ss. 4, 5, ch. 91-429; ss. 3, 19, 20, ch. 92-179; s. 129, ch. 94-218; s. 62, ch. 95-144.

1Note.—

A. Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61. Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

B. Section 20, ch. 92-179, provides that "the Council of Licensed Midwifery, shall be reviewed on October 1, 2002, by the Legislature pursuant to s. 11.611, Florida Statutes." Section 5, ch. 91-429, repealed s. 11.611 effective April 5, 1993.

1467.005 Authority to make rules.—The department is authorized to promulgate such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred on the department by this chapter and as may be necessary to protect the health, safety, and welfare of the public. The rules shall include, but not be limited to, the allowable scope of midwifery practice regarding use of equipment, procedures, and medication.

History.—ss. 1, 3, ch. 82-99; s. 8, ch. 84-268; ss. 4, 5, ch. 91-429; s. 19, ch. 92-179.

1Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61. Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.006 Requirements to practice midwifery.—

(1) Any person who seeks to practice midwifery in this state must be licensed pursuant to s. 464.012 or this chapter.

(2) A midwife who on October 1, 1992, holds a valid license to practice midwifery in this state may continue to practice midwifery pursuant to the provisions of this chapter except for the provisions relating to collaborative care and to administration of medicinal drugs in s. 467.015(2) and (3). Upon successful completion of additional training requirements, as determined by the council and department, the midwife may practice midwifery in accordance with all provisions of this chapter.

History.—ss. 6, 8, ch. 84-268; ss. 4, 5, ch. 91-429; ss. 4, 19, ch. 92-179.

1Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61. Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.009 Midwifery programs; education and training requirements.—

(1) The department shall adopt standards for midwifery programs. The standards shall encompass clinical and classroom instruction in all aspects of prenatal, intrapart, and postpart care, including obstetrics; neonatal pediatrics; basic sciences; female reproductive anatomy and physiology; behavioral sciences; childbirth education; community care; epidemiology; genetics; embryology; neonatology; applied pharmacology; the medical and legal aspects of midwifery; gynecology and women's health; family planning; nutrition during pregnancy and lactation; breastfeeding; and basic nursing skills; and any other instruction determined by the department and council to be necessary. The standards shall incorporate the core competencies established by the American College of Nurse Midwives and the Midwives Alliance of North America, including knowledge, skills, and professional behavior in the following areas: primary management, collaborative management, referral, and medical consultation; antepartal, intrapart, postpart, and neonatal care; family planning and gynecological care; common complications; and professional responsibilities. The standards shall include noncurriculum matters under this section, including, but not limited to, staffing and teacher qualifications.

(2) An approved midwifery program shall include a course of study and clinical training for a minimum of 3 years. If the applicant is a registered nurse or a licensed practical nurse or has previous nursing or midwifery education, the required period of training may be reduced to the extent of the applicant's qualifications, as determined under rules adopted by the department. In no case shall the training be reduced to a period of less than 2 years.

(3) To be accepted into an approved midwifery program an applicant shall have:

(a) A high school diploma or its equivalent.

(b) Passed the college level academic scholastic test (CLAST) or taken three college-level credits each of math and English or demonstrated competencies in communication and computation.

(4) A student midwife, during training, shall undertake, under the supervision of a preceptor, the care of 50 women in each of the prenatal, intrapart, and postpart periods, but the same women need not be seen through all three periods.

(5) The student midwife shall observe an additional 25 women in the intrapart period before qualifying for a license.

(6) The training required under this section shall include training in either hospitals or alternative birth settings, or both, with particular emphasis on learning the ability to differentiate between low-risk pregnancies and high-risk pregnancies. A hospital or birthing center receiving public funds shall be required to provide student midwives access to observe labor, delivery, and postpart procedures, provided the woman in labor has given informed consent. The Department of Health and Rehabilitative Services shall assist in facilitating access to hospital training for approved midwifery programs.

(7) The Department of Education shall adopt curricular frameworks for midwifery programs conducted

within public educational institutions pursuant to this section.

