

**MUNICIPAL  
REGULATIONS  
FOR NURSE-  
MIDWIVES**

## CHAPTER 58      NURSE-MIDWIVES

|       |  |
|-------|--|
| Secs. |  |
| 5800  | Applicability  |
| 5801  | General Requirement  |
| 5802  | Term of Certificate  |
| 5803  | Renewal of Certificate   |
| 5804  | Educational and Experience Requirements  |
| 5805  | National Examination   |
| 5806  | Certification by Endorsement   |
| 5807  | Standards of Conduct   |
| 5808  | Scope of Practice  |
| 5809  | Prescriptive Authority   |
| 5810  | Prescribing Controlled Substances  |
| 5811  | <b>[Repealed]</b>  |
| 5812  | Use of Titles or Abbreviations   |
| 5813  | Practice of a Certified Registered Nurse-Midwife In Health Care Facilities Requiring A Formal Evaluation |
| 5814  | Supervised Practice of Students  |
| 5815  | Supervised Practice of Graduates   |
| 5899  | Definitions  |

### **5800      APPLICABILITY**

- 5800.1      A certified nurse-midwife is a registered nurse prepared in a formal educational program to assume an expanded role in providing health care in the area of nurse-midwifery services. Certified nurse-midwives, when functioning within the authorized scope of practice, are qualified to assume primary responsibility for the care of their patients. This practice incorporates the use of independent judgment as well as collaborative interaction with physicians or osteopaths.
- 5800.2      Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 54 (Registered Nursing) of this title shall supplement this chapter.

### **5801      GENERAL REQUIREMENT**

- 5801.1      Only a person currently licensed as a registered nurse under chapter 54 of this title shall be eligible to apply for a certificate to practice nurse-midwifery under this chapter.

### **5802      TERM OF CERTIFICATE**

- 5802.1      Subject to § 5802.2, a certificate issued pursuant to this chapter shall expire at 12:00 midnight of June 30 of each even-numbered year.
- 5802.2      If the Director changes the renewal system pursuant to § 4006.3 of chapter 40 of this title, a certificate issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birthdate of the holder of the certificate, or other date established by the Director.

**5803 RENEWAL OF CERTIFICATE**

- 5803.1 A holder of a certificate to practice as a certified nurse-midwife shall renew his or her certificate by submitting a completed application on the forms required by the Board and paying the required fees prior to the expiration of the certificate.
- 5803.2 The Board's staff shall mail out applications for renewal at least sixty (60) days prior to the date the certificate expires.
- 5803.3 A certificate holder shall have the burden of notifying the Board if a renewal notice is not received.
- 5803.4 A certificate holder shall notify the Board in writing of a change in home or business address within thirty (30) days after the change. .
- 5803.5 A certificate holder applying for renewal of a certificate to practice registered nurse-midwifery shall:
- (a) Maintain current licensure as a registered nurse in the District of Columbia;
  - (b) Submit evidence of current national certification or recertification as applicable by the American College of Nurse-Midwives Certifying Council, Inc. (ACNM) or other national certifying body approved by the Board; and
  - (c) Beginning with the 2006 renewal period, submit proof of completion of fifteen (15) contact hours of continuing education, which shall include a pharmacology component. A continuing education program, course, seminar, or workshop shall be approved by the ACNM or other nationally certifying organization recognized by the Board and shall be related to the certificate holder's specialty. Only continuing education hours obtained in the two (2) years immediately preceding the application date will be accepted.
- 5803.6 A certificate holder shall submit a verification form of completion, for each program, course, seminar, or workshop for which continuing education is claimed.
- 5803.7 A certificate holder applying for renewal of a certificate who fails to submit proof of having completed the requirements as set forth in § 5803.5 by the date the certificate expires may renew the certificate within sixty (60) days after the expiration by submitting the required documents and paying the required late fees.
- 5803.8 Upon submitting the required documents and paying the required late fees, the certificate holder shall be deemed to have possessed a valid certificate during the

period between the expiration of the certificate and the submission of the required documents and fees.

