PROPOSAL OF
THE MIDWIFERY ACT
WITH FINAL PROPOSAL OF THE ACT

Zagreb, September 2008
I. CONSTITUTIONAL GROUNDS FOR ENACTMENT OF THE ACT

Constitutional grounds for enactment of this Act are contained in provision of Article 2, paragraph 4, the Constitution of the Republic of Croatia.

II. ASSESSMENT OF THE STATUS AND FUNDAMENTAL ISSUES TO BE REGULATED BY THE ACT AND THE IMPACT OF THE ENACTED ACT

Midwifes are a professional affiliation in the healthcare of the Republic of Croatia. Their activity in hospital care system includes provision of around-the-clock care to women during pregnancy, labor and the post-partum period, and to their newborn babies, as well as different diagnostic and therapeutic interventions, constant monitoring and assessment of the condition of women during pregnancy, labor and the post-partum period, and their newborn babies, and timely referring to the doctor on all changes. Due to its specific nature and significance, practising midwifery essentially influences the efficacy and quality of medical care in the Republic of Croatia.

According to data of the Midwifery Vocational Class, the Croatian Midwifery Chamber, 1760 midwifes are registered.

The work of midwifes as members of a professional affiliation in the medical care system has not been adequately regulated by law, except in certain provisions of the Healthcare Act (‘‘Official Gazette’’ No: : 121/03, 44/05, 48/05 and 85/06) , which regulates the activity of midwifes within the team for primary medical care.

The complete activity of midwifes in the Republic of Croatia was so far based on «the common laws and duties of a midwife », on personal judgements regarding the need for implementing certain interventions, on different approaches to standards of the technical administration of interventions, on undetermined competencies and on the scope of work in general, on the «will and attitudes» of superior doctors and, most importantly, on the lack of registered administered interventions being the basic element of protecting the user of midwifery care, assessment of the quality and efficiency and personal responsibility for everything that has been or has not been carried out.

‘Health for All’ is a global objective proclaimed by acts of the World Health Organisation. Midwifery as a vocation tends to offers its best in order to achieve the proclaimed world and social objective, on both local and global levels. In order to enable midwifes to mobilise all their potentials in a most efficient way, and with maximum protection of the population needing and receiving their care, their activity must be based on rules regulated by law.

Hence, enactment of a law which will regulate the activity of midwifes, the standard of their education and terms for pursuing their activity appears essential.

Furthermore, the enactment of the proposed law will enable the alignment of the national legislation with acquis communautaire. Midwifery is regulated by special laws in most West-European EU Member States. Certain countries have passed this act as a prerequisite for accessing
the European Community.

- Law proposal regulates the content and the manner of pursuing the activity of midwives – healthcare workers whose activity is an integral part of the healthcare activity of interest for the Republic of Croatia.

As per the proposed law, midwifery includes all procedures, knowledge and skills of a midwife. When engaging in the practice of midwifery, a midwife is obligated to apply her best professional knowledge, observing principles of patients’ rights, ethical and expert principles intended to protect the health of the population, and each patient personally.

The proposed legislative solution is complementary with the definition of midwifery care as the basic and important element of practising midwifery, as defined by the World Health Organization, stating that midwifery is an integral part of the overall healthcare, that it and includes promotion of health, prevention of diseases, detection of pathological conditions of the mother and the child, and provision of medical aid and first aid in case of absence of a doctor on all levels of medical care.

As per the proposed law, midwifery is pursued by midwives on the basis of the knowledge and skills acquired through tuition plan and program of secondary schools and higher education institutes, stemming from natural and humanistic sciences.

The situation in the overall education of midwives primarily requires harmonisation of plan and programme in secondary schools and higher education institutes, for the purpose of ensuring professional vertical and possibility to get the highest level of education.

In the atmosphere of scientific and technical development of the healthcare activity, when needs of the population are changing and when spending lesser time in hospitals is becoming a trends, midwives should get additional and permanent education same as all other healthcare workers. Knowledge acquired through regular schooling cannot satisfy the anticipated level of quality and efficiency.

- The proposed law also regulates the terms for pursuing midwifery.

Midwife – assistant who earned basic education for midwives – assistants can engage in the practice of midwifery only under supervision. Work of a midwife-assistant can be supervised by a midwife with a licence to practice or by a doctor, a specialist in gynaecology and an obstetrician.

Head of the midwifery team can be a midwife with higher education/qualifications who has been registered in the register of the Croatian Midwifery Association and was granted the licence to practice.

Midwifery is pursued by a midwife as team member (member of the healthcare team in primary medical care, team member in hospital healthcare), who has been registered in the register of the Croatian Midwifery Association and was granted the licence to practice.

