



Article Content

Title : Midwifery Personnel Act CH
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Category : Ministry of Health and Welfare (衛生福利部)

Chapter 1 General Provisions

- Article 1 Any citizen of the Republic of China who has passed a midwifery personnel examination and obtained a midwifery personnel certificate in accordance with the Act may work as midwifery personnel.
- Article 2 The term “midwifery personnel” herein shall refer to registered professional midwives and midwives.
- Article 3 A person who meets any of the following eligibility requirements may take the registered professional midwife examination:
1. Having graduated from the nurse-midwifery program of a public or registered private junior college, the department of midwifery of a university or independent college, or the department or division of midwifery of a foreign university or independent college that conforms to the recognition requirements of the Ministry of Education, satisfactorily completed an internship, and obtained a certificate of graduation;
 2. Holding a registered professional nurse certificate, registered nurse certificate or midwife certificate, and having graduated from the graduate institute of midwifery of a public or registered private university or independent college or from the graduate institute of midwifery of a foreign university or independent college that conforms to the recognition requirements of the Ministry of Education, satisfactorily completed an internship, and obtained a certificate of graduation.
- A person who has graduated from the midwifery

program, special midwifery program or nurse-midwifery program of a public or registered private medical vocational high school or school of higher levels, satisfactorily completed an internship, and obtained a certificate of graduation, may take the midwife examination.

Article 4 The term “competent authorities” herein shall refer to the Ministry of Health and Welfare at the central government level, municipal governments at the municipality level, and city/county governments at the city/county level.

Article 5 A person who has passed a midwifery personnel examination may request a midwifery personnel certificate.

Article 6 To request a midwifery personnel certificate, a person shall submit an application form and documents that attest to his/her qualifications to the central competent authority for issuance.

Article 7 A person who falls under any of the following circumstances shall not work as midwifery personnel; if the said person has worked or is working as midwifery personnel, his/her midwifery personnel certificate shall be rescinded or revoked:

1. Having committed and been convicted of an offense of abortion;
2. Having committed and been convicted of an offense under the Narcotics Elimination Act or Narcotics Control Act;
3. Having committed and been convicted of an offense under the Narcotics Hazard Prevention Act;
4. Having his/her midwifery personnel examination results rescinded or revoked;
5. Subject to rescission or revocation of his/her midwifery personnel certificate in accordance with the Act.

Article 8 A person who does not hold a registered professional midwife certificate or midwife certificate shall not use the title “registered professional midwife” or “midwife”.

Chapter 2 Practice

Article 9 For the purpose of practicing, midwifery personnel shall apply to the local competent authority at the municipality/city/county level for practice registration and obtain a practice license before being able to practice.

For the purpose of practicing, midwifery personnel shall receive continuing education and provide proof of completion of continuing education every six years to renew their practice licenses.

Regulations governing the qualifications, criteria, and required documents for applying for practice registration, the issuance, re-issuance, or renewal of a practice license, and other compliance-related matters for the purpose of practicing among midwifery personnel as set forth in Paragraph 1, as well as regulations governing the contents, credits, and implementation methods of continuing education courses taken by midwifery personnel as set forth in the preceding paragraph, proof of completion of continuing education, renewal of a practice license, and other compliance-related matters, shall be established by the central competent authority.

Article 10 A person who falls under any of the following circumstances shall not request a practice license; the practice license obtained by the said person shall be cancelled or revoked:

1. The applicant's midwifery personnel certificate has been cancelled or revoked.
2. The applicant's midwifery personnel practice license has been revoked for a period not exceeding one (1) year.
3. Being deemed unable to practice due to an objective fact which is recognized by a team of relevant medical specialists, midwifery personnel, scholars, and experts commissioned by the competent authority at the municipality/city/county level.

In the event that the circumstance prescribed in Subparagraph 3 of the preceding paragraph no

longer exists, a person may still apply for a practice license in accordance with the Act.

Article 11 Midwifery personnel shall not practice unless they have joined a local midwifery personnel association.
Midwifery personnel associations shall not reject applicants who are eligible for membership.