- 5803.9 If a certificate holder applying for renewal of a certificate fails to submit proof of completion of the requirements as set forth in § 5803.5 or pay the late fee within sixty (60) days after the expiration of the certificate holder's certificate, the certificate shall be considered to have lapsed on the date of expiration and the certificate holder shall thereafter be required to apply for reinstatement of an expired certificate and meet all requirements and fees for reinstatement.
- 5803.10 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew the certificate after expiration, if the certificate holder's failure to submit proof of the requirements or pay the late fee was for good cause. As used in this section "good cause" includes the following:
- (a) Serious and protracted illness of the certificate holder; and
  - (b) The death or serious and protracted illness of a member of the certificate holder's immediate family.

#### **5804 EDUCATIONAL AND EXPERIENCE REQUIREMENTS**

- 5804.1 An applicant for a certificate to practice as a certified nurse-midwife shall furnish proof satisfactory to the Board, in accordance with § 608(b) of the Act, D.C. Official Code § 3-1206.08(b), that the applicant has successfully completed a post-basic nursing education program accredited by the American College of Nurse Midwives (ACNM) or a nationally recognized accrediting body accepted by the Board.
- 5804.2 **[Repealed]**
- 5804.3 An applicant shall submit one (1) of the following with the completed application form:
- (a) An official document verifying certification as a nurse-midwife from the ACNM; or
  - (b) A certified transcript of the applicant's academic record for applicants who are awaiting ACNM certification.

#### **5805 NATIONAL EXAMINATION**

- 5805.1 In addition to the requirement in § 5801 and § 5804, to qualify for a certificate to practice as a certified nurse-midwife in the District of Columbia, an applicant

shall receive a passing score on the national certification examination by the ACNM or any other nationally recognized accrediting body accepted by the Board.

5805.2 An applicant shall submit proof of having obtained a passing score on the examination by arranging to have official written verification of the certification, or a certified, notarized copy of the examination results, sent directly to the Board.

5805.3 A national certification program acceptable to the Board shall provide:

(a) Scope of practice statement that reflects the standards of specialized and advanced nursing practice in the area of certification;

(b) An approval process for the formal programs of study in the area of certification which shall:

(1) Be based on measurable objectives that relate directly to the scope of practice;

(2) Include theoretical and clinical content directed to objectives; and

(3) Be equivalent to at least one academic year preceptorship which is part of the formal program and shall be included as part of the academic year. Current practice in the area of certification will not be accepted as a substitute for the formal program of study.

(c) An examination in the area of certification which shall:

(1) Measure the theoretical and clinical content denoted in the scope of practice;

(2) Be developed in accordance with generally accepted standards of validity and reliability; and

(3) Be open only to registered nurses who have successfully completed the program of study referred to in paragraph (b) of this subsection.

(d) A certification maintenance program.

5805.4 The passing score on the certification examination shall be the passing score established by the certifying body administering the examination.

5805.5 The Board shall issue and update a list of nationally recognized certifying bodies accepted by the Board.

5805.6 Failure to maintain recertification as a certified registered nurse-midwife shall result in the loss of status as a certified nurse-midwife.

## **5806 CERTIFICATION BY ENDORSEMENT**

5806.1 An applicant is eligible for certification by endorsement if the applicant is currently licensed or certified, in good standing, as a nurse-midwife under the laws of a state or territory of the United States.

5806.2 To apply for certification by endorsement, an applicant shall:

- (a) Submit a completed application on the forms required by the Board;
- (b) Submit a copy of his or her current license or certificate as a certified nurse-midwife with the application;
- (c) Obtain licensure or certification verification from the current state or territory of licensure or certification, that the license or certificate is current and in good standing. The verification form must be sent directly to the Board by the verifying Board;
- (d) Meet any other requirements as set forth by the Board; and
- (e) Pay all required fees.

5806.3 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, submit the required documents and completed forms, and pay the required fees.

5806.4 Nothing in this section shall be construed to prohibit the Board from utilizing other authorized databases to verify current licensure standing in other jurisdictions of the U.S. and to review disciplinary records.

