[Français](http://www.ontario.ca/fr/lois/loi/91m31)

Midwifery Act, 1991

S.O. 1991, CHAPTER 31

**Consolidation Period:** From June 3, 2021 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2021, c. 25, Sched. 25, s. 20](http://www.ontario.ca/laws/statute/S21025" \l "sched25s20).

Legislative History: 1998, c. 18, Sched. G, s. 36; [2007, c. 10, Sched. B, s. 13](http://www.ontario.ca/laws/statute/S07010" \l "schedbs13s1); [2009, c. 26, s. 16](http://www.ontario.ca/laws/statute/S09026" \l "s16s1); [2021, c. 25, Sched. 25, s. 20](http://www.ontario.ca/laws/statute/S21025" \l "sched25s20).

Definitions

**1** In this Act,

“College” means the College of Midwives of Ontario; (“Ordre”)

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the Regulated Health Professions Act, 1991; (“Code des professions de la santé”)

“member” means a member of the College; (“membre”)

“profession” means the profession of midwifery; (“profession”)

“this Act” includes the Health Professions Procedural Code. (“la présente loi”) 1991, c. 31, s. 1.

Health Professions Procedural Code

**2** (1)  The Health Professions Procedural Code shall be deemed to be part of this Act. 1991, c. 31, s. 2 (1).

Terms in Code

(2)  In the Health Professions Procedural Code as it applies in respect of this Act,

“College” means the College of Midwives of Ontario; (“ordre”)

“health profession Act” means this Act; (“loi sur une profession de la santé”)

“profession” means the profession of midwifery; (“profession”)

“regulations” means the regulations under this Act. (“règlements”) 1991, c. 31, s. 2 (2).

Definitions in Code

(3)  Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act. 1991, c. 31, s. 2 (3).

Scope of practice

**3** The practice of midwifery is the assessment and monitoring of women during pregnancy, labour and the post-partum period and of their newborn babies, the provision of care during normal pregnancy, labour and post-partum period and the conducting of spontaneous normal vaginal deliveries. 1991, c. 31, s. 3.

Authorized acts

**4** In the course of engaging in the practice of midwifery, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

1. Communicating a diagnosis identifying, as the cause of a woman’s or newborn’s symptoms, a disease or disorder that may be identified from the results of a laboratory or other test or investigation that a member is authorized to order or perform on a woman or a newborn during normal pregnancy, labour and delivery and for up to six weeks post-partum.

2. Managing labour and conducting spontaneous normal vaginal deliveries.

3. Inserting urinary catheters into women.

4. Performing episiotomies and amniotomies and repairing episiotomies and lacerations, not involving the anus, anal sphincter, rectum, urethra and periurethral area.

5. Administering, by injection or inhalation, a substance designated in the regulations.

6. Prescribing drugs designated in the regulations.

7. Putting an instrument, hand or finger beyond the labia majora or anal verge during pregnancy, labour and the post-partum period.

8. Administering suppository drugs designated in the regulations beyond the anal verge during pregnancy, labour and the post-partum period.

9. Taking blood samples from newborns by skin pricking or from persons from veins or by skin pricking.

10. Intubation beyond the larynx of a newborn.

11. Administering a substance by injection or inhalation as provided for in subsection 4.1 (2). 2009, c. 26, s. 16 (1).

**Section Amendments with date in force (d/m/y)**

[2009, c. 26, s. 16 (1)](http://www.ontario.ca/laws/statute/S09026" \l "s16s1) - 1/09/2011

Additional requirements for authorized acts

**4.1**  (1)  A member is not authorized to perform a procedure under paragraph 10 of section 4 unless the member performs the act in accordance with the regulations. 2009, c. 26, s. 16 (1).

Same

(2)  A member is not authorized to perform a procedure under paragraph 11 of section 4 unless the procedure is ordered by a member of the College of Physicians and Surgeons of Ontario. 2009, c. 26, s. 16 (1).

Professional misconduct

(3)  In addition to the grounds set out in subsection 51 (1) of the Health Professions Procedural Code, a panel of the Discipline Committee shall find that a member has committed an act of professional misconduct if the member contravenes subsection (1) or (2). 2009, c. 26, s. 16 (1).

**Section Amendments with date in force (d/m/y)**

[2009, c. 26, s. 16 (1)](http://www.ontario.ca/laws/statute/S09026" \l "s16s1) - 1/09/2011

College established

**5** The College is established under the name College of Midwives of Ontario in English and Ordre des sages-femmes de l’Ontario in French. 1991, c. 31, s. 5.

Council

**6** (1)  The Council shall be composed of,

(a) at least seven and no more than eight persons who are members elected in accordance with the by-laws;

(b) at least five and no more than seven persons appointed by the Lieutenant Governor in Council who are not,

(i) members,

(ii) members of a College as defined in the Regulated Health Professions Act, 1991, or

(iii) members of a Council as defined in the Regulated Health Professions Act, 1991. 1991, c. 31, s. 6 (1); 1998, c. 18, Sched. G, s. 36 (1).