Article 12 Midwifery personnel shall limit their registered practice locations to one.
Midwifery personnel shall practice at a midwifery institution, medical institution or postpartum care center registered with and approved by the local competent authority or any other institution approved by the central competent authority. However, this rule does not apply in cases of emergency, inter-institutional support, practice outside of an institution upon invitation or practice with prior permission.

Article 12-1 In the event of a suspension or termination of practice, midwifery personnel shall, within thirty days of the occurrence of the fact, report such a suspension or termination of practice to the authority that issued their practice licenses for recordation purposes.
The period of suspension of practice set forth in the preceding paragraph shall be limited to one year. If the suspension exceeds one year, an application shall be filed for termination of practice.
In the event that midwifery personnel change their practice locations or resume practice, the regulations governing the practice thereof shall apply on a mutatis mutandis basis.
If midwifery personnel are deceased, the authority that issued their practice licenses shall cancel their practice licenses.

Chapter 3 Establishment and Management of Midwifery Institutions

Article 13 Midwifery personnel may establish midwifery institutions for the purpose of practicing.
Midwifery personnel may apply to establish

midwifery institutions for the purpose of practicing only after having practiced midwifery at medical institutions or midwifery institutions designated by the central competent authority for at least two years.

The standards for establishment of midwifery institutions shall be set by the central competent authority.

Article 14 To apply to establish a midwifery institution, midwifery personnel shall file an application with the local competent authority at the municipality/city/county level for registration approval and issuance of an opening license.

Article 15 The midwifery personnel who apply to establish a midwifery institution shall be the responsible persons of the midwifery institution and responsible for supervision of its business. In the event that the responsible person of a midwifery institution is unable to practice for some reason, he/she shall designate other midwifery personnel to represent him/her. If the representation period lasts more than one month, a report shall be submitted to the authority that issued the opening license for recordation purposes.

The maximum representation period set forth in the preceding paragraph shall not exceed one year.

Article 16 Approval shall be obtained from the local competent authority at the municipality/city/county level prior to the use or change of the name of a midwifery institution. A non-midwifery institution shall not use the name "midwifery institution" or similar names.

Article 17 A midwifery institution shall not use the following names:

1. The names registered and used by others for the midwifery institutions in the same municipality/city/county;
2. The names of the midwifery institutions in the same municipality/city/county which have had their opening licenses revoked for less than a

year or are subject to suspension of operations, or similar names;

3. Names that easily mislead people into believing that the midwifery institution is related to a government agency or charitable organization, or names that disrupt public order or violate good social customs.

Article 18 In the event of a suspension or termination of operations or changes in registered particulars, a midwifery institution shall, within thirty days of occurrence of the fact, report such a suspension, termination, or changes to the authority that issued its opening license for recordation purposes.

The period of suspension of operations set forth in the preceding paragraph shall be limited to one year. If the suspension exceeds one year, an application shall be filed within thirty days upon the end of the given period for termination of operations.

If a midwifery institution fails to apply for termination of operations in accordance with the preceding paragraph, the competent authority may directly terminate its operations.

In the event that a midwifery institution relocates or resumes operations, the regulations governing the establishment thereof shall apply on a mutatis mutandis basis.

Article 19 When collecting fees, a midwifery institution shall provide a fee breakdown and receipt. A midwifery institution shall not violate the fee standards, overcharge, or charge fees without permission. The aforesaid fee standards shall be approved by the competent authorities at the municipality/city/county level.

Article 20 A midwifery institution shall display its opening license and fee standards, as well as the certificates of its midwifery personnel, in obvious places.

Article 21 A midwifery institution shall maintain a clean and peaceful environment, and its environment

shall not impede public health and safety.

- Article 22 The advertisements of a midwifery institution shall only contain the following:
1. The name, opening license number, address, phone number, and directions of the midwifery institution;
 2. The name and certificate number of a registered professional midwife or midwife;
 3. Other contents allowed for publication or promotion, as announced by the central competent authority.
- A non-midwifery institution shall not advertise for midwifery care services.