Midwife, who has earned minimally the basic education in midwifery, finished internship and passed the state exam, has the right to register.

Terms of finished internship and state exam taken do not refer to nationals of EU Member States.

Midwife with higher education/qualifications who has been registered in the register of the Croatian Midwifery Association and was granted the licence to practice has the right of practice.
Midwife-assistant who has been registered in the register of the Croatian Midwifery Association and was granted the licence to practice has the right of practice.

Licence to practice shall be granted by the Croatian Midwifery Chamber to a midwife who has been registered in the register of the Croatian Midwifery Association.

Midwife can pursue the activity only within the framework of her education and additional training determined by licence to practice.

Licence to practice shall be renewed every 6 years.

By comparison with the terms for pursuing midwifery, the law proposal contains specific guidelines for nationals of EU Member States. The European Parliament and the Council of European Union have adopted the Directive 2005/36 on September 7, 2005 on recognition of professional qualifications. The said Directive includes solutions from the Treaty on establishing the European Community on abolition of obstacles to the free movement of persons and services. For nationals of EU Member States, this includes, in particular, the right of pursuing a profession, in a self-employed or employed capacity, in a Member State other than the one in which they have obtained their professional qualifications.

Directive 2005/36 guarantees to persons having acquired their professional qualifications in a Member State to have access to the same profession and pursue it in another Member State with the same rights as nationals. The objective of this Directive is to upgrade the rules of the current systems of recognizing qualifications in light of experiences, and simultaneously maintaining the principles and guarantees of freedom of establishment that are incorporated into these systems.

Directive shall apply to nationals of the Member States who wish to pursue a certain regulated profession, in a self-employed or employed capacity, in a Member State other than the one in which they have acquired their professional qualifications. Regulated profession means professional activity where access to and pursuing this activity, that is, the manner of pursuing this activity on the basis of adequate regulations, is directly or indirectly contingent upon possession of certain expert qualifications.

Recognition of professional qualifications by Member States hosts to holders enables free access to a profession for which they acquired their professional qualifications in a home Member State, as well as pursuing it in another Member State with the same rights as nationals.

In line with the Directive, the training of midwives shall comprise at least the following: regular full-time training as a midwife comprising at least three years of theoretical and practical study, or specific regular full-time training as a midwife of 18 months' duration which was not the subject of equivalent training of nurses responsible for general care.

In line with the Directive, training as a midwife shall provide an assurance that the person in question has acquired the following knowledge and skills:

(a) adequate knowledge of the sciences on which the activities of midwives are based, particularly obstetrics and gynecology;

(b) adequate knowledge of the ethics of the profession and the professional legislation;

(c) detailed knowledge of biological functions, anatomy and physiology in the field of obstetrics and of the newly born, and also a knowledge of the relationship between the state of health and the physical and social environment of the human being, and of his behavior;

(d) adequate clinical experience gained in approved institutions under the supervision of staff.
qualified in midwifery and obstetrics;

(e) adequate understanding of the training of health personnel and experience of working with such.

For the purpose of abolishing the obstacles for freedom of movement for persons and services between EU Member States, this law proposal regulates that pursued internship and taken state exam as conditions for pursuing midwifery do not refer to nationals of EU Member States. The stipulated provision should become effective on the day the Republic of Croatia accesses the European Union.

- Law proposal also determines the duties of midwives in pursuing the activity, their responsibilities, and defines professional malpractice. It regulates the jurisdiction of disciplinary bodies of the Croatian Midwifery Chamber for determining liability and pronouncing disciplinary measures due to professional malpractice of a midwife.
- Law proposal specially regulates the implementation of quality control in midwifery. Quality control in midwifery especially includes: plan for practising midwifery, administration of midwifery interventions, results of practising midwifery and influence of midwifery to the status of patient’s health. Quality control would be carried out by specially educated midwives as members of a team appointed by the employer in cooperation with the Ministry of Health and Social Welfare and the Croatian Midwifery Chamber.
- Draft of the law proposal regulates professional supervision in midwifery. Manner and conditions for implementing the stipulated supervision would be prescribed by the Croatian Midwifery Chamber, with consent of the minister in charge of healthcare. The said supervision would be conducted by the Croatian Midwifery Chamber.
- Law proposal also contains provisions on pursuing private practice in midwifery. Private practice could be pursued only by a midwife who earned a higher education/qualifications and holds a licence to practice issued by the Croatian Midwifery Chamber. Provisions of the Healthcare Act would apply to the establishment, temporary suspension and shut-down of personal practice in midwifery.

