MIDWIFERY ACT

I. INTRODUCTION

Article 1

This Act regulates the purpose and scope of the midwifery practice in the Republic of Croatia, as well as the educational standard for, and the conditions, duties, quality control, and professional supervision of midwives.

The provisions of this act which refer to midwives shall equally apply to the following vocations: midwifery assistants, the Bachelors of Midwifery, midwives in gynaecology and obstetrics, senior nurses in midwifery, and senior nurses in gynaecology and obstetrics.

Article 2

Midwives are healthcare workers and their practice is an integral part of the healthcare system in the interest of the Republic of Croatia. It shall be conducted under the terms and in the manner prescribed by this Act.

II. MIDWIFERY PRACTICES

Article 3

As per the proposed law, the midwifery practice includes all procedures, knowledge and skills of a midwife.

In conducting her practice, a midwife shall be obligated to apply her best expert knowledge, observing the principles of patients’ rights, the principles of ethics and professionalism intended to protect public health, and individual patients.

Midwife shall be obligated to keep in confidence the health records of her patients.

Article 4

Midwives pursue their practice on all levels of healthcare, in line with standards to be determined by standing orders issued by the Minister of Health.

Midwives may conduct their practice outside the healthcare system, under terms set in Article 14, paragraph 2 hereof.

Article 5

Midwifery is a public practice and is subject to educational standards control.

Article 6

Midwifery practices must be based on the needs of the population, and in line with the plan and programme of healthcare measures.
III. EDUCATION

EDUCATIONAL STANDARD FOR MIDWIVES

Article 7

Basic education as midwifery assistant is acquired through graduating from the high school for midwives, in line with current regulations of the Republic of Croatia.

Basic education as Bachelor of Midwifery is acquired through graduating from the midwifery college, in line with current regulations of the Republic of Croatia.

Article 8

Midwifery education at the highest level is acquired through completing undergraduate and graduate university studies, either in separate or integral form, in line with the current regulations on higher education.

ADDITIONAL TRAINING OF MIDWIVES

Article 9

Additional training of midwives is conducted when the scope and the complexity of the midwifery practice, and the anticipated results thereof require additional education, or specialisation in the field of healthcare.

Additional training is conducted for the purpose of improving the quality and efficiency of midwifery.

Article 10

The increased or altered complexity of midwifery practices is determined on the basis of the content and type of activities and skills expected from a midwife on the applicable levels of healthcare. These are related to changes in the need for midwifery with the general population and patients, to new scientific discoveries, and to new diagnostic and therapeutic procedures.

The need for additional training programme for midwives, as well as its content and scope, shall be determined by a by-law adopted by the Croatian Chamber of Midwives.

Article 11

Additional training of midwives may be conducted in health facilities or on colleges.

PERMANENT PROFESSIONAL TRAINING

Article 12

Midwives shall be obligated to continuously update the acquired knowledge and adopt new one, in line with the latest achievements and discoveries in the field of midwifery.
Permanent professional training shall be conducted by participating in professional classes, courses and symposiums.

The content, terms and procedures for the permanent professional training of midwives, as well as the test of their proficiency, shall be determined by a by-law adopted by the Croatian Chamber of Midwives.

IV. TERMS FOR CONDUCTING MIDWIFERY PRACTICES

Article 13

Midwifery assistant who completed the basic education in her field may engage in midwifery practice only under supervision in line with Article 7, paragraph 1 hereof.

The midwife mentioned in Article 7, paragraph 1 hereof shall conduct midwifery practices only as a midwifery assistant.

Midwifery assistants shall be supervised only by a midwife with a valid licence for independent practice, as from Article 14, paragraph 1 hereof, or by a physician who specialised in gynaecology and obstetrics.

Article 14.

The head of the midwifery team shall be a midwife with a completed university education, whose name has been entered in the Register of the Croatian Chamber of Midwives (hereinafter: the Register), and who holds the licence for independent practice.

Midwifery shall be practiced as part of a team (whether healthcare team in primary medical care, or a hospital healthcare team) by a midwife entered in the Register and issued the licence for independent practice as midwifery assistant or the Bachelor of Midwifery.

