

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.17105 Practice of midwifery; license required; additional exemptions.

Sec. 17105.

(1) Beginning on the effective date of rules promulgated under section 17117, an individual shall not engage in the practice of midwifery unless licensed under this part or otherwise authorized by this article.

(2) A midwife shall not perform an act, task, or function within the practice of midwifery unless he or she is trained to perform the act, task, or function and the performance of that act, task, or function is consistent with the rules promulgated under section 17117.

(3) In addition to the exemptions from licensure under section 16171, subsection (1) does not prevent any of the following:

(a) An individual licensed, registered, or certified under any other part or act from performing activities that are considered to be within the practice of midwifery if those activities are within the individual's scope of practice and if the individual does not use the titles protected under section 17103.

(b) Subject to section 16215, an employee or other individual who is assisting a midwife and who is under the midwife's supervision from performing activities or functions that are delegated by the midwife, that are nondiscretionary, that do not require the exercise of professional judgment for their performance, and that are within the midwife's authority to perform.

(c) An individual from performing activities that are within the practice of midwifery if those activities are performed under the direct and immediate supervision of an appropriate health professional while engaged in any of the following:

(i) Completing a portfolio evaluation process of the North American Registry of Midwives or an organization that the board determines is a successor organization.

(ii) Participating as a student attending a midwifery education program that is accredited by the Midwifery Education and Accreditation Council or another accrediting organization approved by the board.

(d) Self-care by a patient or uncompensated care by a friend or family member who does not represent or hold himself or herself out to be a midwife.

(e) Services provided by a religious practitioner if that religious practitioner does not hold himself or herself out to the public as a midwife who is licensed to engage in the practice of midwifery in this state and does not use any of the titles protected under section 17103.

(f) Services provided by a member of a bona fide church or religious denomination if all of the following are met:

(i) The services are provided to another member of that church or denomination and that other member is an adherent of the established tenets or teachings of that church or denomination and relies on treatment by prayer or spiritual means only, in accordance with the creed or tenets of that church or denomination.

(ii) The individual providing the services does not receive a fee for those services. For purposes of this subparagraph, a voluntary contribution is not considered a fee for the services provided by that individual.

History: Add. 2016, Act 417, Eff. Apr. 4, 2017

Popular Name: Act 368