Who can vote in elections

(2)  Subject to the by-laws, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council. 1991, c. 31, s. 6 (2); 1998, c. 18, Sched. G, s. 36 (2).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 36 (1, 2) - 1/02/1999

President and Vice-President

**7** The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council’s members. 1991, c. 31, s. 7.

Restricted titles

**8** (1)  No person other than a member shall use the title “midwife”, a variation or abbreviation or an equivalent in another language. 1991, c. 31, s. 8 (1).

Representations of qualification, etc.

(2)  No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a midwife or in a specialty of midwifery. 1991, c. 31, s. 8 (2).

Exception for aboriginal midwives

(3)  An aboriginal person who provides traditional midwifery services may,

(a) use the title “aboriginal midwife”, a variation or abbreviation or an equivalent in another language; and

(b) hold himself or herself out as a person who is qualified to practise in Ontario as an aboriginal midwife. 1991, c. 31, s. 8 (3).

Definition

(4)  In this section,

“abbreviation” includes an abbreviation of a variation. 1991, c. 31, s. 8 (4).

**9** Repealed: 2021, c. 25, Sched. 25, s. 20.

**Section Amendments with date in force (d/m/y)**

[2021, c. 25, Sched. 25, s. 20](http://www.ontario.ca/laws/statute/S21025" \l "sched25s20) - 03/06/2021

Offence

**10** Every person who contravenes subsection 8 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than $25,000 for a first offence and not more than $50,000 for a second or subsequent offence. 2007, c. 10, Sched. B, s. 13 (1).

**Section Amendments with date in force (d/m/y)**

[2007, c. 10, Sched. B, s. 13 (1)](http://www.ontario.ca/laws/statute/S07010" \l "schedbs13s1) - 4/06/2007

Regulations

**11** (1)  Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

(a) designating the substances that may be administered by injection or inhalation by members in the course of engaging in the practice of midwifery;

(b) designating the drugs that may be prescribed or the suppository drugs that may be administered by members in the course of engaging in the practice of midwifery;

(c) specifying the drugs that a member may use in the course of engaging in the practice of midwifery;

(d) governing the performance of the procedure under paragraph 10 of section 4, including establishing requirements for performing the procedure and the circumstances in which the procedure may be performed;

(e) regulating and governing the prescribing, administering or using of drugs by members and ancillary matters, including, without limiting the generality of the foregoing,

(i) setting requirements respecting the prescribing, administering or using of drugs,

(ii) governing the purposes for which, or the circumstances under which, drugs may be prescribed, administered or used,

(iii) setting prohibitions. 2007, c. 10, Sched. B, s. 13 (2); 2009, c. 26, s. 16 (2, 3).

Individual drugs or categories

(2)  A regulation made under clause (1) (a), (b) or (c) may designate or specify individual substances or drugs or categories of substances or drugs. 2009, c. 26, s. 16 (4).

Incorporation by reference

(3)  A regulation made under clause (1) (a), (b) or (c) may adopt, by reference, in whole or in part, and with such changes as are considered necessary, one or more documents setting out a list of individual drugs or substances or a list of categories of drugs or substances. 2009, c. 26, s. 16 (4).

Rolling incorporation

(4)  If a regulation provided for in subsection (3) so provides, a document adopted by reference shall be a reference to it as amended from time to time after the making of the regulation. 2009, c. 26, s. 16 (4).

Must be made by expert committee

(5)  A document adopted by reference under subsection (3) may only be a document created or approved by an expert committee established under section 43.2 of theRegulated Health Professions Act, 1991and no other body. 2009, c. 26, s. 16 (4).

Availability

(6)  A document adopted by reference under subsection (3) must be named in the regulation and must be available for public inspection during normal business hours in the office of the College and must be posted on the College’s website or available through a hyperlink at the College’s website. 2009, c. 26, s. 16 (4).

**Section Amendments with date in force (d/m/y)**

[2007, c. 10, Sched. B, s. 13 (2)](http://www.ontario.ca/laws/statute/S07010" \l "schedbs13s2) - 4/06/2007

[2009, c. 26, s. 16 (2-4)](http://www.ontario.ca/laws/statute/S09026" \l "s16s2) - 1/09/2011

**12.**Repealed: 2007, c. 10, Sched. B, s. 13 (3).

**Section Amendments with date in force (d/m/y)**

[2007, c. 10, Sched. B, s. 13 (3)](http://www.ontario.ca/laws/statute/S07010" \l "schedbs13s3) - 4/06/2007

**13** Repealed: 2007, c. 10, Sched. B, s. 13 (3).

**Section Amendments with date in force (d/m/y)**

[2007, c. 10, Sched. B, s. 13 (3)](http://www.ontario.ca/laws/statute/S07010" \l "schedbs13s3) - 4/06/2007

**14** Omitted (provides for coming into force of provisions of this Act). 1991, c. 31, s. 14.

**15** Omitted (enacts short title of this Act). 1991, c. 31, s. 15.

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