The right to register is granted to midwives who have completed at least the basic education in midwifery, in pursuance of Article 7, paragraph 1 or Article 7, paragraph 2 of this Act, who have completed their internship and passed the state exam.

The requirements of the completed internship and passed state exam, from paragraph 3 hereof, do not pertain to citizens of the EU member states.

The provisions of the Healthcare Act and regulations passed on the basis of the same shall apply to the content and duration of internship, and to the manner of taking the state exam in midwifery.

Article 15

The right to independent practice shall be granted to the midwife whose name is entered in the Register and who was issued the licence for independent practice from Article 14, paragraph 2 hereof.

The right to independent practice shall also be granted to the midwifery assistant or the Bachelor of Midwifery who has been registered and issued the independent practice licence, in pursuance of Article 14, paragraph 2, hereof.

The independent practice license of a registered midwife shall be issued or withdrawn according to the administrative act passed by the body in charge, according to the Statute of the Croatian Chamber of Midwives.

The appeal against the administrative act from paragraph 3 hereof is denied. Only an
administrative action shall be allowed.

The midwife shall practice only within the scope of her education and further professional training, determined by the licence for independent practice.

The licence for independent practice shall be renewed every 6 years.

The terms for issuing, renewal and withdrawal of licence for independent practice shall be regulated by a by-law adopted by the Croatian Chamber of Midwives.

Provisions from paragraphs 3 and 4 hereof shall apply to the procedure regarding the renewal and withdrawal of the licence for independent midwifery practice.

V. DUTIES OF MIDWIVES

Article 16

The duties of a midwife shall be to:
– apply all midwifery knowledge available,
– apply in midwifery practice problem-solving methods that require the skill of an analytical and critical approach,
– practice according to the set rules and protocols for conducting midwifery procedures,
– implement midwifery care according to the established plan,
– apply, implement and record the local, per oral and parentheral therapy prescribed by a physician,
– inform the physician timely in case complications arise during the therapy administered,
– implement procedures of health care and disease prevention,
– keep a record of all midwifery procedures implemented throughout the day,
– timely inform the physician of the patient’s condition, particularly in case it changes,
– proceed with the resuscitation procedure in the event of the physician’s absence,
– keep professional secrets,
– respect the patients’ rights,
– respect the Midwifery Code of Ethics,
– respect the patients’ religious persuasion,
– cooperate with all team members,
– upkeep the reputation of the institution (the employer),
– use medical instruments and equipment in an economical and efficient manner, and
– act in the best interest of the patient.

Article 17

A midwife shall be obliged to record all procedures administered on the midwifery list (Primaljska lista) for each individual patient at all levels of health care.

The midwife’s list referred to in paragraph 1 hereof is a compilation of data used for the quality control of the planned and implemented midwifery practices.

The content and form of the midwife’s list shall be prescribed by the Minister of Health at the proposal of the Croatian Chamber of Midwives.
GRAVE PROFESSIONAL MISCONDUCT

Article 18

The grave professional misconduct shall be determined in cases when the midwife:
- acts to the detriment of patient’s health by improper procedures due to negligence or ignorance,
- changes the mode and content of the therapy prescribed by the physician and
- intentionally causes material damage.

EXEMPTION FROM RESPONSIBILITY

Article 19

A midwife shall not conduct procedures which are not in the scope of her practice, and which may directly or indirectly harm the patient.

Article 20

In the event that a patient consciously refuses a prescribed procedure or administering the prescribed therapy, the midwife shall inform the authorised physician immediately.

Article 21

A midwife shall not be held responsible for a non-administered procedure in cases when, despite the application of her best knowledge and skills, the employer has failed to ensure the prescribed medications, agents, the minimal required medical instruments, or technical equipment in accordance with the minimal standards for a successful implementation of midwifery care.

In the event that it is impossible to administer the prescribed procedures referred to in paragraph 1 hereof, the midwife shall inform the supervisor to that effect immediately and in writing.

Article 22

A midwife shall be responsible for slight and grave misconduct, as these are determined by this Act and general acts of the Croatian Chamber of Midwives, before the disciplinary bodies of the Croatian Chamber of Midwives.

Disciplinary measures for slight and grave misconduct of a midwife shall be determined by the Croatian Chamber of Midwives.

