

**PROPOSAL**  
**Maryland Register**  
**Issue Date: June 13, 2025**  
**Volume 52 • Issue 12 • Pages 609-616**  
**ELF Docket Number: 25-091**

**Title 10**  
**MARYLAND DEPARTMENT OF HEALTH**

**Notice of Proposed Action**  
[25-091-P]

The Secretary of Health proposes to:

- (1) Amend Regulation .01 under **COMAR 10.27.02 Hearing Procedures**;
- (2) Repeal existing Regulation .07 under **COMAR 10.27.05 Practice of Nurse Midwifery**;
- (3) Amend Regulations .01 and .02 under **COMAR 10.27.18 Monetary Penalties**;
- (4) Amend Regulation .02 under **COMAR 10.27.26 Sanctioning Guidelines**;
- (5) Adopt new Regulations .01—.13 under new chapter, **COMAR 10.69.01 Licensure of Licensed Certified Midwives** under a new subtitle, **Subtitle 69 Board of Nursing—Licensed Certified Midwives**;
- (6) Adopt new Regulations .01—.06 under new chapter, **COMAR 10.69.02 Delegation of Technical Acts by a Licensed Certified Midwife** under a new subtitle, **Subtitle 69 Board of Nursing—Licensed Certified Midwives**; and
- (7) Adopt new Regulations .01—.03 under new chapter, **COMAR 10.69.03 Code of Ethics** under a new subtitle, **Subtitle 69 Board of Nursing—Licensed Certified Midwives**.

This action was considered by the public at a public meeting held on December 13, 2023, notice of which was given by publication on the Board's website at: <https://health.maryland.gov/mbon/Pages/meetings-index.aspx>, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to provide regulatory guidance for licensed certified midwives in Maryland, pursuant to HB 758, Maryland Licensure of Certified Midwives Act, 2021 Chapter 462, and HB 717, State Board of Nursing—Peer Advisory Committees, Scopes of Practice, Licensure Requirements 2023 Chapter 368, and Health Occupations Article, §§8-6D-01 — 8-6D-15, Annotated Code of Maryland.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action will have an economic impact; however, the quantified amount is indeterminate, as the Board does not know of how many individuals will apply to become licensed as a licensed certified midwife.

**II. Types of Economic Impact.**

Impacted Entity	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
Maryland Board of Nursing	(R+)	Indeterminable
B. On other State agencies:		
	NONE	
C. On local governments:		
	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
Licensed Certified Midwives	(-)	Indeterminable
E. On other industries or trade groups:		
	NONE	

F. Direct and indirect effects on public: NONE

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. This proposal includes an initial application fee of \$150 and a biennial renewal fee of \$120. The Maryland Board of Nursing is unable to estimate how many individuals will seek licensure, as such, the impact is indeterminate but potentially meaningful.

D. See A., above.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Jordan Fisher Blotter, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 534 Baltimore, Maryland 21201, or call 410-767-0938, or email to [mdh.regs@maryland.gov](mailto:mdh.regs@maryland.gov). Comments will be accepted through July 14, 2025. A public hearing has not been scheduled.

## Subtitle 27 BOARD OF NURSING

### 10.27.02 Hearing Procedures

Authority: Health Occupations Article, §§8-205(a)(1), and 8-317, Annotated Code of Maryland

**.01 Scope.**

These regulations apply only to formal hearings before the Board based on charges or notices of proposed action issued pursuant to Health Occupations Article, §§8-316, 8-404, 8-6A-10, [or] 8-6B-18, 8-6C-20 or 8-6D-10, Annotated Code of Maryland.

### 10.27.18 Monetary Penalties

Authority: Health Occupations Article, §§8-316, 8-6C-20, and 8-6D-10, Annotated Code of Maryland

**.01 Scope.**

This chapter establishes standards for the imposition of monetary penalties not exceeding \$5,000 against a registered nurse, licensed practical nurse, *direct-entry midwife*, *licensed certified midwife*, or advanced practice registered nurse if the Board finds that there are grounds to take action under Health Occupations Article, §8-316, Annotated Code of Maryland.

