

## Policy for Issue of Practising Certificates

Refer Health Practitioners Competence Assurance Act 2003:  
Sections 26 – 33

<b>Document ID: ORP</b>	<b>Policy</b>
<b>Name:</b> Policy for Issue of Practising Certificates	<b>Version:</b> 5
<b>Facilitated by:</b> CE and registrar	<b>Date of approval:</b> March 2022
<b>Approved by:</b> Midwifery Council	<b>Date of renewal:</b> February 2023

## **Record of amendments**

Approved 30 July 2004

Reviewed: December 2005

Review date: June 2008

Review January 2021

Review March 2022

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## **1. Policy**

- 1.1 To practise midwifery in New Zealand, a midwife must be registered and hold (or be deemed to hold under the Health Practitioners Competence Assurance Act 2003 (The HPCAA)) a current practising certificate issued by the Midwifery Council (the Council). The HPCAA provides for fines for up to \$10,000 for breaches of this requirement (see s 8 HPCAA). The exceptions to this requirement are if a midwife performs health services:
  - a) in an emergency
  - b) as part of a training course or instruction
  - c) in the course of an examination, assessment or competence review required or ordered by Council. (s 8(3) HPCAA)
- 1.2 All midwives who hold a practising certificate must comply with the requirements of the Council's Recertification Programme.
- 1.3 The definition of practice is not only limited to clinical practice, but includes and is not limited to, education, professional policy, research management and leadership. "Practice" is identified as:
  - a) any area where the midwife uses her midwifery knowledge and skills; and
  - b) that has an impact either directly or indirectly on the health and safety of the public; or
  - c) to inform or review the practice of other midwives.

## **2. General**

- 2.1 The decision regarding a midwife's need to hold a practising certificate rests with the Council.
- 2.2 The decision regarding the granting of an annual, interim or emergency practising certificate type rests with the Registrar.
- 2.3 The Council has authority to determine what information it requires to be provided in a practising certificate application.
- 2.4 Upon receipt of an application, the Registrar and staff acting under delegation, must consider each of the grounds under s 27.
- 2.5 A practising certificate should be issued only after the application process is complete. "Complete" means that the Council has received a completed application and payment.

- 2.6 The Council may request further information in order to inform its decision as to whether to issue a practising certificate.
- 2.7 If any fines, costs or expenses that the applicant has been ordered by the HPDT to pay remain unpaid, the Registrar may decline to issue a practising certificate until the fine, costs or expenses are paid. The applicant may request the Council to review such a decision. (ss 26(4) and (5) HPCAA).
- 2.8 In considering an application for a practising certificate, the Council must not decide that a practising certificate should be issued unless it is satisfied that the applicant meets the required standard of competence. In order to satisfy that criterion, the Council may include any conditions in the applicant's scope of practice or vary any existing conditions.
- 2.9 The declarations made by a midwife applying for a practising certificate are listed in Appendix A. Any person making a false declaration or representation in an application commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.
- 2.10 Where a midwife makes a declaration that requires further review, a practising certificate should be granted. That process should then be managed by the Council secretariat within three working days of receipt. Outcomes of that process include:
- a) issuing a practising certificate with no conditions;
  - b) proposing to decline to issue a practising certificate; or
  - c) proposing to include conditions on the practising certificate.
- 2.11 If an application for a practising certificate is declined, the Council may authorise the Registrar to issue an interim PC for a period, up to 12 months, determined by the Council. Alternatively the Council may decide not to issue the certificate until the applicant has fulfilled certain conditions determined by Council.
- 2.12 Applications may be declined if the information contained in the application is false or misleading. Before the Registrar or Council decides to decline a Practising Certificate on these grounds, the Council must:
- a) inform the applicant in writing why they believe the information is false or misleading; and
  - b) give the applicant a reasonable opportunity to make written submissions to be heard on the question.

