**R156. Commerce, Occupational and Professional Licensing.**

**R156-44a. Nurse Midwife Practice Act Rule.**

**R156-44a-101. Title -- Authority -- Relationship to Rule R156-1.**

(1) This rule is known as the "Nurse Midwife Practice Act Rule."

(2) This rule is adopted by the Division of Professional Licensing (Division) under Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 44a, Nurse Midwife Practice Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-101.

**R156-44a-102. Definitions.**

The following rule definitions supplement the definitions in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 44a, Nurse Midwife Practice Act:

(1) "ACME" means the Accreditation Commission for Midwifery Education.

(2) "AMCB" means the American Midwifery Certification Board.

(3) "Approved certified nurse midwifery education program" means an educational program accredited by the AMCB, affiliated with the American College of Nurse-Midwives (ACNM).

(4) "CNM" means a certified nurse midwife.

(5) "Delegate" is defined in Subsection R156-31b-102(14).

(6) "Delegatee" is defined in Subsection R156-31b-102(15).

(7) "Delegator" is defined in Subsection R156-31b-102(16).

(8) "Direct supervision" as used in Subsection 58-44a-305(1)(d) means that the supervisor is available on the premises where the supervisee or consultee is engaged in practice.

(9) "Generally recognized scope and standards of nurse midwifery" in Subsection 58-44a-102(9)(b) means the following scope and standards of practice published by the American College of Nurse-Midwives, which are incorporated by reference:

(a) Core Competencies for Basic Midwifery Practice, March 2020;

(b) Standards for the Practice of Midwifery, 2022; and

(c) Code of Ethics, December 2013.

(10) "Unlicensed assistive personnel" as defined in Subsection 58-44a-102(11), is further defined in Subsection R156-31b-102(38).

(11) "Unprofessional conduct" is further defined in Sections R156-1-501 and R156-44a-502.

**R156-44a-302. Qualifications for Licensure - Examination Requirements.**

Under Subsection 58-44a-302(1)(e), the examination required for licensure is the CNM examination administered by the AMCB.

**R156-44a-303. License Renewal - Procedures.**

(1) Under Subsections 58-1-308(1) and 58-44a-303(1), the renewal date for the two-year renewal cycle for licensees under Title 58, Chapter 44a, Nurse Midwife Practice Act is in Subsection R156-1-308a(1).

(2) Renewal procedures shall be under Sections R156-1-308b through R156-1-308l.

(3) Each applicant for licensure renewal shall hold current CNM certification from the AMCB.

**R156-44a-305. Inactive Licensure.**

(1) A licensee may apply for inactive licensure status in accordance with Sections 58-1-305 and R156-1-305.

(2) To reactivate a license that has been inactive for five years or less, the licensee shall document current compliance with the continuing competency requirements in Subsection R156-44a-303(3).

(3) To reactivate a license that has been inactive for more than five years, the licensee shall document one of the following:

(a) active licensure in another state or jurisdiction;

(b) completion of a refresher program approved by the American College of Nurse-Midwives; or

(c) a passing score on the required examination under Section R156-44a-302, within six months before submitting the application to reactivate the license.

**R156-44a-402. Administrative Penalties.**

Under Subsections 58-44a-102(1), 58-44a-402(1), and 58-44a-503(3), unless otherwise ordered by the presiding officer, the following fine schedule shall apply:

|  |  |  |
| --- | --- | --- |
| TABLE  Fine Schedule | | |
| VIOLATION | FIRST OFFENSE | SUBSEQUENT OFFENSE |
| 58-44a-501(1) | $ 2,000 - $ 5,000 | $ 5,000 - $ 10,000 |
| 58-44a-501(2) | $ 100 - $ 500 | $ 200 - $ 1,000 |
| 58-44a-501(3) | $ 100 - $ 500 | $ 200 - $ 1,000 |
| 58-44a-501(4) | $ 100 - $ 500 | $ 200 - $ 1,000 |
| 58-44a-502(1) | $ 100 - $ 500 | $ 200 - $ 1,000 |
| 58-44a-502(2) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-44a-502(3) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-44a-502(4) | $ 100 - $ 500 | $ 200 - $ 1,000 |
| 58-44a-502(5) | $ 200 - $ 1,000 | $ 500 - $ 2,000 |
| 58-44a-502(6) | Double the original penalty amount, up to $10,000 | |
| 58-44a-502(7) | $ 500 - $ 1,000 | $ 500 - $ 1,000 |
| 58-44a-502(8) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-44a-502(9)(a) | $ 500 - $ 1,000 | $ 500 - $ 2,000 |
| 58-44a-502(9)(b) | $ 500 - $ 1,000 | $ 500 - $ 2,000 |
| 58-44a-502(10)(a) | $ 500 - $ 1,000 | $ 500 - $ 2,000 |
| 58-44a-502(10)(b) | $ 500 - $ 1,000 | $ 500 - $ 2,000 |
| 58-1-501(1)(a)(i) | $ 500 - $ 2,000 | $ 500 - $ 10,000 |
| 58-1-501(1)(a)(ii) | $ 500 - $ 2,000 | $ 500 - $ 10,000 |
| 58-1-501(1)(b)(i) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-1-501(1)(b)(ii) | $ 500 - $ 2,000 | $ 500 - $ 10,000 |
| 58-1-501(1)(c) | $ 500 - $ 1,000 | $ 1,000 - $ 5,000 |
| 58-1-501(1)(d) | $ 500 - $ 1,000 | $ 1,000 - $ 5,000 |
| 58-1-501(1)(e) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-1-501(1)(f)(i)(A) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-1-501(1)(f)(i)(B) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-1-501(1)(g) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-1-501(2)(a)(i) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-1-501(2)(a)(ii) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-1-501(2)(a)(iii) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-1-501(2)(a)(iv) | $ 100 - $ 500 | $ 200 - $ 1,000 |
| 58-1-501(2)(a)(v) | $ 100 - $ 500 | $ 200 - $ 1,000 |
| 58-1-501(2)(a)(vi) | $ 100 - $ 500 | $ 200 - $ 1,000 |
| 58-1-501(2)(a)(vii) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-1-501(2)(a)(viii) | $ 100 - $ 500 | $ 200 - $ 1,000 |
| 58-1-501(2)(a)(ix) | $ 100 - $ 500 | $ 200 - $ 1,000 |
| 58-1-501(2)(a)(x) | $ 100 - $ 500 | $ 200 - $ 1,000 |
| 58-1-501(2)(a)(xi) | $ 100 - $ 500 | $ 200 - $ 1,000 |
| 58-1-501(2)(a)(xii) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-1-501(2)(a)(xiii)(A) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-1-501(2)(a)(xiii)(B) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-1-501(2)(a)(xiv) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-1-501(2)(a)(xv) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| 58-1-501(2)(a)(xvi) | $ 500 - $ 2,000 | $ 2,000 - $ 10,000 |
| R156-44a-502(1) | $ 100 - $ 500 | $ 200 - $ 1,000 |
| R156-44a-502(2) | $ 250 | $ 500 - $ 1,000 |
| Ongoing offense | $ 1,000 per day but not less than the  second offense. | |
| Any other conduct which constitutes unprofessional or unlawful conduct: | $ 100 - $ 500 | $ 200 - $ 1,000 |

**R156-44a-502. Unprofessional Conduct.**

"Unprofessional conduct" includes:

(1) the failure to abide by any one or more of the generally recognized scope and standards of nurse midwifery established under Subsections 58-44a-102(9) and R156-44a-102(9); and

(2) the failure to comply with Section 58-37-19, regarding discussion with a patient or the patient's parent or guardian before issuing an initial opiate prescription.

**R156-44a-601. Delegation of Nursing Tasks.**

Under Subsections 58-44a-102(9) and (11), the standards and requirements for the delegation of nursing tasks by a certified nurse midwife are in Section R156-31b-701a.

**R156-44a-609. Standards for Out-of-State Programs Providing Certified Nurse Midwife Clinical Experiences in Utah.**

(1) To qualify its students for the exemption in Subsection 58-1-307(1)(b), a nurse midwifery education program in another state that uses Utah health care facilities for one or more student clinical experiences with certified nurse midwives, shall, before placing a student, submit a written request for approval as a recognized school to the Board of Nursing and Certified Nurse Midwives, and demonstrate to the satisfaction of the Board that the program:

(a) has been approved, if required, by the regulatory body responsible for certified nurse midwives in the program's home state;

(b) holds current accreditation from the ACME;

(c) has clinical faculty who are employed by the nurse midwifery education program;

(d) is affiliated with an institution of higher education; and

(e) has established criteria for selection and supervision of:

(i) onsite preceptors; and

(ii) the clinical activities.

(2) After approval by the Board of Nursing and Certified Nurse Midwives, the nurse midwifery program shall:

(a) reapply for Board review and approval when the program's ACME accreditation is reaffirmed; and

(b) notify the Board in writing of any change in its accreditation status.

**KEY: licensing, midwifery, certified nurse midwife**

**Date of Last Change: December 24, 2024**

**Notice of Continuation: August 8, 2023**

**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-44a-101; 58-1-307.1**