- Article 23 A midwifery institution shall not solicit business in an unlawful manner.
- Midwifery personnel and staff members of a midwifery institution shall not take advantage of business opportunities to seek improper profits.

- Article 24 A midwifery institution shall, as required by law or upon notification from the competent authorities, submit reports, accept inspections conducted by the competent authorities on the deployment of its personnel, facilities, fee collection, operation, hygiene, safety and records, and accept requests to collect data.

Chapter 4 Duties and Responsibilities

- Article 25 The duties of midwifery personnel are as follows:
1. Delivery of babies;
 2. Prenatal examinations and health care guidance;
 3. Postnatal examinations and health care guidance;
 4. Newborn health care guidance;
 5. Childbirth guidance;
 6. Other matters determined by the central competent authority.
- Midwifery personnel shall compile records when carrying out relevant duties.
- The aforesaid records shall be retained by the institutions where the midwifery personnel practice for a period of at least ten years.

- Article 26 If midwifery personnel discover that an expectant mother, fetus or newborn is in critical conditions during the practice of midwifery, they shall immediately contact a physician and provide necessary emergency treatment.
- Article 27 During the practice of midwifery under normal delivery, midwifery personnel may perform required procedures such as clysis, urethral catheterization, colpoperineorrhaphy, and administration of postnatal oxytocin, if necessary.
- Article 28 Midwifery personnel shall not issue birth certificates or stillbirth certificates unless the babies are delivered by them.
- Article 29 Midwifery personnel shall not reject or delay the delivery of babies without any reason.
- Article 30 Midwifery personnel shall not make false statements or reports when being inquired by health officials, judicial officials, or judicial policemen.
- Article 31 Midwifery personnel or staff members of a midwifery institution shall not disclose, without any reason, the confidential information about others acquired or possessed by them in the course of practice.

Chapter 5 Penal Provisions

- Article 32 In the event that midwifery personnel lend their certificates to others for use, their midwifery personnel certificates shall be revoked. Cases where criminal liability is incurred shall be referred to the prosecutors office that has the jurisdiction for handling in accordance with law. Midwifery personnel who commit unlawful acts in the course of practice shall be subject to suspension of practice for a period of not less than one month and not more than one year. In case of severe violations, their practice licenses or opening licenses may be revoked. Cases where criminal liability is incurred shall

be referred to the prosecutors office that has the jurisdiction for handling in accordance with law.

Article 33 Those violating Article 22 shall be subject to a fine of not less than NT\$30,000 and not more than NT\$150,000, and will be required to make improvements within a specified period of time. If they fail to make improvements before the deadline, consecutive punishments shall be imposed.

Article 34 Those violating Article 14, Paragraph 2 of Article 16, Paragraph 4 of Article 18, Paragraph 2 of Article 19, Article 23, Paragraphs 2 and 3 of Article 25, Article 28, Article 30 or Article 31 shall be subject to a fine of not less than NT\$10,000 and not more than NT\$50,000, and will be required to make improvements within a specified period of time. In cases of failure to make improvements before the deadline or severe violations, they shall be subject to suspension of operations for a period of not less than one month and not more than one year or revocation of their opening licenses. Those violating Paragraph 2 of Article 19 shall be punished in accordance with the preceding paragraph, and will be required to refund the excess amounts charged within a specified period of time. In cases of failure to refund before the deadline, consecutive punishments shall be imposed.

Article 35 Those violating Article 8, Paragraphs 1 and 2 of Article 9, Paragraph 1 of Article 11, Article 12, Paragraph 1 of Article 12-1, Paragraphs 2 and 3 of Article 15, Paragraph 1 of Article 16, Paragraph 1 of Article 18, Paragraph 1 of Article 19, Article 20, Article 21, Article 24, Article 29 or the standards for establishment set forth in Paragraph 3 of Article 13 shall be subject to a fine of not less than NT\$6,000 and not more than NT\$30,000, and will be required to make improvements within a specified period of time. In cases of failure to make improvements before the deadline, they shall be subject to suspension

of practice or operations for a period of not less than one month and not more than one year. In the event that a midwifery personnel association violates Paragraph 2 of Article 11, the authority in charge of civil associations shall impose a fine of not less than NT\$10,000 and not more than NT\$50,000.