(8) Nonpublic educational institutions that conduct approved midwifery programs shall be accredited by a member of the Commission on Recognition of Postsecondary Accreditation and shall be licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools.

History.—ss. 1, 3, ch. 82-99; s. 8, ch. 84-268; ss. 4, 5, ch. 91-429; ss. 5, 19, ch. 92-179; s. 24, ch. 94-310.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61. Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.011 Licensure by examination.—

(1) The department shall administer an examination to test the proficiency of applicants in the core competencies required to practice midwifery as specified in s. 467.009.

(2) The department shall develop, publish, and make available to interested parties at a reasonable cost a bibliography and guide for the examination.

(3) The department shall issue a license to practice midwifery to an applicant who has graduated from an approved midwifery program and successfully completed the examination, upon payment of the required licensure fee.

History.—ss. 1, 3, ch. 82-99; s. 8, ch. 84-268; ss. 4, 5, ch. 91-429; ss. 6, 19, ch. 92-179.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61. Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.012 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and fee, provided the applicant is in compliance with the provisions of this chapter and rules promulgated hereunder.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) The department may by rule prescribe continuing education requirements, not to exceed 20 hours biennially, as a condition for renewal of a license. The criteria for continuing education programs shall be approved by the department.

History.—ss. 1, 3, ch. 82-99; s. 8, ch. 83-218; s. 8, ch. 84-268; ss. 4, 5, ch. 91-429; s. 19, ch. 92-179; s. 182, ch. 94-119.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61. Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.0125 Licensure by endorsement.—

(1) The department shall issue a license by endorsement to practice midwifery to an applicant who, upon applying to the department, demonstrates to the department that he:

(a)1. Holds a valid certificate or diploma from a foreign institution of medicine or midwifery or from a midwifery program offered in another state, bearing the seal of the institution or otherwise authenticated, which renders the individual eligible to practice midwifery in the country or state in which it was issued, provided the requirements therefor are deemed by the department to be substantially equivalent to, or to exceed, those established under this chapter and rules adopted under this chapter, and submits therewith a certified translation of the foreign certificate or diploma; or

2. Holds a valid certificate or license to practice midwifery in another state, issued by that state, provided the requirements therefor are deemed by the department to be substantially equivalent to, or to exceed, those established under this chapter and rules adopted under this chapter.

(b) Has completed a 4-month prelicensure course conducted by an approved program and has submitted documentation to the department of successful completion. The department shall determine by rule the content of the prelicensure course.

(c) Has successfully passed the licensed midwifery examination.

(2) The department may issue a temporary certificate to practice in areas of critical need to any midwife who is qualifying for licensure by endorsement under subsection (1), with the following restrictions:

(a) The Department of Health and Rehabilitative Services shall determine the areas of critical need, and the midwife so certified shall practice only in those specific areas, under the auspices of a physician licensed pursuant to chapter 458 or chapter 459, a certified nurse midwife licensed pursuant to chapter 464, or a midwife licensed under this chapter, who has a minimum of 3 years' professional experience. Such areas shall include, but not be limited to, health manpower shortage areas designated by the United States Department of Health and Human Services.

(b) A temporary certificate issued under this section shall be valid only as long as an area for which it is issued remains an area of critical need, but no longer than 2 years, and shall not be renewable.

(c) The department may administer an abbreviated oral examination to determine the midwife's competency, but no written regular examination shall be necessary.

(d) The department shall not issue a temporary certificate to any midwife who is under investigation in another state for an act which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of this section shall apply.

(e) The department shall review the practice under a temporary certificate at least annually to ascertain that the minimum requirements of the midwifery rules promulgated under this chapter are being met. If it is determined that the minimum requirements are not being met, the department shall immediately revoke the temporary certificate.

(f) The fee for a temporary certificate shall not exceed \$50 and shall be in addition to the fee required for licensure.

History.—ss. 7, 19, ch. 92-179.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61. Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.013 Inactive status.—A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee.

