

Part 5 Unlawful and Unprofessional Conduct - Penalties

58-77-501 Unlawful conduct.

- (1) In addition to the conduct that constitutes unlawful conduct under Subsection 58-1-501(1), it is unlawful conduct for an individual who is not licensed under this chapter to:
- (a) represent or hold out that the individual is a licensed direct-entry midwife;
 - (b) administer a prescription medication, except oxygen, in the practice of direct-entry midwifery;
 - (c) before engaging in the practice of midwifery with a client, fail to obtain from the client an informed consent statement that includes the following:
 - (i) a description of the individual's midwifery education, training, continuing education, and experience;
 - (ii) a statement that the individual is not licensed by the state as a direct-entry midwife;
 - (iii) a statement that it is unlawful for the individual to administer to the client a prescription medication, except oxygen, in the practice of direct-entry midwifery;
 - (iv) a written plan to address medical issues the client may experience during pregnancy, labor, or childbirth, which plan shall address transfer of the client to a licensed health care provider or facility, if necessary;
 - (v) the name and signature of the individual;
 - (vi) the name and signature of the client;
 - (vii) the date the individual signed the statement; and
 - (viii) the date the client signed the statement; or
 - (d) fail to retain for at least 4 years a signed statement from a client described by Subsection (1)(c).
- (2)
- (a) Except for conduct that constitutes unlawful conduct under Subsection (1), it is lawful to practice direct-entry midwifery in the state without being licensed under this chapter.
 - (b) The practice of direct-entry midwifery is not considered the practice of medicine, nursing, or nurse-midwifery.

Amended by Chapter 107, 2016 General Session

58-77-502 Unprofessional conduct.

- In addition to the definition in Subsection 58-1-501(2), "unprofessional conduct" includes:
- (1) failing to obtain informed consent as described in Subsection 58-77-601(1);
 - (2) disregarding a client's dignity or right to privacy as to her person, condition, possessions, or medical record;
 - (3) failing to file or record any medical report as required by law, impeding, or obstructing the filing or recording of the report, or inducing another to fail to file or record the report;
 - (4) breaching a statutory, common law, regulatory, or ethical requirement of confidentiality with respect to a person who is a client, unless ordered by the court;
 - (5) inappropriately delegating direct-entry midwifery duties;
 - (6) using advertising or an identification statement that is false, misleading, or deceptive;
 - (7) using in combination with the term "midwife" the term "nurse" or another title, initial, or designation that falsely implies that the direct-entry midwife is licensed as a certified nurse midwife, registered nurse, or licensed practical nurse; and
 - (8) submitting a birth certificate known by the person to be false or fraudulent.

Enacted by Chapter 299, 2005 General Session

58-77-503 Penalty for unlawful conduct.

A person who violates the unlawful conduct provisions defined in this chapter is guilty of a class A misdemeanor.

Enacted by Chapter 299, 2005 General Session