## **5807 STANDARDS OF CONDUCT**

5807.1 A certified nurse-midwife shall adhere to the standards set forth in the American College of Nurse Midwives' "Code of Ethics" as they may be amended or republished from time to time.

## **5808 SCOPE OF PRACTICE**

5808.1 In addition to the general function specified in D.C. Official Code § 3-1206.04 the nurse-midwife may perform any of the acts listed below, including:

- (a) Manage the care of the normal obstetrical patient;

- (b) Perform minor surgical procedure;
- (c) Manage the normal obstetrical patient during labor and delivery to include amniotomy, episiotomy, and repair;
- (d) Initiate and perform local anesthetic procedures and order the necessary anesthetic agents to perform the procedures;
- (e) Manage care of the newborn;
- (f) Perform post-partum examination;
- (g) Provide gynecological care for women;
- (h) Prescribe appropriate medications;
- (i) Provide family planning and STD services;
- (j) Provide primary health care; and
- (k) Such other functions and services the Board deems appropriate upon review and analysis of professional and association literature which articulates scopes and standards for nurse-midwifery practice.

5808.2 **[REPEALED]**

5808.3 **[REPEALED]**

5808.4 **[REPEALED]**

5808.5 A nurse-midwife may not perform a cesarean section or surgical abortion.

5808.6 For purposes of this section, “normal patient” means a healthy individual who meets the criteria established in practice protocols as normal.

## **5809 PRESCRIPTIVE AUTHORITY**

5809.1 A certified nurse-midwife shall have authority to prescribe legend drugs and controlled substances subject to the limitations set forth in § 5810.

5809.2 A certified nurse-midwife shall have authority to prescribe drugs only while licensed in accordance with this chapter.

5809.3 Prescriptions for drugs shall comply with all applicable District of Columbia and federal laws.

5809.4 A certified nurse-midwife who administers or prescribes a prescription drug shall enter into the patient's chart on the date of the transaction or, if the chart is not available, within a reasonable time but no later than the next office day the following information:

- (a) Each prescription that a certified nurse-midwife orders; and
- (b) The name, strength, and amount of each drug that a certified nurse-midwife prescribes and/or dispenses.

## **5810 PRESCRIBING CONTROLLED SUBSTANCES**

5810.1 A certified nurse-midwife shall have authority to prescribe those drugs in Schedules II through V, established pursuant to the District of Columbia Uniform Controlled Substances Act of 1981, D.C. Law 4-29, D.C. Code §§ 48-901.02 *et seq.*

5810.2 A certified nurse-midwife shall not prescribe a controlled substance unless a certified nurse-midwife meets the following requirements:

- (a) Possesses a valid controlled substances certificate of registration from the United States Drug Enforcement Administration (DEA); and
- (b) Possesses a valid District of Columbia controlled substances registration pursuant to D.C. Official Code §§ 48-901.02 *et seq.*, the District of Columbia Uniform Controlled Substances Act.

5810.3 A certified nurse-midwife shall not issue a refillable prescription for a controlled substance.

5810.4 A certified nurse-midwife shall maintain a current and complete log of all controlled substances that the nurse-midwife prescribes, in accordance with regulations for record keeping promulgated by the United States Drug Enforcement Administration.

## **5811 [REPEALED]**

## **5812 USE OF TITLES OR ABBREVIATIONS**

5812.1 Only persons certified, as certified nurse-midwives by the Board shall be designated as such and have the right to use the title "Certified Nurse-Midwife"



(CNM) and the title or abbreviations designated by the Board or an approved national certifying body.

**5813 PRACTICE OF A CERTIFIED REGISTERED NURSE-MIDWIFE IN HEALTH CARE FACILITIES REQUIRING A FORMAL EVALUATION**

5813.1 An APRN shall be evaluated by another APRN licensed to practice in the same specialty area.

**5814 SUPERVISED PRACTICE OF STUDENTS**

5814.1 A student may practice nurse-midwifery only in accordance with the Act and this chapter.

5814.2 A student fulfilling education requirements for certification and practicing within the limitations set forth in § 103(c) of the Act, D.C. Official Code § 3-1201.03(c), may be authorized to engage in the supervised practice of nurse-midwifery without a District of Columbia certificate.