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Licensee” means, unless the context requires otherwise, a:

(a) [registered] *Registered* nurse, a licensed practical nurse, or an advanced practice registered nurse as defined in Health Occupations Article, §8-101, Annotated Code of Maryland;

(b) *A licensed direct-entry midwife as defined in Health Occupations Article, §8-6C-01, Annotated Code of Maryland;*  
and

(c) *A licensed certified midwife as defined in Health Occupations Article, §8-6D-01, Annotated Code of Maryland.*

(3) (text unchanged)

### 10.27.26 Sanctioning Guidelines

Authority: Health Occupations Article, §§1-606, 8-205(a)(1), 8-316, 8-6A-10, [and] 8-6B-18, 8-6C-20, and 8-6D-10, Annotated Code of Maryland

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Certificate holder” means an individual who has been issued a certificate by the Board to practice as a certified nursing assistant, *a certified dialysis technician*, or a certified medication technician.

(3)—(4) (text unchanged)

(5) “Licensee” means an individual who:

(a) Has been issued a license or certification by the Board to practice as:

(i)—(iii) (text unchanged)

(iv) An electrologist; [or]

(v) A licensed direct-entry midwife; or

(vi) *A licensed certified midwife*; or

(b) (text unchanged)

(6)—(8) (text unchanged)

## **Subtitle 69 BOARD OF NURSING—LICENSED CERTIFIED MIDWIVES**

### **10.69.01 Licensure of Licensed Certified Midwives**

*Authority: Health Occupations Article, §§ 8-101, 8-205, 8-208, 8-508, 8-601, 8-6A-02, 8-6D-01 through 8-6D-15, 8-701, 8-708, and 8-710, Annotated Code of Maryland*

#### **.01 Exceptions.**

*This chapter does not apply to an individual who:*

*A. Assists at a birth in an emergency;*

*B. Is licensed as a health care practitioner in accordance with the Health Occupations Article, Annotated Code of Maryland whose scope of practice allows the individual to practice certified midwifery; or*

*C. Is a student practicing certified midwifery while engaged in an approved clinical midwifery education experience under the supervision of an individual licensed by the Board as a licensed certified midwife or a licensed nurse certified as a nurse midwife.*

#### **.02 Definitions.**

*A. In this chapter, the following terms have the meanings indicated.*

*B. Terms Defined.*

(1) “Accreditation Commission for Midwifery (ACME)” means the accrediting agency for midwifery education programs and institutions, or a successor organization, which is approved by the United States Department of Education.

(2) “American College of Nurse Midwives (ACNM)” means the national professional association, or a successor organization, that represents advanced practice midwives, including certified nurse-midwives and certified midwives in the United States

(3) “American Midwifery Certification Board (AMCB)” means the certifying agency for midwifery education programs, or a successor organization, which is approved by the National Commission for Certifying Agencies.

(4) “Board” means the Maryland Board of Nursing.

(5) “Central Repository” has the meaning stated in Health Occupations Article, §8-303(a), Annotated Code of Maryland.

(6) “Clinical practice guidelines” means written standards using guidelines established by:

(a) The ACNM in Standards for the Practice of Midwifery, as amended or supplemented; or

(b) Any other national certifying body recognized by the Board.

(7) “Licensed certified midwife (LCM)” means an individual who has been issued a license by the Board to practice certified midwifery.

(8) “Newborn” means an infant in the first 28 days after birth.

(9) “Practice certified midwifery” has the meaning stated in Health Occupations Article, §8-6D-01(h), Annotated Code of Maryland.

(10) “Physician” means an individual licensed to practice medicine in the State.

#### **.03 Qualifications for Applicants for Initial Licensure.**

*An applicant for initial licensure as a certified midwife shall:*

*A. Be of good moral character;*

*B. Submit to a criminal history records check in accordance with Health Occupations Article, §8-303, Annotated Code of Maryland;*

*C. Hold a current, valid national certification as a certified midwife from the AMCB;*

*D. Have graduated from a graduate-level midwifery education program accredited by the ACME; and*

*E. Have passed the AMCB certification examination.*

#### **.04 Requirements for Application for Initial Licensure.**

*A. An applicant for initial licensure as a certified midwife shall submit to the Board:*

(1) *A completed application on the form that the Board requires;*

(2) *Written, verified evidence that the applicant has met the requirements of Regulation .03C—E of this chapter;*

