

**COUNCIL OF LICENSED MIDWIFERY
DISCIPLINARY GUIDELINES
September 2015**

STATUTE	VIOLATION	FIRST OFFENSE	SUBSEQUENT OFFENSE
s.467.203(1)(a), F.S.	Procuring, attempting to procure, or renewing a license to practice midwifery by bribery	From fine of \$500 and/or up to 2 years probation to revocation	Revocation
s.467.203(1)(a), F.S.	Procuring, attempting to procure or renewing a license by fraudulent misrepresentation	From 6 months probation and a fine of \$10,000 to revocation and a fine of \$10,000	A fine of \$10,000 and revocation
s.467.203(1)(a), F.S.	Procuring, attempting to procure or renewing a license through error of the department	From letter of concern and/or fine of \$250 to suspension for 1 year followed by 2 years probation and a fine of \$1,000	From fine of \$5,000 to revocation
s.467.203(1)(b), F.S.	Having a license to practice midwifery revoked, suspended, or otherwise acted against, including being denied licensure, by the licensing authority of another state, territory, or country.	Action consistent with discipline for the offense that would have been taken if the violation occurred in Florida w/consideration of the penalty imposed in other jurisdiction	Action consistent with discipline for a repeat offense that would have been taken if the violation occurred in Florida w/consideration of the penalty imposed in other jurisdiction
s.467.203(1)(c), F.S.	Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime which directly relates to the practice of midwifery or to the ability to practice midwifery. A plea of nolo contendere shall be considered a conviction for purposes of this provision.	For a misdemeanor, from a fine of \$600 and 6 months probation to a fine of \$3,000 and one year's suspension w/conditions followed by 2 years probation; for a felony from a fine of \$1,500 and 2 years probation to a fine of \$10,000 and revocation	From one year probation to a fine of \$10,000 and revocation

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s.467.203(1)(d), F.S.	Making or filing a false report or record, which the licensee knows to be false; intentionally or negligently failing to file a report or record required by law	From a fine of \$500 to one year probation and a fine of \$2,500	From a fine of \$1,000 and a reprimand to a fine of \$3,000 and 2 year suspension. After second offense a fine of \$5,000 and/or revocation
s.467.203(1)(d), F.S.	Willfully impeding or obstructing report or record filing or inducing another to file false report	From a minimum of \$2,000 and/or suspension of license for 3 months, followed by 6 months probation to revocation	Up to a fine of \$10,000 and/or revocation
s.467.203(1)(e), F.S.	Advertising falsely, misleadingly, or deceptively.	From a fine of \$500 and a letter of concern to a fine of \$10,000 and/or three months suspension	Up to a fine of \$10,000 and/or one year suspension to \$10,000 fine and revocation
s.467.203(1)(f), F.S.	Engaging in unprofessional conduct, which includes, but is not limited to, any departure from, or the failure to conform to, the standards of practice of midwifery as established by the department, in which case actual injury need not be established.	From a reprimand and fine of \$250 to suspension for up to 3 years and/or a fine of \$3,000	From 2 years probation and a fine of \$500 to revocation and/or a fine of up to \$10,000. After second offense revocation and a fine of \$10,000
s.467.203(1)(g), F.S.	Being unable to practice midwifery with reasonable skill and safety to patients by reason of illness; drunkenness; or use of drugs, narcotics, chemicals, or other materials or as a result of any mental or physical condition. A midwife affected under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume the competent practice of midwifery with reasonable skill and safety.	From 3 years probation and referral for impairment evaluation to suspension for up to 1 year followed by up to 5 years probation	From a fine of \$1,500 and referral for impairment evaluation and 2 years probation to a fine of \$5,000 and/or revocation
s.467.203(1)(h), F.S.	Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department.	From a letter of concern and/or a fine of \$250 to a fine of \$750 and/or 6 months probation	From 6 months probation and a fine of \$800 to a fine of \$5,000 and revocation