In cases when the disciplinary proceedings against a midwife are not covered by the general acts of the Croatian Chamber of Midwives, the regulations from the Criminal Procedure Act shall be applied as appropriate.

VI. QUALITY CONTROL

Article 23

Quality control of the midwifery practice shall be implemented by a trained midwife, as a member of the team appointed by the employer in cooperation with the Ministry of Health and the
Croatian Chamber of Midwives.

Quality control of the midwifery practices shall particularly include the following: the midwifery plan, the implementation of midwifery procedures, the results of midwifery care and the impact of midwifery practices on the patient’s health status.

**VII. PRIVATE PRACTICE**

**Article 24**

Private practice may be undertaken only by a midwife who holds the midwifery college degree and a licence for independent practice issued by the Croatian Chamber of Midwives.

The provisions of the Health Care Act shall be applied to the procedures of the establishment, temporary suspension and termination of a midwifery private practice.

**VIII. CROATIAN CHAMBER OF MIDWIVES**

**Article 25**

The Croatian Chamber of Midwives (hereinafter: the Chamber) shall be a professional independent organisation of midwives with the capacity of a legal person and public authorities.

The Chamber shall promote, represent and coordinate the interests of midwives before state and other bodies in the Republic of Croatia and abroad.

All Midwives shall be obligated to become members of the Chamber.

The Chamber shall have its coat of arms, mark, seal and stamp.

The seat of the Chamber shall be in Zagreb.

**Article 26**

The Chamber shall hold the public authorisation to:

– keep the register of its members,

– issue, renew and withdraw licences for independent practice, and

– perform professional supervision of midwives.

The Chamber shall prescribe by a general act the manner and conditions under which professional supervision referred to in paragraph 1 subparagraph 3 hereof is performed, with the approval of the Minister of Health.

**Article 27**

In addition to public authorisation referred to in Article 26 of this Act, the Chamber shall also perform the following activities:

1. pass the Code of Ethics for midwives,

2. cooperate with the Ministry of Health and Social Care in all fields of interest for midwives, and give professional opinion on bills and bylaws which effect the midwifery vocation,

3. passe the contents of protocols for planning and enforcement of midwifery practice,
4. propose the standards and norms for midwifery practice to the Minister of Health and Social Care,
5. determine the need for, the contents of and the duration of programs for additional training and education of midwives,
6. pass general acts which regulate contents, deadlines and procedures for permanent professional education and training, and verification of midwifery expertise,
7. propose the contents of the midwifery list to the Minister of Health and Social Care,
8. regulate the ways and means of professional supervision of practicing midwives,
9. determine the lowest prices of midwifery practices outside the domain of public health organizations,
10. determine prices of midwifery practices in the domain of voluntary health insurance,
11. execute professional supervision of practicing midwives,
12. determine the scope of professional misconduct for midwives,
13. determine disciplinary measures in cases of both slight and grave professional misconduct,
14. conduct disciplinary proceedings and pronounce disciplinary measures in cases of professional misconduct,
15. cooperate with health inspection of the Ministry of Health and Social Care,
16. defend midwives' interests,
17. provide legal aid to its members,
18. facilitate other needs of its members,
19. coordinate relations between its members and actively participate in solving conflicts which may arise,
20. cooperate with the World Health Organization and other international organizations which are of interest to midwifery,
21. perform other jobs determined by the Law, its Statute and other enactments of the Chamber.

Article 28

The Chamber shall have a statute.

The Statute shall be the fundamental general act of the Chamber, and shall be passed by the Assembly of the Chamber.

The Statute of the Chamber shall be approved by the Minister of Health.

The Statute of the Chamber shall contain the following provisions: the name and the seat; the scope of the Chamber authorities; the internal organisation; the bodies of the Chamber, and their membership, authority structure, manner of passing decisions, and terms and manner of election and recall; the duration of the mandate and the responsibility of members; assets and disposal of prospective profits; the manner of the acquiring assets; the achieving of transparency in the Chamber’s work; members and membership fees; the rights, obligations and disciplinary responsibilities of the members; the termination of the work of the Chamber and the proceeding with assets in the event of the termination of the work of the Chamber.