History.—ss. 1, 3, ch. 82-99; s. 8, ch. 84-268; ss. 4, 5, ch. 91-429; ss. 8, 19, ch. 92-179; s. 183, ch. 94-119.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61. Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.0135 Fees.—The department shall establish fees for application, examination, initial licensure, renewal of licensure, licensure by endorsement, inactive status, delinquent status, and reactivation of an inactive license, which may not exceed:

- (1) Five hundred dollars for examination.
- (2) Five hundred dollars for initial licensure.
- (3) Five hundred dollars for renewal of licensure.
- (4) Two hundred dollars for application, which fee is nonrefundable.
- (5) Five hundred dollars for reactivation of an inactive license.
- (6) Five hundred dollars for licensure by endorsement.

No fee for inactive status, reactivation of an inactive license, or delinquency may exceed the fee established by the department for biennial renewal of an active license. All fees collected under this section shall be deposited in the Professional Regulation Trust Fund.

History.—ss. 9, 19, ch. 92-179; s. 184, ch. 94-119.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61, Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.014 Financial responsibility.—A licensed midwife shall include in the informed consent plan presented to the parents the status of the midwife's malpractice insurance, including the amount of malpractice insurance, if any.

History.—ss. 10, 19, ch. 92-179.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61, Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.015 Responsibilities of the midwife.—

(1) A midwife shall accept and provide care for only those mothers who are expected to have a normal pregnancy, labor, and delivery and shall ensure that the following conditions are met:

- (a) The patient has signed an informed consent form approved by the department pursuant to s. 467.016.
- (b) If the patient is delivering at home, the home is safe and hygienic and meets standards set forth by the department.

(2) A midwife may provide collaborative prenatal and postpartal care to pregnant women not at low risk in their pregnancy, labor, and delivery, within a written protocol of a physician currently licensed under chapter 458 or chapter 459, which physician shall maintain supervision for directing the specific course of medical treatment. The department shall by rule develop guidelines for the identification of high-risk pregnancies.

(3) A midwife licensed under this chapter may administer prophylactic ophthalmic medication, oxygen, postpartum oxytocin, vitamin K, rho immune globulin (human), and local anesthetic pursuant to a prescription issued by a practitioner licensed under chapter 458 or chapter 459, and may administer such other medicinal drugs as prescribed by such practitioner. Any such prescription for medicinal drugs shall be in a form that complies with chapter 499 and shall be dispensed in a pharmacy permitted under chapter 465 by a pharmacist licensed under chapter 465.

(4) The care of mothers and infants throughout the prenatal, intrapart, and postpartal periods shall be in

conformity with rules adopted by the department pursuant to this chapter and the public health laws of this state.

(5) The midwife shall:

(a) Prepare a written plan of action with the family to ensure continuity of medical care throughout labor and delivery and to provide for immediate medical care if an emergency arises. The family should have specific plans for medical care throughout the prenatal, intrapart, and postpartal periods.

(b) Instruct the patient and family regarding the preparation of the environment and ensure availability of equipment and supplies needed for delivery and infant care, if a home birth is planned.

(c) Instruct the patient in the hygiene of pregnancy and nutrition as it relates to prenatal care.

(d) Maintain equipment and supplies in conformity with the rules adopted pursuant to this chapter.

(6) The midwife shall determine the progress of labor and, when birth is imminent, shall be immediately available until delivery is accomplished. During labor and delivery, the midwife shall comply with rules adopted by the department pursuant to this chapter, which shall include rules that govern:

- (a) Maintaining a safe and hygienic environment;
- (b) Monitoring the progress of labor and the status of the fetus;
- (c) Recognizing early signs of distress or complications; and
- (d) Enacting the written emergency plan when indicated.

(7)(a) The midwife shall remain with the postpartal mother until the conditions of the mother and the neonate are stabilized.

(b) The midwife shall instill into each eye of the newborn infant a prophylactic in accordance with s. 383.04.