5814.3 A person who has been denied a certificate, denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.

5814.4 Only a nurse-midwife certified under the Act, who is an appointed faculty member of the accredited school or college, or a preceptor meeting the requirements set forth in chapter 56 of this Title, shall be authorized to supervise the practice of nurse-midwifery by a student.

5814.5 A student who practices pursuant to this section shall only practice at a hospital, a health facility operated by the District or the federal government, or other health care facility considered appropriate by the Board.

5814.6 All supervised practice of a student shall take place under general or immediate supervision.

5814.7 A student practicing under this section shall not assume administrative or technical responsibility for the operation of a nurse-midwifery program, unit, service or institution.

5814.8 A student shall identify himself or herself as such before practicing as a student nurse-midwife. A student shall wear a picture identification badge with lettering clearly visible to the client bearing the name of the student and the position title.

- 5814.9 A student shall not receive compensation of any nature, directly or indirectly, from a client or client's family member.
- 5814.10 The supervisor or preceptor, as applicable, shall be fully responsible for the practice by a student during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the student.
- 5814.11 The Board may deny an application for certification by, or take other disciplinary action against, a student who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the student of practice.

## **5815 SUPERVISED PRACTICE OF GRADUATES**

- 5815.1 A graduate may practice nurse-midwifery only in accordance with the Act and this chapter.
- 5815.2 An individual shall be authorized to engage in the supervised practice of nurse-midwifery, as a graduate nurse-midwife, without a District of Columbia certificate if the individual:
- (a) Graduated from a post-basic nursing education program in nurse-midwifery approved by the ACNM or other certifying body approved by the board;
  - (b) Is awaiting the results of the certification examination given by the ACNM or other certifying body approved by the board; and
  - (c) Has an initial application pending for certification to practice nurse-midwifery in the District of Columbia.
- 5815.3 A person who has been denied a certificate, denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.
- 5815.4 Within five (5) business days after the application for certification has been received by the Board's staff, the Board's staff shall, at the request of the applicant, issue a supervised practice letter to the applicant to document that his or her application is pending and that he or she is authorized to practice under the Act and this chapter. The practice letter is not renewable and shall expire:
- (a) Ninety (90) days from the date of issuance;
  - (b) Upon receipt of written notice to the applicant of denial of certification;

(c) Upon receipt of notice to the application that the applicant has failed the certification examination; or

(d) Upon receipt of written notice to the applicant from the Board that the application for certification has been denied, whichever date is the earliest.

5815.5 Upon receipt of the practice letter, the graduate shall inform employers of the date of expiration of the letter and shall immediately cease the practice of nurse-midwifery on that date or upon receipt of the written notice as set forth in § 5815.4, whichever date is the earliest. The graduate thereafter may practice in any other area for which the graduate is qualified and licensed in the District, until receipt of a certificate to practice nurse-midwifery in the District.

5815.6 The graduate shall immediately notify the Board and the graduate's supervisor of the results of the certification examination.

5815.7 Only a nurse-midwife certified under the Act, who is a supervisor, shall be authorized to supervise the practice of nurse-midwifery by a graduate.

5815.8 A supervisor shall not supervise more than two (2) graduates at one time.

5815.9 All supervised practice of a graduate shall take place under general or immediate supervision.

5815.10 A graduate who practices pursuant to this section shall only practice at a hospital, a health facility operated by the District or federal government, or other health care facility considered appropriate and approved by the Board.

5815.11 A graduate practicing under this section shall not assume administrative or technical responsibility for the operation of a nurse-midwifery program, unit, service, or institution.

5815.12 A graduate shall identify himself or herself as such before practicing as a nurse-midwife. A graduate shall wear a picture identification badge with lettering clearly visible to the client bearing the name of the graduate and the position title.

5815.13 A graduate shall not receive compensation of any nature, directly or indirectly, from a client or client's family member, except for a salary based on hours worked under supervision.