- (3) Written, verified evidence that the applicant has submitted to a criminal history records check as required by Regulation .03B of this chapter by submitting:
- (a) Two sets of fingerprints, as required by the Central Repository and the Federal Bureau of Investigation; and
  - (b) All fees required by the Central Repository and the FBI;
- (4) Any documentation requested from the applicant by the Board including, but not limited to, official certified or true test court documents and a signed, dated explanation written by the applicant, regarding the facts and circumstances, outcome, and current status of any criminal history record information received by the Board:
- (a) In accordance with Health Occupations Article, §8-303, Annotated Code of Maryland;
  - (b) In an answer to a question on the Board's application form; or
  - (c) From any other source;
- (5) Any additional documentation requested by the Board if the documentation received from the applicant under §A(4) of this regulation is incomplete or insufficient; and
- (6) A fee for initial licensure as specified under Regulation .13 of this chapter.
- B. If an application is not complete when initially submitted to the Board by the applicant, the applicant shall have no longer than 12 months from the date the application is received by the Board to:
- (1) Complete the application; and
  - (2) Provide all information and documents required in §A of this regulation.
- C. If an applicant fails to provide to the Board a complete application and any additional documentation requested by the Board in §A of this regulation within 12 months from the date the application is received by the Board, then the application:
- (1) Shall be considered abandoned; and
  - (2) May be destroyed.
- D. Once an application is deemed abandoned under §C of this regulation, an individual seeking licensure shall:
- (1) Submit a new application;
  - (2) Meet all of the requirements for licensure; and
  - (3) Pay the required fees in accordance with Regulation .13 of this chapter in effect at the time of re-application.

#### **.05 Practice Before Certification.**

A. An individual who has graduated from a graduate level accredited program for midwifery education program approved by the ACME and who has taken the AMCB national certification examination but is waiting for results may practice as a certified midwife graduate before certification if the:

- (1) Practice is under the supervision of a licensed certified midwife or certified nurse midwife who shall be physically present at the location of service and available to the certified midwife graduate;
- (2) Supervising midwife and certified midwife graduate execute a written supervision agreement on the form required by the Board; and
- (3) Certified midwife graduate files with the Board a copy of the:
  - (a) Admission slip to the Board-approved certification examination; and
  - (b) Signed supervision agreement.

B. A certified midwife graduate who has entered into a supervision agreement under this regulation shall immediately notify the Board and the supervising midwife of the results of the AMCB certification examination.

C. A certified midwife graduate may not continue to practice under a supervision agreement under this regulation for more than 1 year from the filing of all documents required under §A(3) of this regulation, or after the denial of AMCB certification, whichever occurs first.

#### **.06 Term and Renewal of License.**

A. A license issued under this regulation authorizes the licensee to practice licensed certified midwifery while the license is active.

B. Unless renewed, a license expires on October 28 of every even-numbered year, except that an initial license shall not expire within 180 days of the date of issuance.

C. Before a license expires, the licensed certified midwife may renew the license for an additional 2-year term if the licensed certified midwife:

- (1) Is otherwise entitled to be licensed;
- (2) Pays to the Board the renewal fee specified in Regulation .13 of this chapter; and
- (3) Submits to the Board:
  - (a) A renewal application on the form that the Board requires;
  - (b) Satisfactory evidence of current national certification as a certified midwife by AMCB; and
  - (c) If required to submit to a criminal history records check in accordance with § C of this regulation, evidence of submission to a criminal history records check as required by the Board.

D. A licensed certified midwife shall submit to a criminal history records check in order to renew a license in accordance with the following schedule:

- (1) In 2025—all applicants with an August or September birth month;
- (2) In 2026—all applicants with a September or October birth month;
- (3) In 2027—all applicants with an October or November birth month;
- (4) In 2028—all applicants with a November or December birth month;

- (5) In 2029—all applicants with a December or January birth month;
- (6) In 2030—all applicants with a January or February birth month;
- (7) In 2031—all applicants with a February or March birth month;
- (8) In 2032—all applicants with a March or April birth month;
- (9) In 2033—all applicants with an April or May birth month;
- (10) In 2034—all applicants with a May or June birth month; and
- (11) In 2035—all applicants with a June or July birth month.
- (12) In 2036—all applicants with a July or August birth month;

E. The Board may grant a 30-day extension beyond a license's expiration date so that the license may be renewed before it expires.