History.—ss. 1, 3, ch. 82-99; s. 89, ch. 83-218; s. 8, ch. 84-268; ss. 4, 5, ch. 91-429; ss. 11, 19, ch. 92-179.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61, Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.016 Informed consent.—The department shall develop a uniform client informed-consent form to be used by the midwife to inform the client of the qualifications of a licensed midwife and the nature and risk of the procedures to be used by a midwife and to obtain the client's consent for the provision of midwifery services.

History.—ss. 1, 3, ch. 82-99; s. 8, ch. 84-268; ss. 4, 5, ch. 91-429; s. 19, ch. 92-179.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61, Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.017 Emergency care plan; immunity.—

(1) Every licensed midwife shall develop a written plan for the appropriate delivery of emergency care. A copy of the plan shall accompany any application for license issuance or renewal. The plan shall address the following:

- (a) Consultation with other health care providers.
- (b) Emergency transfer.
- (c) Access to neonatal intensive care units and obstetrical units or other patient care areas.

(2) Any physician licensed under chapter 458 or chapter 459, or any certified nurse midwife, or any hospi-

tal licensed under chapter 395, or any osteopathic hospital, providing medical care or treatment to a woman or infant due to an emergency arising during delivery or birth as a consequence of the care received by a midwife licensed under chapter 467 shall not be held liable for any civil damages as a result of such medical care or treatment unless such damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of another.

History.—ss. 1, 3, ch. 82-99; s. 8, ch. 84-268; ss. 4, 5, ch. 91-429; ss. 12, 19, ch. 92-179.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61. Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.019 Records and reports.—

(1) The midwife shall mail or submit a completed birth certificate for each birth, in accordance with the requirements of chapter 382, to the local registrar of vital statistics within 5 days following birth.

(2) The midwife shall instruct the parents regarding the requirement for an infant screening blood test for metabolic diseases as required by s. 383.14 and rules promulgated pursuant thereto, and shall notify the county health unit in the county where the birth occurs, within 48 hours following delivery, unless other arrangements for the test have been made by the parents.

(3) Each maternal death, newborn death, and stillbirth shall be reported immediately to the medical examiner.

History.—ss. 1, 3, ch. 82-99; s. 8, ch. 84-268; ss. 4, 5, ch. 91-429; s. 19, ch. 92-179.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61. Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.201 Violations and penalties.—Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(1) Practicing midwifery, unless holding an active license to do so.

(2) Using or attempting to use a license which has been suspended or revoked.

(3) The willful practice of midwifery by a student midwife without a preceptor present, except in an emergency.

(4) Knowingly allowing a student midwife to practice midwifery without a preceptor present, except in an emergency.

(5) Obtaining or attempting to obtain a license under this chapter through bribery or fraudulent misrepresentation.

(6) Using the name or title "midwife" or "licensed midwife" or any other name or title which implies that a person is licensed to practice midwifery, unless such person is duly licensed as provided in this chapter.

(7) Knowingly concealing information relating to the enforcement of this chapter or rules adopted pursuant thereto.

History.—ss. 1, 3, ch. 82-99; s. 8, ch. 84-268; s. 96, ch. 91-224; ss. 4, 5, ch. 91-429; ss. 13, 19, ch. 92-179.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61. Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.203 Disciplinary actions; penalties.—

(1) The following acts shall be grounds for disciplinary action as set forth in this section:

(a) Procuring, attempting to procure, or renewing a license to practice midwifery by bribery, by fraudulent misrepresentation, or through an error of the department.

(b) Having a license to practice midwifery revoked, suspended, or otherwise acted against, including being denied licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime which directly relates to the practice of midwifery or to the ability to practice midwifery. A plea of nolo contendere shall be considered a conviction for purposes of this provision.

(d) Making or filing a false report or record, which the licensee knows to be false; intentionally or negligently failing to file a report or record required by state or federal law; or willfully impeding or obstructing such filing or inducing another to do so. Such reports or records shall include only those which are signed in the midwife's capacity as a licensed midwife.

(e) Advertising falsely, misleadingly, or deceptively.

(f) Engaging in unprofessional conduct, which includes, but is not limited to, any departure from, or the failure to conform to, the standards of practice of midwifery as established by the department, in which case actual injury need not be established.

