

21 NCAC 33 .0105 DISCIPLINARY ACTION

(a) The CNM is subject to G.S. 90-171.37, 90-171.48, and 21 NCAC 36 .0217 by virtue of the license to practice as an RN.

(b) After notice and hearing in accordance with provisions of G.S. 150B, Article 3A, the Committee shall take disciplinary action if it finds one or more of the following:

- (1) practicing without a valid approval to practice as a CNM;
- (2) presenting false information to the Committee in procuring or attempting to procure an approval to practice as a CNM;
- (3) the CNM is adjudicated mentally incompetent by a court of competent jurisdiction or the CNM's mental or physical condition renders the CNM unable to safely function as a CNM;
- (4) unprofessional conduct by reason of deliberate or negligent acts or omissions and contrary to the prevailing standards for CNMs as set forth by ACNM;
- (5) conviction of a criminal offense where the CNM has deceived or defrauded the public;
- (6) soliciting or attempting to solicit payments for the CNM practice with false representations;
- (7) failure to maintain professional competence as a CNM such that the CNM would no longer be eligible for certification by the ACMB or the ACNM;
- (8) exploiting the patient for the financial gain of the CNM or of a third party, including the promotion of the sale of services, appliances or drugs;
- (9) failure to respond to inquiries of the Committee for investigation and discipline;
- (10) the CNM has engaged or attempted to engage in the performance of midwifery acts other than according to the collaborative provider agreement or without being approved by the Committee to practice independently;
- (11) failure to obtain a written, informed consent agreement from a patient pursuant to G.S. 90-187.4(a1) and Rule .0118 of this Section;
- (12) practiced or offered to practice beyond the scope of CNM practice as defined in Rule .0112 of this Section;
- (13) failure to comply with any order of the Committee;
- (14) violating any term of probation, condition, or limitation imposed on the CNM by the Committee; or
- (15) any violation within this Chapter.

(c) After an investigation is completed, the Committee shall administer one of the following actions:

- (1) dismiss the case;
- (2) issue a private letter of concern;
- (3) enter into negotiation for a Consent Order; or
- (4) a disciplinary hearing in accordance with G.S. 150B, Article 3A.

(d) Upon a finding of a violation of Chapter 90, Article 10A of the North Carolina General Statutes and the rules of this Chapter, the Committee shall utilize the range of disciplinary options as enumerated in G.S. 90-178.6 and 90-178.7.

*History Note: Authority G.S. 90-178.6;
Eff. February 1, 1985;
Amended Eff. August 1, 2002; October 1, 1988;
Readopted Eff. November 1, 2018;
Amended Eff. April 1, 2020;
Temporary Amendment Eff. October 1, 2023;
Temporary Amendment Exp. Eff. July 12, 2024;
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