Article 36 A person who practices midwifery without having obtained qualifications of midwifery personnel shall be subject to imprisonment for up to three years, or in addition thereto, a fine of not less than NT\$30,000 and not more than NT\$150,000. However, this rule does not apply to physicians, students from a division/department/graduate institute of midwifery who engage in internships under the guidance of gynecologists, obstetricians, or midwifery personnel, and people who graduated no more than five years ago from the day when certificates of graduation were awarded.

Article 37 If midwifery personnel subject to suspension of practice continue to practice, their practice licenses shall be revoked. In the event that they continue to practice after their practice licenses are revoked, their midwifery personnel certificates shall be revoked.

Article 38 If a midwifery institution falls under any of the following circumstances, its opening license shall be revoked:

1. Allowing people without the qualifications of midwifery personnel to practice midwifery without permission;
2. Failing to suspend its operations after being subject to suspension of operations.

Article 39 In the event that a midwifery institution is subject to suspension of operations or revocation of its opening license, its responsible person shall also be subject to suspension of practice or revocation of his/her practice license. In the event that the responsible person of a midwifery institution is subject to suspension of practice or revocation of his/her practice

license, the midwifery institution shall also be subject to suspension of operations or revocation of its opening license.

- Article 40 If a midwifery institution continues to operate after being subject to revocation of its opening license, the midwifery personnel certificate of its responsible person shall be revoked.
- Article 41 In the case of a midwifery institution, the fines stipulated in the Act shall be imposed on its responsible person.
- Article 42 Unless the Act provides otherwise, the competent authorities at the municipality/city/county level shall be the ones to impose fines, suspend practice or operations, or rescind or revoke practice licenses or opening licenses as stipulated herein. The central competent authority shall be the one to rescind or revoke midwifery personnel certificates.
- Article 43 In case that a fine imposed in accordance with the Act with a specified due date is not paid by the due date, the case will be referred for compulsory enforcement as required by law.

Chapter 6 Associations

- Article 44 There shall be municipal midwifery personnel associations and city/county midwifery personnel associations. Furthermore, the national union of midwifery personnel associations may be established.
- Article 45 The current administrative districts shall constitute the jurisdiction of midwifery personnel associations. Only one association at the same level may be established in a district. However, this rule does not apply to those established prior to the adjustments and changes of the administrative districts.
- Article 46 A municipal or city/county midwifery personnel association shall be founded and organized by nine or more midwifery personnel who practice in its jurisdiction. In cases where there are less

than nine personnel, these personnel may join the association in an adjacent district or organize an association together with others.

Article 47 The national union of midwifery personnel associations may be founded and organized only after midwifery personnel associations have been organized in more than one-third of the municipalities and cities/counties.

Article 48 Midwifery personnel associations at all levels shall be governed by the authority in charge of civil associations. However, their target businesses shall be directed and supervised by the competent authorities.

Article 49 Midwifery personnel associations at all levels shall have directors and supervisors, all of who shall be elected by members (member representatives) in a general assembly of members (member representatives). Boards of directors and supervisors shall be formed. The number of board members shall be as follows:

1. The number of directors of a municipal or city/county midwifery personnel association shall not exceed 21;
2. The number of directors of the national union of midwifery personnel associations shall not exceed 27;
3. The number of directors of a midwifery personnel association at each level shall not exceed one-half of the total of the members (member representatives);
4. The number of supervisors of a midwifery personnel association at each level shall not exceed one-third of the number of its directors. A midwifery personnel association at each level may have alternate directors and alternate supervisors. The number of such directors and supervisors shall not exceed one-third of the number of its directors and supervisors, respectively.

In the event that there are three or more directors or supervisors, they may elect standing directors or standing supervisors from among them. The number of standing directors or

standing supervisors shall not exceed one-third of the number of directors or supervisors. Directors shall elect a chairman from among the standing directors. If there are no standing directors, directors shall elect a chairman from among them. In the event that there are three or more standing supervisors, they shall elect a convener of the board of supervisors from among them.