**.07 Change in Name or Address.**

A licensed certified midwife shall provide written notice to the Board, on the form required by the Board, within 60 days of a change of:

- A. Name, along with legal documentation of the change; or
- B. Address.

**.08 Required Documentation.**

A. A licensed certified midwife who provides clinical midwifery services across the reproductive lifespan in accordance with this subtitle shall:

- (1) Maintain a health record for each client;
- (2) In the case of a transfer of care to another provider or a facility, transfer the client's health records with the client; and
- (3) Comply with applicable State laws and regulations governing the creation and maintenance of health care records.

B. A licensed certified midwife who provides clinical midwifery services shall have available at all times for examination by the Board, written clinical practice guidelines that cover all aspects of care, practice, and quality assurance, including but not limited to:

- (1) A plan for emergency consultation;
- (2) A plan for transfer of care; and
- (3) A plan for admission of the client or newborn to a hospital within the client's geographic area.

**.09 Scope of Practice.**

A. A licensed certified midwife may perform the following functions:

- (1) Independent management of clients appropriate to the skill and educational preparation of the licensed certified midwife and the licensed certified midwife's clinical practice guidelines;
- (2) Consultation or collaboration with a physician or other health care provider as needed; and
- (3) Referral of clients with complications beyond the scope of practice of the licensed certified midwife to another licensed health care practitioner, including a licensed physician.

B. A licensed certified midwife shall keep a record of all cases attended.

C. A licensed certified midwife has the right and obligation to refuse to perform any delegated medical act, oral or written, if, in the licensed certified midwife's judgment, it is unsafe or an invalidly prescribed medical act or beyond the competence of the licensed certified midwife, in which case the licensed certified midwife shall immediately notify the delegating physician.

**.10 Compliance.**

The certified midwife shall develop and comply with clinical practice guidelines as defined in Regulation .01B of this chapter.

**.11 Prescribing and Dispensing of Substances by a Licensed Certified Midwife.**

A. Pursuant to Health Occupations Article, §8-6D-01, Annotated Code of Maryland, a licensed certified midwife may:

- (1) Prescribe substances commonly used in the practice of midwifery; and
- (2) Prescribe controlled dangerous substances on Schedules II-V under Criminal Law Article, §§5-403—5-406, Annotated Code of Maryland, commonly used in the practice of midwifery; and
- (3) Dispense substances prescribed in accordance with §A(1)—(2) of this regulation in the course of treating a client at a:
  - (a) Nonprofit medical facility or clinic;
  - (b) Health center operating on the campus of an institution of higher education;
  - (c) Public health facility;
  - (d) Medical facility under contract with a State or local health department; or
  - (e) Facility funded with public funds.

B. A licensed certified midwife who personally prepares and dispenses a drug in the course of treating a client as authorized under §A(3) of this regulation shall:

- (1) Comply with the labeling requirements of Health Occupations Article, §12-505, Annotated Code of Maryland;
- (2) Record the dispensing of the prescription drug on the client's chart;
- (3) Allow the Office of Controlled Substances Administration to enter and inspect the licensed certified midwife's office at all reasonable hours in accordance with Health Occupations Article, §8-508, Annotated Code of Maryland; and
- (4) Except for starter dosages or samples dispensed without charge:
  - (a) Provide the client with a written prescription;

- (b) Maintain prescription files; and
- (c) Maintain a separate file for Schedule II prescriptions for a period of at least 7 years.
- (5) A licensed certified midwife may personally prepare and dispense a starter dosage of any drug the licensed certified midwife is authorized to prescribe to a client if:
  - (a) The starter dosage complies with the labeling requirements of Health Occupations Article, §12-505, Annotated Code of Maryland;
  - (b) No charge is made for the starter dosage; and
  - (c) The licensed certified midwife enters an appropriate record in the client's medical record.

#### **.12 Unlawful Practices.**

- Pursuant to Health Occupations Article, Title 8, Subtitle 6D, Annotated Code of Maryland, an individual may not:
- A. Practice licensed certified midwifery unless licensed under this subtitle or otherwise permitted by law to engage in those activities;
  - B. Use the title "certified midwife" or the abbreviation "CM" unless licensed by the Board with the intent to represent that the individual practices licensed certified midwifery in the State;
  - C. Represent to the public by title, description of service, method, procedure, or otherwise that the individual is authorized to practice licensed certified midwifery in this State unless licensed under this subtitle; or
  - D. Advertise in a manner that is unreasonable, misleading, or fraudulent.

