

R156. Commerce, 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]~~ Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 44a, Nurse Midwife Practice Act~~[.]~~. In addition:

- (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)]~~³ "CNM" means a certified nurse midwife.
- ~~[(5)]~~⁴ "Delegate" is as defined in Subsection R156-31b-102(14).
- ~~[(6)]~~⁵ "Delegatee" is as defined in Subsection R156-31b-102(15).
- ~~[(7)]~~⁶ "Delegator" is as defined in Subsection R156-31b-102(16).
- ~~[(8)]~~⁷ "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)]~~⁸ "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 (ACNM), which are incorporated by reference:
 - (a) Core Competencies for Basic Midwifery Practice, ~~[March 2020]~~updated 2025;
 - (b) Standards for the Practice of Midwifery, revised 2022; and
 - (c) Code of Ethics, December 2013.
- ~~[(10)]~~⁹ "Unlicensed assistive personnel" as defined in Subsection 58-44a-102(11), is further defined in Subsection R156-31b-102(38).
- ~~[(11)]~~¹⁰ "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]~~³⁰⁶. 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

- 96 (e) has established criteria for selection and supervision of:
97 (i) onsite preceptors; and
98 (ii) the clinical activities.
99 (2) After approval by the Board of Nursing and Certified Nurse Midwives, the nurse midwifery
100 program shall:
101 (a) reapply for Board review and approval when the program's ACME accreditation is
102 reaffirmed; and
103 (b) notify the Board in writing of any change in its accreditation status.
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106 **KEY: licensing, midwifery, certified nurse midwife**

107 **Date of Last Change: ~~[December 24, 2024]~~2026**

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

109 **Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-44a-101;**
110 **58-1-307.1**