



Midwifery Joint Committee  
of the  
State of North Carolina

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April 27, 2020

*Amended November 17, 2020*

On March 10, 2020, Governor Roy Cooper declared a state of emergency due to the public health emergency posed by novel coronavirus (COVID-19). On April 8, 2020, the Governor issued Executive Order 130 ordering the authority to certain professional health care licensure to meet the goal of providing health care and saving lives in response to the pandemic and to meet the need for additional health care workers to treat patients. Specifically, the Governor ordered the authorization of the waiver or modification of any legal or regulatory constraint for the practice of midwifery.

The Midwifery Joint Committee (“MJC”) regulates the practice of nurse midwives pursuant to Article 10A of the General Statutes. Pursuant to the authority granted to the MJC in response to Executive Order 130 (2020), the MJC hereby waives the following:

- **Emergency Temporary Reinstatement of Nurse Midwife Approval to Practice**

21 NCAC 33 .0103 APPLICATION AND ANNUAL RENEWAL

- (a) To be eligible for an approval to practice as a midwife, 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. Application is posted on the Board of Nursing's website at [www.ncbon.com](http://www.ncbon.com);
  - (2) submit information on the applicant's education, evidence of the applicant's certification by the American College of Nurse Midwives, identification of the physician or physicians who will supervise the applicant, and the sites where the applicant intends to practice midwifery;
  - (3) submit the approval to practice application fee as established in 90-178.4(b)(1);
  - (4) have an unencumbered registered nurse license and midwifery license or approval to practice in all jurisdictions in which a license/approval to practice is or has ever been held;

- (5) 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 may use these documents when determining if an approval to practice should be denied pursuant to G.S. 90-178.6 and 90-171.37;
- (6) submit a written explanation and all related documents if the midwife has ever been listed as a nurse aide and if there have ever been any substantiated findings pursuant to G.S. 131E-255. The Committee may take these findings into consideration when determining if an approval to practice should be denied pursuant to G.S. 90-178.6. In the event findings are pending, the Committee may withhold taking any action until the investigation is completed; and
- (7) complete a criminal background check in accordance with G.S. 90-171.48. In the event that any of the information required in accordance with this Paragraph should indicate a concern about the applicant's qualifications, an applicant may be required to appear in person for an interview with the Committee if the Committee determines in its discretion that more information is needed to evaluate the application.

***Waive the provisions of .0103 (3) and (5)-(7) so that an applicant may practice as a nurse midwife during the declared state of emergency. The provisions of .0103 (2) regarding submission of physician supervision and practice locations shall be waived if the nurse midwife is reinstating to practice in an established practice and provides the practice location to the North Carolina Board of Nursing. For purposes of this waiver, an "established practice" shall mean a practice that has an association with a supervising physician with whom the reinstated nurse midwife will join. All other provisions and requirements shall apply. Applicants with approvals to practice surrendered or suspended due to disciplinary action will not be considered. The emergency permit is temporary and shall expire on June 30, 2021, unless the waiver provisions are sooner amended, or rescinded by the MJC or further Executive Order.***

This waiver does not waive other statutory requirements or limitations. This waiver shall take effect on April 27, 2020 and shall remain in full force and effect until June 30, 2021, or unless sooner amended, or rescinded by the MJC or further Executive Order.



Aimee Feste, CNM  
Chair Midwifery Joint Committee