#### **.13 Licensure Fees.**

- A. The fees listed in this regulation are nonrefundable.
- B. The fees are as follows:
  - (1) Initial application fee—\$150;
  - (2) Biennial renewal fee—\$120;
  - (3) Biennial reinstatement fee—\$70;
  - (4) Verification of licensure fee—\$45; and
  - (5) Returned check fee—\$30.
- C. Health Care Practitioner User Fee.
  - (1) In addition to a license fee, each licensed certified midwife shall pay a non-refundable health care practitioner user fee assessed by the Maryland Health Care Commission in accordance with Health-General Article, §19-111(b)(4), Annotated Code of Maryland.
  - (2) The health care practitioner user fee shall be:
    - (a) In addition to the licensing fee paid to the Board; and
    - (b) Collected with the application for an initial or renewal license.
  - (3) The amount of the assessed health care practitioner user fee shall be double the amount of the annual health care practitioner user fee for biennial licensure.
  - (4) The Board shall:
    - (a) Account for the health care practitioner user fees; and
    - (b) Transfer the health care practitioner user fees to the Maryland Health Care Commission on a quarterly basis.

## **10.69.02 Delegation of Technical Acts by a Licensed Certified Midwife**

Authority: Health Occupations Article, §§ 8-101, 8-205, 8-208, 8-508, 8-601, 8-6A-02, 8-6D-01 through 8-6D-15, 8-701, 8-708, and 8-710, Annotated Code of Maryland

#### **.01 Scope.**

- A. This chapter governs the delegation of other technical tasks by a licensed certified midwife to an assistant not otherwise authorized under Health Occupations Article, Annotated Code of Maryland.
- B. This chapter may not be construed:
  - (1) As establishing the licensure, certification, or registration of assistants by the Board;
  - (2) To apply to an individual who is licensed, certified, or registered by a health occupations regulatory board, or health occupation students, acting pursuant to Health Occupations Article, Annotated Code of Maryland; and
  - (3) To mean that this chapter overrides, or is to be used in lieu of, more stringent regulations, policies, and procedures established by State licensure or certification requirements.

#### **.02 Definitions.**

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
  - (1) "Advanced Practice Registered Nurse (APRN)" has the meaning stated in COMAR 10.27.05.01.
  - (2) "Assistant" means an individual:
    - (a) To whom only routine technical tasks are delegated by a licensed certified midwife;
    - (b) Who is trained; and
    - (c) Who is not licensed, certified, registered, or otherwise authorized by law by the Board, or any other State health occupations board, to practice any health occupation in the State.

(3) “Asynchronous telehealth interaction” has the meaning stated in Health Occupations Article, §1-1001(b), Annotated Code of Maryland.

(4) “Board” means the Maryland Board of Nursing.

(5) “Delegating Licensed Certified Midwife (LCM)” means a licensed certified midwife who directs an assistant to perform technical tasks.

(6) “Direct supervision” means oversight exercised by a delegating licensed certified midwife who is:

(a) Personally treating the client; and

(b) In the physical presence of the client and the assistant.

(7) “Licensed Certified Midwife (LCM)” means an individual who has been issued a license by the Board to practice certified midwifery in accordance with COMAR 10.69.01.

(8) Mechanical Act.

(a) “Mechanical act” means an act which does not require professional judgment, medical or pharmaceutical training, or discretion.

(b) “Mechanical act” does not include:

(i) Selecting a drug;

(ii) Labeling;

(iii) Measuring or calculating dosages;

(iv) Substituting one drug for another, including substituting a generic or brand drug for the prescribed drug;

(v) Substituting one dosage form of a drug for another;

(vi) Altering the route of administration; or

(vii) Counseling client.

(9) “On-site supervision” means oversight exercised by a delegating licensed certified midwife who is:

(a) Present at the same site as the assistant and the client; and

(b) Able to be immediately available in person during the assistant’s performance of a delegated act; or

(c) In the context of a synchronous telehealth interaction, able to be immediately available via secure telecommunications technology to the telehealth visit during the assistant’s performance of a delegated act; or

(d) In the context of an asynchronous telehealth interaction, is able to review the assistant’s work and interact with the assistant before communication with the client.