(g) Being unable to practice midwifery with reasonable skill and safety to patients by reason of illness; drunkenness; or use of drugs, narcotics, chemicals, or other materials or as a result of any mental or physical condition. A midwife affected under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that he can resume the competent practice of midwifery with reasonable skill and safety.

(h) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department.

(i) Willfully or repeatedly violating any provision of this chapter, any rule of the department, or any lawful order of the department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.

(2) When the department finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to approve an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the midwife on probation for such period of time and subject to such conditions as the department may specify, including requiring the midwife to submit to treatment; undertake further relevant education or training; take an examination; or work under the supervision of another licensed midwife, a physician, or a nurse midwife licensed under chapter 464.

(3) The department shall not reinstate the license of a midwife, or cause a license to be issued to a person

it has deemed unqualified, until such time as it is satisfied that such person has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of midwifery.

(4) The department shall by rule establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of suspension or probation, or conditions of probation or reissuance of a license.

History.—ss. 1, 3, ch. 82-99; s. 90, ch. 83-218; s. 8, ch. 84-268; ss. 4, 5, ch. 91-429; s. 19, ch. 92-179.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61. Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.205 Approval of midwifery programs.—

(1) An organization desiring to conduct an approved program for the education of midwives shall apply to the department and submit such evidence as may be required to show that it complies with s. 467.009 and with the rules of the department. Any accredited or state-licensed institution of higher learning, public or private, may provide midwifery education and training.

(2) The department shall adopt rules regarding educational objectives, faculty qualifications, curriculum guidelines, administrative procedures, and other training requirements as are necessary to ensure that approved programs graduate midwives competent to practice under this chapter.

(3) The department shall survey each organization applying for approval. If the department is satisfied that the program meets the requirements of s. 467.009 and rules adopted pursuant to that section, it shall approve the program.

(4) The department shall, at least once every 3 years, certify whether each approved midwifery program complies with the standards developed under s. 467.009.

(5) If the department finds that an approved program no longer meets the required standards, it may place the program on probationary status until such time as the standards are restored. If a program fails to correct these conditions within a specified period of time, the department may rescind the approval. Any program

having its approval rescinded shall have the right to reapply.

(6) Provisional approval of a new program may be granted pending the licensure results of the first graduating class.

History.—ss. 1, 3, ch. 82-99; s. 8, ch. 84-268; ss. 4, 5, ch. 91-429; ss. 14, 19, ch. 92-179.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61. Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.207 Exceptions.—No provision of this chapter shall be construed to prohibit:

(1) The practice of midwifery by students enrolled in an approved midwifery training program.

(2) The establishment of an independent practice by one or more midwives for the purpose of rendering to patients midwifery services within the scope of the midwife license.

(3) Assistance by any person in the case of an emergency.

History.—ss. 1, 3, ch. 82-99; s. 8, ch. 84-268; ss. 4, 5, ch. 91-429; s. 19, ch. 92-179.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61. Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.

1467.209 Saving clauses.—

(1) No judicial or administrative proceeding pending on October 1, 1992, shall be abated as a result of the reenactment of this chapter.

(2) Each licensee who was duly licensed on October 1, 1992, is entitled to hold such license. Henceforth, such license shall be renewed in accordance with the provisions of this chapter.

(3) Rules adopted by the Department of Health and Rehabilitative Services under the authority of this chapter prior to October 1, 1992, shall remain in effect and shall be administered by the department until the department adopts rules that supersede those rules. Such superseding rules and any other rules necessary to implement the provisions of this chapter as amended by this act shall be adopted by the department by July 31, 1993.

History.—ss. 1, 3, ch. 82-99; ss. 5, 8, ch. 84-268; ss. 4, 5, ch. 91-429; ss. 15, 19, ch. 92-179.

Note.—Repealed effective October 1, 2002, by s. 19, ch. 92-179, and scheduled for review pursuant to s. 11.61. Section 4, ch. 91-429, repealed s. 11.61 effective April 5, 1993.