- 2.13 The Registrar may, if he or she considers that information disclosed requires consideration by Council, submit the application to Council.
- 2.14 The applicant's Scope of Practice, including any conditions on the Scope, should be endorsed on the practising certificate.
- 2.15 The Council issues, and seeks renewal of, practising certificates on a cyclical basis to allow better monitoring of fitness to practise, competence and to monitor recertification and oversight requirements. The Council has a follow up process to ensure midwives are aware that a practising certificate renewal is due. However, it remains the midwife's professional responsibility to ensure that they never practise without a valid practising certificate. Registered midwives found to be working without a practising certificate should be managed in accordance with the HPCAA, which may include referral to a professional conduct committee for investigation.
- 2.16 Annual practising certificates expire on 31 March each year. Interim practising certificates expire no later than the following 31 March, but can be at a selected date according to the circumstance under which they are issued.
- 2.17 Practising certificate cards, including electronic cards, are the property of the Council and should be returned when requested.
- 2.18 Midwifery status on the Register should be:
- a) "Practising", which means the midwife holds a current practising certificate; or
  - b) "Non-practising" which means the midwife remains on the Register but does not hold a practising certificate.
- 2.19 Midwives who wish to remain on the Register, but do not intend to practise, should complete the "Non-practising" process at practising certificate renewal time. If they wish to change to "non-practising" during the year then they should contact the Council where status can be changed manually.
- 2.20 Midwives who retire or do not become "non-practising" should be managed in accordance with the Register Revision process.
- 2.21 New Zealand registered midwives moving overseas are not required to maintain their New Zealand practising certificate. Those midwives who wish to remain on the Register should complete a "non-practising" application each year.

2.22 When midwives request duplicate practising certificates or notify changes of addresses, checks of birth dates, name and registration numbers will be made to minimise the possibility of a person fraudulently obtaining a practising certificate.

## **Appendix A**

### **Applicant declarations 2022**

#### **Recency**

I have held an annual practising certificate of the kind sought by this application within the three years immediately preceding the date of this application.

I have lawfully practised the profession to which this application relates within the three years immediately preceding the date of this application.

#### **Fitness to Practice Declarations**

Do you have a physical or mental condition, including any alcohol or substance use disorder, that means you are unable to perform the functions required for the practise of your profession?

Are you currently under investigation by the New Zealand Police?

Have you been convicted by any court in New Zealand or any other country, of any offence since your last application for a practising certificate?

Are you currently the subject of any professional disciplinary process or proceedings in New Zealand, or any other country?

Are you under investigation by the Health and Disability Commissioner?

Are you under investigation in New Zealand, or any other country, by another regulatory authority?

#### **Competency Declaration**

I am practising as a midwife within the midwifery profession as of the date of this application. This includes working in areas of regulation, education management, policy advice and research for example.

I have maintained the required standard of competence to practise in the midwifery scope of practice.

I have adhered to all Competencies for Entry to the Register of Midwives in my midwifery practice.

I confirm I have not been involved in any events, incidents or other occurrences that may indicate non-compliance with the Competencies for Entry to the Register of Midwives.



I am engaging with the requirements of the Recertification Programme.

I have complied with all conditions included in my scope of practice.

I have satisfactorily completed the requirements of the competence programme as set by the Responsible Authority.

## **Declaration**

Section 26 of the Health Practitioners Competence Assurance Act 2003 (HPCA Act).

Practice includes working in areas of regulation, education, management, policy advice and research as well as clinical practice.

APC declarations:

I, *[Midwife first name middle name last name]* make an application for an Annual Practising Certificate to practise for the period *[today's date]* to *[end of practising year]*

I declare that:

I have complied with all conditions included in my scope of practice.

I have satisfactorily completed the requirements of the competence programme as set by the Responsible Authority.

I agree to follow all the laws of Aotearoa | New Zealand and any policies that apply to me. This includes complying with the requirements of the COVID-19 vaccine mandate.

I am the midwife named in this application and declare that the details provided in this application are true and accurate. I understand that providing false or misleading information may be grounds for declining my application. I make this declaration in the knowledge that a false declaration may lead to disciplinary action and/or a conviction and fine (up to \$10,000) under section 172 of the Health Practitioners Competence Assurance Act.

### **Addendum dated 30 March 2022:**

The wording of this declaration in the online form:

I agree to follow all the laws of Aotearoa | New Zealand and any policies that apply to me. This includes complying with the requirements of the COVID-19 vaccine mandate.

Has been changed to:

I agree to follow all the laws of Aotearoa | New Zealand and any policies that apply to me. For completeness, that includes complying with any COVID-19 vaccination legislation that applies to me.