(10) “Site” means any facility or location, including those defined in Health-General Article, §§19-114 and 19-3B-01(b), Annotated Code of Maryland, used for the delivery of health services.

(11) “Synchronous telehealth interaction” has the meaning stated in Health Occupations Article, §1-1001(d), Annotated Code of Maryland.

(12) “Technical task” means a routine clinical act or task that does not require clinical or midwifery judgment and is performed with supervision as specified within this chapter.

(13) “Trained” means possessing the knowledge, skills, and abilities, as determined by the delegating licensed certified midwife, to perform delegated technical tasks.

### **.03 Standards for Delegation.**

A. A licensed certified midwife who delegates shall:

(1) Assess the risk to the client and the outcome of the delegated acts;

(2) Delegate only those technical tasks that are customary to the practice of a licensed certified midwife;

(3) Delegate only those technical tasks for which the assistant has been trained;

(4) Be responsible for the acts of the assistant;

(5) Supervise the assistant in accordance with this chapter; and

(6) If dispensing prescription medication under Health Occupations Article, Title 8, Annotated Code of Maryland, perform a final check of the prescription medication before it is provided to the client.

B. The responsibility for the delegated act cannot be transferred from the delegating licensed certified midwife to another licensed certified midwife, or to another licensed health care provider that is authorized to delegate clinical and technical tasks, without:

(1) The expressed consent of the other licensed certified midwife or licensed health care provider; and

(2) Informing the assistant.

### **.04 Scope of Delegation to an Assistant.**

A. A licensed certified midwife may not delegate technical tasks to an assistant which shall, by law or regulation, be performed only by an individual that is required to be licensed, certified, registered, or otherwise recognized pursuant to any State laws.

B. A licensed certified midwife may delegate technical tasks, consistent with the approved policies and procedures of the site, in the following categories:

(1) Surgical technical tasks that the delegating licensed certified midwife directly orders while present and personally performing the surgery in the same surgical field; and

(2) Nonsurgical technical tasks while the assistant is under the delegating licensed certified midwife’s direct supervision or on-site supervision.

C. Except as provided in §§B(1) and D of this regulation, a licensed certified midwife shall provide a minimum of on-site supervision when delegating technical tasks to an assistant, including, but not limited to, the following:

- (1) Client preparation for physical examination;
- (2) Client history interview;
- (3) Collecting and processing specimens, such as performing phlebotomy, inoculating culture media, pregnancy tests; dipstick and microscopic urinalysis, and microbiology including rapid streptococcal testing and throat cultures;
- (4) Preparing and performing laboratory tests under State and Clinical Laboratory Improvement Amendments regulations;
- (5) Clinical tests;
- (6) Transmitting prescriptions to a pharmacy;
- (7) Preparing and administering oral drugs;
- (8) Establishing a peripheral intravenous line; and
- (9) Preparing and administering injections including small amounts of local anesthetics if provided either:
  - (a) Intradermal;
  - (b) Subcutaneous; or
  - (c) Intramuscular in the deltoid, gluteal, or vastus lateralis.

D. When delegating injecting intravenous drugs or contrast materials to an assistant, a licensed certified midwife shall provide direct supervision.

E. A licensed certified midwife who is dispensing prescription medication under Health Occupations Article, Title 8, Annotated Code of Maryland may delegate only mechanical acts involved in dispensing a drug.

F. A licensed certified midwife may not delegate to an assistant any act that requires the exercise of clinical judgment by a licensed certified midwife, including, but not limited to:

- (1) Conducting physical examinations;
- (2) Administering any form of anesthetic agent or agent of conscious sedation other than topical anesthetics or small amounts of local anesthetics;
- (3) Initiating independently any form of treatment, except for cardiopulmonary resuscitation, or other forms of emergency treatment authorized to be performed by non-clinicians under State law;
- (4) Establishing a diagnosis or giving clinical advice; and
- (5) Providing physical therapy.

