



Midwifery Joint Committee
of the
State of North Carolina

Amended October 18, 2024

The following waiver is amended to include Mecklenburg and Swain counties as indicated in the North Carolina Disaster Declaration Number FEMA-4827-DR published on October 15, 2024.

On September 25, 2024, Governor Roy Cooper declared a State of Emergency due to the impact of Hurricane Helene. Pursuant to the North Carolina Disaster Declaration Number FEMA-4827-DR, the following counties or territories in Western North Carolina were identified:

Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Clay, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania, Watauga, Wilkes, and Yancey Counties and the Eastern Band of Cherokee Indians.

On October 5, 2024, Governor Roy Cooper issued Executive Order No. 318 (2024) to increase the pool of professional healthcare workers and provide regulatory flexibility to expand healthcare workforce. The Governor expressly ordered the authorization of the waiver or modification of any legal or regulatory constraints for the practice of midwifery.

The Midwifery Joint Committee (the "Committee") regulates the practice of Certified Nurse Midwives pursuant to Article 10A of the General Statutes. Pursuant to the authority granted to the Committee in response to Executive Order 318 (2024), the Committee hereby waives the following:

Emergency Temporary Approval to Practice for the Certified Nurse Midwife

§ 90-178.3. Regulation of Midwifery.

- (a) No person shall practice or offer to practice or hold oneself out to practice midwifery unless approved under this Article.
- (b) A Certified Nurse Midwife approved under this Article may practice midwifery in a hospital or non-hospital setting. The Certified Nurse Midwife shall consult, collaborate with, or refer to other providers licensed under this Article, if indicated by the health status of the patient. A Certified Nurse Midwife approved under this Article is authorized to write prescriptions for drugs in accordance with G.S. 90-18.8(b).
- (b1) A Certified Nurse Midwife with less than 24 months and 4,000 hours of practice as a Certified Nurse Midwife shall (i) have a collaborative provider agreement with a collaborating provider and (ii) maintain signed and dated copies of the collaborative provider agreement as required by practice

guidelines and any rules adopted by the joint subcommittee of the North Carolina Medical Board and the Board of Nursing. If a collaborative provider agreement is terminated before the Certified Nurse Midwife acquires the level of experience required for practice without a collaborative provider agreement under this Article, the Certified Nurse Midwife shall have 90 days from the date the agreement is terminated to enter into a collaborative provider agreement with a new collaborating provider. During the 90 day period, the Certified Nurse Midwife may continue to practice midwifery as defined under this Article.

- (c) Graduate nurse midwife applicant status may be granted by the joint subcommittee in accordance with G.S. 90-178.4.

Waive the provisions in G.S. 90-178.3(b1) requiring physician supervision for the Certified Nurse Midwife with less than 24 months and 4,000 hours of practice as a Certified Nurse Midwife to allow the approval to practice in the above-named areas during the declared state of emergency. A Certified Nurse Midwife seeking an emergency temporary approval to practice without a collaborating provider must first notify Board of Nursing staff at aprnpractice@ncbon.com. Board of Nursing staff will approve these requests provided the Certified Nurse Midwife has both an active, unencumbered approval to practice and Registered Nurse License. This waiver applies to those Certified Nurse Midwives who currently hold an active approval to practice with a collaborating provider. Certified Nurse Midwives with approvals to practice surrendered or suspended due to disciplinary action will not be considered. These emergency approvals are temporary and shall expire on December 31, 2024 unless the waiver provisions are sooner amended, or rescinded by the Committee or further Executive Order.

Emergency Temporary Reinstatement of the Certified Nurse Midwife Approval to Practice

21 NCAC 33 .0103 Eligibility and Application.

- (a) Applications for approval to practice as a CNM in accordance with G.S. 90-178.5 are posted on the Board of Nursing's website at www.ncbon.com. The application shall contain the following:
- (1) the applicant's name, telephone number and email address;
 - (2) the applicant's primary address of residence;
 - (3) the educational degrees obtained by the applicant with the program name and completion date;
 - (4) the number and expiration date of the applicant's national certification from the AMCB;
 - (5) other professional or occupational licenses with the license number and jurisdiction in which the license was issued, if applicable;
 - (6) the name, license number, telephone number, email address, and practice location of the collaborating provider, if applicable;
 - (7) the full address of the practice location where the applicant intends to practice midwifery; and
 - (8) the approval to practice number shall be provided on the application if the application is for the renewal or reinstatement of an existing approval to practice.
- (b) To be eligible for an approval for independent practice without a collaborating provider as a CNM, an applicant shall:
- (1) submit a completed application for approval to practice, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Committee of all information pertaining to the application;
 - (2) submit the approval to practice application fee as established in G.S. 90-178.4(b)(1) and Rule .0102 of this Section;
 - (3) have an unencumbered registered nurse ("RN") license or privilege to practice in all jurisdictions