Article 29

The Chamber shall be founded by the Ministry of Health and Social Care and the Croatian Association of Midwives.
Article 30

The supervision of the legality of the Chamber’s work in its public scope shall be conducted by the Ministry of Health.

In implementing the supervision referred to in paragraph 1 hereof, the Ministry of Health may request relevant reports and data from the Chamber.

The Chamber shall submit the reports and data referred to in paragraph 2 hereof to the Minister of Health within 30 days, or it shall, within the same period, report on the reasons why it is unable to submit them.

The Chamber shall submit to the Minister of Health an annual work report for the previous year by March 1st of the current year.

Article 31

The Chamber shall inform the Ministry of Health, other state administration bodies, and competent bodies in units of local and territorial (regional) government, at its own initiative or at their request, on the status and problems in the midwifery practice and on the measures that should be undertaken to improve the midwifery practice, and the general health care of citizens.

The Chamber shall cooperate with state bodies, and with local and territorial (regional) government bodies to resolve the problems in the midwifery practice.

The Chamber shall decide on the cooperation with other chambers of healthcare employees in the Republic of Croatia, as well as with chambers of midwives of other countries.

Article 32

For accomplishing its goals and performing its duties, the Chamber shall acquire the funds from:
– enrolment fees,
– membership fees,
– other revenues collected through the activity of the Chamber.

The State budget of the Republic of Croatia shall provide the funds for the performance of the activities referred to in Article 26 paragraph 1 subparagraph 3 of this Act which the Chamber performs on the basis of its public authorisation.

IX. PENAL PROVISIONS

Article 33

A fine in the amount of HRK 3,000.00 to HRK 10,000.00 shall be imposed for an offence if the midwife shall:
1. fail to fulfil the obligation of keeping the professional secret (Article 3, paragraph 3),
2. practice midwifery as a team leader or a team member without being registered (Article 14, paragraphs 1 and 2),
3. perform independent work without a valid licence (Article 15, paragraphs 1 and 2),
4. fail to immediately inform the supervisor in writing, in case of impossibility to administer the prescribed procedure (Article 21, paragraph 2),
5. make professional supervision impossible or disrupt it (Article 26, paragraph 2),
6. fail to eliminate deficiencies identified through professional supervision.

X. TRANSITIONAL AND FINAL PROVISIONS

Article 34

The Ministry of Health and Social Care and the Croatian Association of Midwives shall establish the Chamber within six months after the coming of this Act into force.

The Minister of Health shall, in cooperation with the Croatian Association of Midwives, appoint a founding committee of the Croatian Chamber of Midwives within three months after coming of this Act into force.

The Chamber shall, within six months since the establishment, pass the general acts prescribed by this Act and the Statute of the Chamber.

Article 35

The regulations for whose adoption this Act has authorised the Minister of Health shall be passed by him or her within eight days after coming of this Act into force.

Article 36

Midwives with college degrees who have engaged in midwifery practice for at least ten years prior to coming of this Act into force may continue doing so provided that within two years they obtain the licence for independent practice in accordance with this Act.

Article 37

This Act shall come into force on the eighth day after its publication in the Official Gazette, except for Article 14, paragraph 4 of this Act, which shall come into force on the day of the accession of the Republic of Croatian to the European Union.
EXPLANATION

Of Articles 1 – 2

These Articles regulate the subject of the regulation of this Act, namely, the content and manner of work, educational standard, conditions of practicing, duties, quality control and professional supervision of midwives in the Republic of Croatia.

Midwives are health workers and their activity is an integral part of the healthcare activity of interest for the Republic of Croatia. It is performed under the conditions and in the manner prescribed by this Act.

It is stipulated that the provisions of this Act pertaining to midwives should also be applied to persons of the profession of midwifery assistant and Bachelor of Midwifery (primaljski/a prvostupnik/ca).

The provisions of this Act pertaining to the midwifery assistant and Bachelor of Midwifery are applied mutatis mutandis to persons practicing as midwives in the field of gynaecology and obstetrics, midwives who graduated from a midwifery college, senior nurses from midwifery college and senior nurses graduating from the college of gynaecology and obstetrics.