Article 50 The term of office of directors and supervisors shall be three years. No more than one-half of the directors or supervisors shall be re-elected. The chairman shall be re-elected only once.

Article 51 The candidates for directors and supervisors of the national union of midwifery personnel associations shall not be limited to the member representatives appointed by municipal or city/county midwifery personnel associations. The member representatives appointed by municipal or city/county midwifery personnel associations to join the national union of midwifery personnel associations are not limited to directors or supervisors of the associations.

Article 52 Midwifery personnel associations shall convene a general assembly of members (member representatives) each year, and may convene a special assembly when necessary. When a midwifery personnel association has over three hundred members, it may, in accordance with the articles of association, delimit areas according to the distribution of its members, select representatives based on the percentage of the members in each area, and convene a general assembly of member representatives to exercise the powers of the general assembly of members.

Article 53 A midwifery personnel association shall formulate articles of association, prepare a roster of members and a roster of appointed staff members in which their resumes are provided, and submit the rosters to the local authority in charge of civil associations for registration, and to the central and local competent authorities for

recordation.

The national union of midwifery personnel associations shall establish a code of ethics for midwifery personnel and submit the same to the general assembly of member representatives. After being adopted at the general assembly, the code of ethics shall be forwarded to the central competent authority for recordation.

Article 54 The articles of association of a midwifery personnel association at each level shall specify the following matters:

1. Name, jurisdiction, and location of the association;
2. Missions, organization, tasks, or businesses;
3. Obtaining and withdrawing from membership;
4. Membership fees to be paid by members and payment deadlines;
5. Designation and term of office of member representatives;
6. Number, authority, and term of office of directors and supervisors and their election and discharge;
7. Rules for the general assembly of members (member representatives) and meetings of the board of directors and board of supervisors;
8. Conventions to be complied with by members;
9. Funding and accounting;
10. Amendment of articles of association;
11. Other necessary matters to be specified in accordance with law or for the purpose of handling association affairs.

Article 55 In the event that a midwifery personnel association violates laws, regulations, or articles of associations, the authority in charge of civil associations may impose the following punishments:

1. Warnings;
2. Rescission of its resolutions;
3. Discharge or dismissal of its staff members;
4. Rectification within a specified period of time.

The punishments set forth in Subparagraphs 1 and

2 of the preceding paragraph may also be imposed by the competent authorities.

Article 56 Municipal and city/county midwifery personnel associations are obligated to comply with the articles of association of the national union of midwifery personnel associations.

Article 57 If a member of a midwifery personnel association violates laws, regulations, or articles of associations, a punishment shall be imposed according to the resolution adopted in the general assembly of members (member representatives).

Article 58 The provincial midwife associations registered before the Act was amended and came into effect on June 3, 2003 shall dissolve within four years from the date when the Act was amended and came into effect.

Chapter 7 Supplementary Provisions

Article 59 Foreigners may take a midwifery personnel examination in accordance with the laws and regulations of the Republic of China. Foreigners and overseas Chinese who have passed the aforesaid examination and obtained midwifery personnel certificates shall obtain approval from the central competent authority before practicing in the Republic of China, and shall comply with applicable laws and regulations of the Republic of China governing midwifery personnel, codes of professional ethics, and articles of association of midwifery personnel associations. The regulations governing the approval and management of their practice shall be established by the central competent authority. In case of violation of the provisions of the preceding paragraph, punishments shall be imposed in accordance with law, and the central competent authority may revoke the approval granted.

Article 60 The central competent authority or local competent authorities at the municipality/city/county level may collect certificate or license fees when issuing

certificates or licenses in accordance with the Act. The fee rates shall be set by the central competent authority.

Article 61 The enforcement rules for the Act shall be established by the central competent authority.

Article 62 The Act shall come into effect on the date of promulgation.

Web site : Laws & Regulations Database of The Republic of China (Taiwan)