- in which a license is or has ever been held;
- (4) hold an active, unencumbered North Carolina RN license or privilege to practice;
 - (5) hold an unencumbered CNM license or an approval to practice in all jurisdictions in which a license or an approval to practice is or has ever been held;
 - (6) provide an official copy of the educational transcript and certification from AMCB;
 - (7) attest by oath or affirmation to completion of at least 24 months experience and 4,000 practice hours as a CNM. Documentation of successful completion of this requirement shall be provided to the Committee upon request; and
 - (8) have no pending court conditions as a result of any misdemeanor or felony conviction(s). Applicant shall provide a written explanation and any investigative report or court documents evidencing the circumstances of the crime(s) if requested by the Committee. The Committee shall use these documents when determining if an approval to practice should be denied pursuant to G.S. 90-178.6.
- (c) An applicant seeking approval to practice as a CNM with less than 24 months experience and 4,000 hours of practice as a CNM is required to practice in collaboration with a collaborating provider pursuant to G.S. 90-178.3(b1) and shall:
- (1) submit an application for an approval to practice, attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Committee of all information pertaining to the application.
 - (2) submit the approval to practice application fee as established in G.S. 90-178.4(b) and Rule .0102 of this Section;
 - (3) hold an unencumbered license or privilege to practice in all jurisdictions in which a license is or has ever been held;
 - (4) hold an active, unencumbered North Carolina RN license or privilege to practice;
 - (5) hold an unencumbered CNM license or an approval to practice in all jurisdictions in which a license or an approval to practice is or has ever been held;
 - (6) provide an official copy of the education transcript and certificate from AMCB;
 - (7) submit the name and licensure number of the collaborating provider with whom the applicant will collaborate;
 - (8) have no pending court conditions as a result of any misdemeanor or felony conviction(s). Applicant shall provide a written explanation and any investigative report or court documents evidencing the circumstances of the crime(s) if requested by the Committee. The Committee shall use these documents when determining if an approval to practice should be denied pursuant to G.S. 90-178.6.
- (d) Once a CNM has attained 24 months experience and 4,000 hours of practice as a CNM, the CNM shall apply for independent practice by submitting an application attesting under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Committee of all information pertaining to the application and required fee.
- (e) Educational transcripts shall be submitted directly to the Committee from the educational institution, National Student Clearinghouse or Parchment. National certification for CNMs shall be submitted directly to the Committee from AMCB.
- (f) An applicant shall be required to appear in person for an interview with the Committee if there is a discrepancy in the information submitted.

Waive the provisions of .0103(a)(6), (b)(2) and (7), a portion of (c), and (c)(2) so that an applicant may apply to practice as a Certified Nurse Midwife in the above-named counties without a collaborating provider during the declared state of emergency. All other provisions and requirements shall apply. Applicants must hold an active, unencumbered Registered Nurse license. Applicants with approvals to practice surrendered or suspended due to disciplinary action will not be considered. The emergency approval is temporary and shall

expire on December 31, 2024 unless the waiver provisions are sooner amended or rescinded by the Committee or further Executive Order.

Emergency Temporary Waiver of Fees

21 NCAC 33 .0102 Fees.

- (a) The fee for a new application and initial approval shall be one hundred dollars (\$100.00).
- (b) The fee for annual renewal shall be fifty dollars (\$50.00).
- (c) The fee for reinstatement for an expired approval shall be five dollars (\$5.00).

Waive the provisions of .0102(a) and (c) for the Certified Nurse Midwife in the above-referenced counties without a collaborating provider during the declared state of emergency. All other provisions and requirements shall apply. Certified Nurse Midwives with approvals to practice surrendered or suspended due to disciplinary action will not be considered. The emergency approval is temporary and shall expire on December 31, 2024 unless the waiver provisions are sooner amended or rescinded by the Committee or further Executive Order.

This waiver does not waive other statutory requirements or limitations. This waiver is effective as of the date below and shall remain in full force and effect until December 31, 2024 or unless sooner amended, or rescinded by the Committee or further Executive Order.

This, the 18th day of October 2024.

A handwritten signature in black ink that reads "Stephanie J. Godfrey, CNM". The signature is written in a cursive style.

Stephanie Godfrey, CNM
Chair of the Midwifery Joint Committee of the State of North Carolina