Of Articles 3 – 6

These Articles regulate the midwifery practice. The midwifery practice includes all procedures, knowledge and skills of midwifery care. In performing the practice, the midwife shall apply her best professional knowledge, respecting the rights of patients, ethics and professional principles that are aimed at the protection of health of the population and each patient in person. Administering midwifery care must be based on the needs of the population, in accordance with the plan and program of the health protection measures.

Of Articles 7 – 8

The minimal education standard stipulates that a midwife has to attain the basic education in order to be acknowledged as a professional.

The study of midwifery is a higher level in the education of midwives and is considered the continuation of education which ensures a high level of education, in accordance with the regulations on higher education institutions.

Of Articles 9 – 11

The provisions of these Articles introduce the requirement of additional training, in the event that the scope and complexity of the midwifery practice require additional training, or specialisation from a specific area of health protection. Analyses show that such training is necessary given the continual scientific and technological advancement of medicine. Continual education through a point system is becoming an important element for renewal of licences of independent practice, and this ought to motivate midwives to improve their professional expertise.
Of Articles 13 – 15

The provisions of these Articles regulate the conditions for conducting the midwifery practice. A midwifery assistant who completed the basic education for a midwifery assistant may administer midwifery care only under supervision. Midwives referred to in paragraph 1 of this Article administer midwifery care as midwifery assistants. Supervision of a midwifery assistant may be performed by a midwife who hold valid licence for independent work, by or a physician who specialised in gynaecology and obstetrics.

The head of a midwifery care team can be a midwife with a completed university education, whose name has been entered in the Register of the Croatian Chamber of Midwives, and was issued the licence for independent practice.

Midwifery can be practiced as part of a team (whether healthcare team in primary medical care, or a hospital healthcare team) by a midwife entered in the Register and issued the licence for independent practice.

The right to register is granted to midwives who have completed at least the basic education in midwifery, who have completed their internship and who have passed the state exam.

The requirements of the completed internship and passed state exam do not pertain to citizens of the EU member states.

The right to independent practice may hold a registered midwife with university degree who has been issued a licence for independent work.

The right to independent practice may also hold a midwifery assistant who is registered and who has been awarded a licence for independent work.

A licence for independent work of a registered midwife is be issued by the Croatian Chamber of Midwives.

A midwife may conduct the midwifery practice only within the framework of her education and the additional training stipulated by the licence for independent practice.

The licence for independent work must be renewed every six years.

Of Articles 16 – 22

These Articles regulate basic duties of a midwife based on the respect for professional, ethical, moral and legal principles in conducting the midwifery practice.

The indicated responsibility protects the patient from malpractice and presupposes personal responsibility of the midwife for her work.

Of Article 23

Quality control is important for general implementation of healthcare, which includes the need for the control of the quality of the administered midwifery care. The control is implemented by a trained midwife as a member of the team appointed by the employer in cooperation with the Ministry of Health and the Croatian Chamber of Midwives.

Of Article 24

Stipulates the requirements for conducting private midwifery practice.
Of Articles 25 - 32

Regulates the establishment of the Croatian Chamber of Midwives as an independent professional organisation with the capacity of a legal person and public authorities. The objective of its establishment is to promote, represent and coordinate the interests of midwives, as well as to regulate the conscientious, responsible and lawful work of midwives. The proposal provides for obligatory membership of the Chamber.

The midwifery practice, via its Chamber, has the responsibility for the development of the knowledge and skills base. The role of the practice includes the setting and proposal of the standards in the form of definitions; setting the code of ethics in behaviour; education/training and requirements of the service; and a number of issues in the area of the midwifery work and practice. Furthermore, by designing programmes for the advancement of knowledge, it is meant to enhance the midwifery practice. This will promote the discussions on the desirable changes in legislation and assist the state bodies in taking appropriate measures of general interest, but also in the interest of the profession. The activities must be based on the heightened awareness among midwives, and on the sensitivity towards the general welfare and responsibility towards the public. The practice must promote the most important and most efficient component of the regulations pertaining to the profession, namely, the requirement that each individual performer imposes on herself the need for personal professional responsibility. Midwifery will, particularly by assuming the responsibility in all areas, be able to consider itself independent and responsible for its procedures.

Of Article 33

The Article contains penal provisions.

Of Articles 34 – 37

The Articles contain transitional and final provisions and provide for the date of coming of this Act into effect.