#### **.05 Prohibited Conduct and Penalties.**

A. An assistant acting beyond the scope of this chapter may be:

- (1) Considered to be engaged in the unlicensed practice of licensed certified midwifery or any other health occupation regulated by the State; and
- (2) Subject to all applicable fines and penalties in accordance with Health Occupations Article, §§8-701 et seq., Annotated Code of Maryland and applicable regulations, or any other applicable provision of Health Occupations Article, Annotated Code of Maryland.

B. A delegating licensed certified midwife, through either act or omission, facilitation, or otherwise enabling or forcing an assistant to practice beyond the scope of this chapter, may be subject to discipline as set forth in Health Occupations Article, §8-6D-10, Annotated Code of Maryland.

C. A delegating licensed certified midwife may not:

- (1) Require an assistant to perform a delegated technical task; or
- (2) Permit an assistant to delegate any act to another individual.

#### **.06 Enforcement.**

The Board shall conduct any necessary investigation regarding the failure to comply with the requirements of Health Occupations Article, Title 8, Annotated Code of Maryland, and this chapter, and it may refer any complaint or investigation to any other appropriate licensing or regulatory authority in accordance with applicable laws and regulations.

## **10.69.03 Code of Ethics**

Authority: Health Occupations Article, §§ 8-101, 8-205, 8-208, 8-508, 8-601, 8-6A-02, 8-6D-01 through 8-6D-15, 8-701, 8-708, and 8-710, Annotated Code of Maryland

#### **.01 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) Abandonment.

(a) "Abandonment" means failure to provide or make reasonable arrangements for the continuation of care for a client in need of immediate care or failure to provide reasonable notice to a facility or practice under circumstances that seriously impair the delivery of clinical care to clients.

(b) "Abandonment" does not include the declining by a licensed certified midwife of employer-stipulated mandatory overtime.

(2) "Board" means the Board of Nursing.



- (3) "Client" means a patient, resident, or recipient of care.
- (4) "Electronic devices" means, but is not limited to, any of the following:
  - (a) Telephones with recording and picture-taking ability;
  - (b) Digital cameras or any other device that can record pictures and data;
  - (c) Facsimile machines, photocopiers, and scanners for copying; and
  - (d) Recording devices.
- (5) "Licensed certified midwife (LCM)" means an individual who has been issued a license by the Board to practice certified midwifery in accordance with COMAR 10.69.01.
- (6) Social Media.
  - (a) "Social media" means any form of electronic communication.
  - (b) "Social media" includes but is not limited to communication by use of websites or other electronic applications for social networking, commentary, and blogging through which users create online communities to share information, ideas, personal messages, and other content such as videos.

## **.02 Ethical Responsibilities.**

- A. A licensed certified midwife shall:
  - (1) Provide services with respect for human dignity and the uniqueness of a client unrestricted by consideration of social or economic status, religious affiliation, personal attributes, race, sexual orientation, gender identity, or the nature of health problems;
  - (2) Safeguard a client's right to privacy by maintaining confidentiality of information;
  - (3) Act to safeguard a client and the public if health care and safety are affected by the incompetent, unethical, or illegal practice of any person;
  - (4) Promptly report a breach of confidentiality or privacy;
  - (5) Assume responsibility and accountability for individual clinical judgments and actions;
  - (6) Maintain competence in licensed certified midwifery;
  - (7) Exercise informed judgment and use individual competence and qualifications as criteria in seeking consultation, accepting responsibilities, and when delegating; and
  - (8) Inform the Board regarding unethical conduct by another licensed certified midwife.
- B. A licensed certified midwife may not, when acting in the capacity or identity of a licensed certified midwife:
  - (1) Knowingly participate in or condone dishonesty, fraud, deceit, or misrepresentation;
  - (2) Engage or participate in an action that violates or diminishes the civil or legal rights of a client;
  - (3) Perform new techniques and procedures without adequate education and practice;
  - (4) Assume duties and responsibilities in the practice of licensed certified midwifery without adequate preparation or without maintaining competency;
  - (5) Practice clinically if unfit to perform procedures or make decisions because of physical or mental impairment, including, but not limited to, the effects of prescription drugs;
  - (6) If engaged in research, coerce or pressure a subject to participate or continue to participate in the research; or
  - (7) Abandon a client.
- C. A licensed certified midwife may not engage in behavior that dishonors the profession whether or not they are acting in the capacity or identity of a licensed certified midwife, including, but not limited to:
  - (1) Verbal abuse, including use of racial or ethnic slurs, directed toward a coworker, employer, Board staff member, client, or client's family member;
  - (2) Physically abusing, threatening, or intimidating a coworker, employer, Board staff member, client, or client's family member;
  - (3) Deceiving, defrauding, or stealing from a coworker, employer, client, or client's family member;
  - (4) Diverting any medication or providing false or misleading information to an authorized prescriber or a pharmacist to obtain or attempt to obtain any medication;
  - (5) Knowingly employ another person to practice, engage in, or attempt to practice, or engage in an occupation or profession licensed by the Board if the employee is not licensed to do so in accordance with Health Occupations Article, Title 8, Annotated Code of Maryland;
  - (6) Performing acts beyond the authorized scope of the level of midwifery practice for which the individual is licensed;
  - (7) Obtaining or copying any part of a client's health record for purposes other than:
    - (a) Providing health care to the client;
    - (b) Conducting quality improvement activities;
    - (c) Complying with legal requirements such as a subpoena; or
    - (d) Allowing a midwifery student to use records for educational purposes if client identification has been redacted or disguised;
  - (8) Using, possessing, supplying, administering, or attempting to use, possess, supply, or administer prescription drugs or controlled dangerous substances without valid clinical indication;
  - (9) Reporting for employment under the influence of alcohol or a controlled dangerous substance or submitting a pre-employment sample that is positive for alcohol or a controlled dangerous substance without having provided evidence of valid prescriptions for all controlled dangerous substances in the sample;