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s.467.203(1)(i), F.S.	Violating any lawful order of the department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.	From a fine of \$500 and a letter of concern to a fine of \$10,000 and/or revocation	From a fine \$1,500 and/or 2 years probation to a fine of \$10,000 and/or revocation
s.467.203(1)(j), F.S.	Violating any provision of the chapter governing midwifery or chapter 456, or any rules adopted pursuant thereto.	From a fine of \$500 and/or a letter of concern to a fine of \$5,000 and/or suspension for 2 years followed by 2 years of probation	From a fine of \$1,500 and/or 2 years probation to a fine of \$7,500 and/or revocation. After second offense from a fine of \$3,000 and/or 6 months suspension followed by one year probation to a fine of \$10,000 and/or revocation
s. 456.072(1)(j), F.S.	Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice midwifery contrary to law or the rules of the department or allowing a midwifery student to practice without a preceptor present.	From a fine of \$750 and/or 6 months probation to a fine of \$2,500 and suspension for 3 years followed by up to 3 years probation	From a fine of \$1,000 and/or suspension of license for 1 year followed by 2 years probation to a fine of \$7,500 and/or revocation
s. 456.072(1)(k), F.S.	Failing to perform any statutory or legal obligation.	From a fine of \$250 and a letter of concern to a fine of \$3,000 and/or up to 2 years suspension followed by 2 years probation	From probation and a fine of \$5000 to revocation and a fine of \$10,000
s. 456.072(1)(o), F.S.	Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.	From a fine of \$500 and/or 1 year probation to suspension for 3 years followed by probation and a fine of \$3,000	A fine of up to \$10,000 and/or revocation
s. 456.072(1)(r), F.S.	Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.	From a fine of \$500 and/or 1 year probation up to a fine of \$3,000 and/or up to suspension for 2 years followed by 2 years probation	A fine of \$1,000 to \$10,000 and/or revocation

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s. 456.072(1)(v), F.S.	Engaging or attempting to engage in sexual misconduct as defined and prohibited in s. 456.063(1), F.S.	From a reprimand and/or an impairment evaluation to a fine of \$10,000 and/or revocation	From a fine of \$1,000 and referral to a treatment program and suspension for up to 3 years followed by probation for 3 years to a fine of \$10,000 and revocation
s. 456.072(1)(x), F.S.	Failing to report to the department in writing within 30 days being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.	From a fine of \$500 and/or a letter of concern to a fine of \$2,000 and/or 6 months suspension followed by 1 year of probation	A fine of \$3,000 and/or probation for 1 year to suspension of license for 2 years followed by 2 years probation
s. 456.072(1)(bb), F.S.	Performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. Performing or attempting to perform health care services includes the preparation of the patient.	From a fine of \$500 and 1 year probation to a fine of \$1,500 and 1 year suspension followed by 2 years probation	From a fine of \$5,000 to revocation
s. 456.072(1)(cc), F.S.	Leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or other diagnostic procedures. It is legally presumed that retention of a foreign body is not in the best interest of the patient and is not within the standard of care of the profession, regardless of the intent of the midwife.	From a fine of \$500 and 1 year probation to a fine of \$1,500 and 1 year suspension followed by 2 years probation	From a fine of \$5,000 to revocation
s. 456.072(1)(hh), F.S.	Being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in s. 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the midwife, or	From a fine of \$300 and a stayed suspension with advocacy and demonstration of a current signed treatment contract to a fine of \$2,000 and revocation	A fine of \$3,000 and suspension for 2 years and until the subject demonstrates to the department the ability to practice with skill and safety followed by 3 years probation to revocation

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	for not successfully completing any drug treatment or alcohol treatment program.		
s. 456.072(1)(ii), F.S.	Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program.	For a misdemeanor from a fine of \$600 and 1 year probation to a fine of \$3,000 and revocation; for a felony from a fine of \$1,500 and 6 months suspension followed by 2 years probation to a fine of \$10,000 and revocation	A fine up to \$10,000 and revocation
s. 456.072(1)(jj), F.S.	Failing to remit the sum owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or settlement.	From a fine of \$300 and a letter of concern to a fine of \$3,500 and up to 6 months suspension followed by 3 years probation	From a fine of \$1,000 and 2 years probation to a fine of \$10,000 and revocation
s. 456.072(1)(kk), F.S.	Being terminated from the state Medicaid program pursuant to s. 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored.	From a fine of \$500 and a letter of concern to 1 year suspension and a fine of \$3,000	From 1 year probation and a fine of \$1,000 to revocation and a fine of \$10,000
s. 456.072(1)(ll), F.S.	Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.	A fine of \$10,000 and 3 months suspension followed by 1 year probation to a fine of \$10,000 and up to 3 years probation	From a fine of \$10,000 and 3 months suspension to a fine of \$10,000 and revocation