5815.14 The supervisor shall be fully responsible for the practice by a graduate during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the graduate.

5815.15 The Board may deny an application for a certificate by, or take other disciplinary action against, a graduate who is found to have violated the Act or this chapter.

The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the graduate to practice.

**5816 SUPERVISED PRACTICE OF APPLICANTS FOR CERTIFICATION BY ENDORSEMENT**

5816.1 An applicant may practice nurse-midwifery only in accordance with the Act and this chapter.

5816.2 An applicant for certification by endorsement shall be authorized to engage in the supervised practice of nurse-midwifery in the District of Columbia without a District of Columbia certificate if the applicant:

- (a) Is currently certified by the ACNM or a certifying body approved by the Board;
- (b) Is currently licensed, in good standing, under the laws of a state or territory of the United States; and
- (c) Has an initial application pending for certification by endorsement to practice nurse-midwifery in the District of Columbia.

5816.3 A person who has been denied a certificate, denied a license, disciplined, convicted of an offense that bears directly upon his or her fitness to be licensed, or who has such an action pending in the District of Columbia or another jurisdiction shall not practice pursuant to this section unless first authorized by the Board in writing.

5816.4 Within five (5) business days after the application for certification by endorsement has been received by the Board's staff, the Board's staff shall issue a practice letter to the applicant to document that his or her application is pending and that he or she is eligible to practice under the Act and this chapter. The practice letter is not renewable and shall expire:

- (a) Ninety (90) days from the date of issuance; or
- (b) Upon receipt of written notice from the Board that the application for certification has been denied, whichever date is the earliest.

5816.5 Upon receipt of the practice letter, the applicant shall inform employers of the date of expiration of the letter and shall immediately cease the practice of nurse-midwifery on that date or upon receipt of the written notice as set forth in § 5816.4, whichever date is the earliest. The applicant thereafter may practice in any other area for which the graduate is qualified and licensed in the District, until receipt of a certificate to practice nurse-midwifery in the District.

- 5816.6 Only a registered nurse-midwife certified under the Act, who is a supervisor, shall be authorized to supervise the practice of nurse-midwifery by an applicant.
- 5816.7 A supervisor shall not supervise more than two (2) applicants at one time.
- 5816.8 All supervised practice of an applicant shall take place under general or immediate supervision.
- 5816.9 An applicant who practices pursuant to this section shall only practice at a hospital, long-term facility, a health facility operated by the District or federal government, or other health care facility considered appropriate by the Board.
- 5816.10 An applicant under this section shall not assume administrative or technical responsibility for the operation of a nurse-midwifery program, unit, service, or institution.
- 5816.11 An applicant shall not receive compensation of any nature, directly or indirectly, from a client or client's family member, except for a salary based on hours worked under supervision.
- 5816.12 The supervisor shall be fully responsible for the practice by an applicant during the period of supervision and may be subject to disciplinary action for violations of the Act or this chapter by the applicant.
- 5716.13 The Board may deny an application for a certificate by, or take other disciplinary action against, an applicant who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the applicant to practice.

## **5899 DEFINITIONS**

- 5899.1 For purposes of this chapter, the following terms have the meanings ascribed:

**Act-** Health Occupation Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.1 et seq.).

**Applicant:** a person applying for a license to practice as a certified nurse-practitioner under this chapter.

**Board:** the Board of Nursing, established by § 204 of the Act, D.C. Official Code § 3-1202.04.

**Certificate:** a certificate to practice as a nurse-midwife under this chapter.

**Certified nurse-midwife:** a registered nurse trained in an educational program to provide nurse-midwifery services, exercise independent judgment, and assume primary responsibility for the care of patients.

**Clinical practice:** the routine application of the principles of nurse-midwifery to the diagnosis and treatment of disease and maintenance of health.

**Graduate-** an individual who has graduated from a post-basic nursing education program for nurse midwifery.

**Supervisor:** means a certified nurse-midwife who is responsible for the supervision of a student, graduate, or applicant.