*(10) Reporting for employment under the influence of an illicit drug or submitting a pre-employment sample that is positive for an illicit drug;*

*(11) Using the power, influence, or knowledge, inherent in or obtained during the provider-client relationship, for the licensee's personal gratification or benefit;*

*(12) Engaging in unprofessional or immoral conduct;*

*(13) Misrepresenting or concealing a material fact in obtaining a license, renewing a license, or reinstating a license; or*

*(14) Committing an act of moral turpitude, dishonesty, or corruption when the act directly or indirectly affects the health, welfare, or safety of the citizens of this State, and, if the act constitutes a crime, conviction thereof in a criminal proceeding is not a condition precedent to disciplinary action.*

*D. A licensed certified midwife may not engage in sexual misconduct. Sexual misconduct includes, but is not limited to:*

*(1) Sexual behavior with a client in the context of a professional evaluation, treatment, procedure, or service to the client, regardless of the setting in which the professional service is rendered;*

*(2) Sexual behavior with a client under the pretext of diagnostic or therapeutic intent or benefit;*

*(3) Solicitation of a sexual relationship, whether consensual or nonconsensual, with a client;*

*(4) Sexual advances toward, or the request of sexual favors from, a coworker, student, employer, client, or client's family member;*

*(5) Discussion of nontherapeutic sexual matters while treating a client;*

*(6) Taking photographs of a client for a sexual purpose;*

*(7) Sexual harassment of a coworker, student, employer, client, or client's family member;*

*(8) Sexual contact with an incompetent or unconscious client;*

*(9) Intentionally exposing any of the licensee's sexual body parts; and*

*(10) Intentionally exposing any of the client's sexual body parts for a nontherapeutic purpose.*

*E. Electronic devices may not be used to record medical records and take pictures or videos of clients without written client authorization.*

*F. A licensed certified midwife:*

*(1) May not make use of electronic devices and social media to transmit or place any client information online; and*

*(2) Shall adhere to the following principles for the use of electronic devices and social media:*

*(a) Every licensed certified midwife has an obligation to understand the nature, benefits, and consequences of the use of electronic devices and participating in social media networking;*

*(b) Licensed certified midwives are bound to observe ethically prescribed client-provider boundaries online as in any other setting;*

*(c) Client information shall be maintained in separate encrypted and secured files on personal computers and online;*

*(d) A licensed certified midwife has an obligation to report any electronically generated material that could harm a client's privacy rights; and*

*(e) The standards of professionalism are the same when using electronic devices and social media as in any other circumstance.*

### **.03 Penalties.**

*Violation of this chapter may result in the Board taking disciplinary action against a licensed certified midwife pursuant to Health Occupations Article, §8-6D-10, Annotated Code of Maryland.*

LAURA HERRERA SCOTT  
Secretary of Health