

**TITLE 185: COMMONWEALTH HEALTH CARE PROFESSIONS  
LICENSING BOARD**

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**CHAPTER 185-10  
COMMONWEALTH HEALTH CARE PROFESSIONS  
LICENSING BOARD REGULATIONS**

**Part 3100**

**Midwife**

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**Part 3100 - Midwife**

**§ 185-10-3101 Definitions**

- (a) **“Approved educational program in midwifery”** means an academic and practical program of midwifery approved by the ACNM.
- (b) **“ACNM”** means the American College of Nurse-Midwives.
- (c) **“AMCB”** means the American Midwifery Certification Board.
- (d) **“Midwife”** means a person who practices midwifery.
- (e) **“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, newborn evaluation, resuscitation and referral for infants.
- (f) **“Nurse-midwife”** means a nurse who also practices midwifery.

**§ 185-10-3105 Authorized Activities and Any Limitations**

- (a) Midwifery shall be practiced in accordance with the practice protocols for obstetrics and gynecology.
- (b) Midwifery shall be practiced in accordance with a written agreement between the midwife and:
  - (1) a licensed physician who is board certified as an obstetrician-gynecologist by a national certifying body;
  - (2) a licensed physician who practices obstetrics and has full surgical obstetric privileges at a general hospital; or
  - (3) a hospital that provides obstetrics through a licensed physician having full surgical obstetrical privileges at such institution.
- (c) Midwifery need not be practiced under the direct supervision of a physician.
- (d) The written agreement shall:
  - (1) provide for:
    - (i) physician consultation;
    - (ii) collaboration;
    - (iii) referral and emergency medical obstetrical coverage;

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- (2) include written guidelines and protocols;
  - (3) provide that one of the parties is responsible for securely maintaining patient records for at least six years, including the obstetrical record. And further, the retention shall be required, if the patient is a minor, until at least one year after the minor reaches the age of twenty-one years. Except that these periods shall vary if a provision of law specifically requires otherwise;
  - (4) provide guidelines for the identification of pregnancies that are not considered normal and address the procedures to be followed;
  - (5) provide a mechanism for dispute resolution; and
  - (6) provide that the judgment of the appropriate physician shall prevail as to whether the pregnancy, childbirth, or postpartum care is normal and whether the woman is essentially healthy in the event the practice protocols do not provide otherwise.
- (e) The parties to the written agreement shall review it bi-annually, prior to license renewal, and so indicate in writing.
- (f) Prescription privilege. See *infra*, this Part. [§ 185-10-3125]
- (g) The scope of midwifery may include:
- (1) periodic exams, including gynecological care, primary care, health screening and counseling with a focus on health promotion and disease prevention;
  - (2) history and physical exams;
  - (3) first exams for young women;
  - (4) family planning and prescribing of birth control methods;
  - (5) pre-conception counseling;
  - (6) well woman and adolescent gynecological care;
  - (7) perimenopausal and postmenopausal counseling and care;
  - (8) comprehensive maternity care including prenatal, labor, delivery, postpartum, and newborn care;
  - (9) hospital admission, rounds, and discharge;
  - (10) inducing and augmenting labor by using both pharmacologic and non-pharmacologic modalities;

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- (11) assisting at surgical procedures;
  - (12) obstetric and gynecologic screening procedures;
  - (13) evaluation and treatment of common health problems;
  - (14) public education activities;
  - (15) ordering diagnostic tests; and
  - (16) referral to specialists.
- (h) Nothing in this Part shall be construed to prevent, limit, expand, or otherwise affect any duty or responsibility of:
- (1) a licensed physician from practicing midwifery;
  - (2) a medical student or midwifery student in pursuit of an educational program from practicing midwifery:
    - (i) in clinical practice,
    - (ii) under the supervision of a licensed physician, board-certified obstetrician/gynecologist, or licensed midwife practicing pursuant to the provisions of this Part.

**§ 185-10-3110            Requirements for Licensure**

- (a) General: In order to be licensed as a midwife, an applicant shall fulfill the following requirements:
- (1) Application: file an application with the Board;
  - (2) Education: satisfactorily complete the education requirement, below;
  - (3) Examination: pass an examination satisfactory to the Board;
  - (4) Age: be at least 21 years of age;
  - (5) Character: be of good moral character, including not be convicted of a crime of moral turpitude or of a felony; and
  - (6) Fees: pay all applicable fees.
- (b) Education.
- (1) An applicant must demonstrate completion of an approved educational program for the practice of midwifery:

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- (i) Approved by the ACNM;
  - (ii) Approved by a state of the US; or
  - (iii) Approved by one of the following countries or a political subdivision thereof: Australia, Canada, Fiji, New Zealand, United Kingdom; or
- (2) Submit evidence of license or certification, the educational preparation for which is determined by the Board to be equivalent to the foregoing, from a state or country.
- (3) Verification shall be by certified or notarized:
- (i) transcript; and
  - (ii) as proof of completion:
    - (A) certificate, degree or diploma; or
    - (B) statement of the director or registrar of the program or other training entity in writing, stating that the applicant has completed the requirements satisfactorily, and the date completed; or
  - (iii) government agency certification of completion.
- (c) Experience:
- (1) for US program graduates: No experience required.
  - (2) for non-US program graduates: Provide proof of the completion of two years of post-graduate experience.

**§ 185-10-3115            Applications**

The following information must be provided with the application:

- (a) Proof of completion of an approved educational program.
- (b) Proof of completion of a required written licensing examination or endorsement.
- (c) Report of professional history from the appropriate health professionals database, or letter of good standing from the appropriate government agency or other licensing authority. For an applicant who has not practiced in another jurisdiction and for whom no database entry exists, a sworn declaration that the applicant has no negative professional history may be provided.
- (d) A declaration that the application is true and correct.

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**§ 185-10-3120 Examination or Endorsement**

An applicant shall provide either:

- (a) Proof of passing an examination administered by the AMCB, or by a government- authorized licensing agency of one of the following countries or a political subdivision thereof: Australia, Canada, Fiji, New Zealand, United Kingdom; or
- (b) A foreign endorsement of a license from one of the following countries or a political subdivision thereof: Australia, Canada, Fiji, New Zealand, United Kingdom;
- (c) A foreign endorsement of a license from Fiji from the Fiji School of Medicine Midwifery Program; or
- (d) A domestic endorsement of a license from a US jurisdiction.

**§ 185-10-3125 Special Provision: Prescription Privilege**

- (a) A licensed midwife may be authorized to prescribe drugs, immunizing agents, diagnostic tests and devices, and to order laboratory tests if:
  - (1) has obtained training meeting professional standards to prescribe medications within the scope of the practice;
  - (2) there is an applicable collaborative agreement which so provides;
  - (3) s/he has obtained a Drug Enforcement Administration (DEA) number for controlled substances; and
  - (4) the Board has approved such authorization.
- (b) The license shall carry a notation as to such authorization, as “Certified with prescriptive privilege.”

**§ 185-10-3130 Special Provision – Continuation of Previous CNMI Practice**

- (a) A midwife who had previously been licensed in the CNMI in 2006 or 2007 as a nurse midwife shall be eligible for a license to practice midwifery, notwithstanding any other provision of these Regulations.
- (b) Such license shall be eligible for annual renewal.
- (c) The person seeking such licensure shall apply to the Board for a license. The Board may consider the person’s first application complete without the pre-payment of any applicable fees, as long as provision is made for the payment thereof within 56 days (8 weeks) after delivery of the license.

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**§ 185-10-3135            Special Provision - Practice under the Supervision of a Licensed Midwife**

- (a) A candidate may practice midwifery under the supervision of a midwife who has received a non-temporary license if the candidate has met all other requirements for licensure but has not yet passed the required licensing examination.
- (b) Such supervised practice shall be licensed for no more than a one year.

**§ 185-10-3140            Renewals**

- (a) Continuing professional education (“CE”) shall be required as a condition of renewal.
- (b) The reporting period for CE shall be every two calendar years, by March 1 of the year following the reporting period.
- (c) The number of CPE credits to be earned for each reporting period shall be: 30 credits, representing two (2) years.

**§ 185-10-3145            Time Periods            [Reserved.]**

**§ 185-10-3150            Identification of Midwife Practice**

- (a) Only a person licensed under this Part shall use the title “midwife,” “certified midwife,” or “licensed midwife.”
- (b) A licensed midwife who is also a nurse may use the title “nurse-midwife,” “certified nurse-midwife,” or “licensed nurse-midwife.”
- (c) An appropriate abbreviation may be made on a birth certificate.

**§ 185-10-3155            Rules of Conduct**

The licensee shall follow the rules of conduct specified by the ACNM.

**§ 185-10-3160            Discipline and Penalties    [Reserved.]**

**§ 185-10-3165            Other - Professional History**

The licensee and/or applicant shall have an affirmative duty to disclose to the Board within 28 days:

- (a) the occurrence of any disciplinary action in any jurisdiction;
- (b) the filing of a claim of malpractice in any jurisdiction;
- (c) the filing of a criminal charge in any jurisdiction and the resolution thereof.