- This law proposal regulates also the founding of the Croatian Midwifery Chamber as an independent vocational organisation functioning as legal entity and having public powers. The objective of founding the Croatian Midwifery Chamber as an independent vocational organisation of midwives is promoting, representing and harmonising the interests of midwives, as well as care for scrupulous, responsible and legal pursuance of midwifery. The proposal regulates mandatory registration of midwives with the Croatian Midwifery Chamber.

III. ASSESSMENT AND SOURCES OF NECESSARY FUNDS TO IMPLEMENT THE LAW

The starting point for laying the base of this law proposal is the effort to have as minimum expenditures from state budget as possible. Resources still required refer to costs of founding the Croatian Midwifery Chamber, paying office space and salary for one professionally employed person over the first year of operation. The Chamber shall be financed from the membership fee afterwards.
Required resources for the implementation of this law, which include founding the Croatian Midwifery Chamber, amount to HRK 140,000.00 for the first year of operation.

For implementing regular professional supervision of the work of midwives through committees of the Chamber as public power of the Chamber, including approximately 10 regular and 5 extraordinary supervisions annually, approximately HRK 20,000.00 is required on annual basis from the state budget.

Resources from state budget would be planned each year, but not for the year 2008.

IV. PROPOSAL FOR URGENT ENACTMENT OF THE MIDWIFERY ACT

Due to the need for alignment of national legislation with regulations of the European Union in the field of regulating the midwifery profession, and in line with Article 161, the Standing Orders of the Croatian Parliament, urgent enactment of the Midwifery Act is proposed.

FINAL PROPOSAL OF THE MIDWIFERY ACT

I. INTRODUCTION

Article 1

This Act regulates the content and modus of pursuing midwifery, educational standard, conditions for pursuing the activity, duties, quality control and professional supervision over the work of midwives in the Republic of Croatia.

Provisions of this act that refer to midwives shall adequately apply to persons with the vocation of midwife-assistant and to persons holding a baccalaureus degree in midwifery.

Provisions of this law that refer to midwife-assistant and to a midwife holding a baccalaureus degree shall adequately apply to persons with the vocation of gynaecology-obstetrics midwife, midwife, registered nurse in midwifery, and registered nurse in gynaecology and obstetrics.
Article 2

Midwives are healthcare workers and their activity is an integral part of the healthcare activity of interest for the Republic of Croatia, and shall be pursued under the terms and in a manner prescribed by this Act.

II. MIDWIFERY

Article 3

As per the proposed law, this activity includes all procedures, knowledge and skills of a midwife. When pursuing the activity, a midwife shall be obligated to apply her best expert knowledge, observing principles of patients’ rights ethical and expert principles intended to protect the health of the population, and each patient personally.

Midwife shall be obligated to keep all data on the health condition of a patient confidential.

Article 4

Midwives pursue their activity on all levels of healthcare, in line with standards to be determined by standing orders issued by the minister in charge of health.

Midwives can pursue their activity outside the healthcare system, under terms set in Article 14, paragraph 2 hereof.

Article 5

Midwifery is a public activity and is subject to controlling the fulfilment of educational standards.

Article 6

Pursuing midwifery 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 in midwifery is acquired by successfully graduating from high school for midwives, in line with current regulations of the Republic of Croatia.
Article 8

Midwifery studies are a higher level of education for midwives and is deemed to be the continuation of education which ensures high level of education, in conformity with regulations on higher education institutes.

ADDITIONAL TRAINING OF MIDWIVES

Article 9

Additional training of midwives is conducted when the scope and the complexity of work and anticipated results require additional education, that is, specialisation in certain field of medical care.

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

Article 10

Increased or changed complexity of work is determined on the basis of the content and type of actions and skills expected from a midwife on certain levels of medical care, and are related to changes in the needs of the population and patients for midwifery, new scientific discoveries and new diagnostic and therapeutic interventions.

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

Article 11

Additional training of midwives can be conducted in healthcare institutions or institutes for higher education.

PERMANENT PROFESSIONAL TRAINING

Article 12

Midwives shall be obligated to continuously update acquired knowledge and adopt new knowledge, in line with the latest achievements and discoveries in the field of midwifery.

Permanent professional training shall be conducted by participating in professional seminars, courses and conferences.

Content, terms and procedure of permanent professional training for midwives shall be determined by a by-law adopted by the Croatian Midwifery Chamber.

IV. TERMS FOR PURSUING MIDWIFERY

Article 13

Midwife – assistant who earned basic education for midwives – assistants can engage in the
practice of midwifery only under supervision in line with Article 7 hereof.

Midwife from paragraph 1, Article 7 shall engage in the practice of midwifery as midwife – assistant.

Work of a midwife-assistant can be supervised by a midwife with a licence to practice from Article 14, paragraph 1 hereof or by a doctor, a specialist in gynaecology and an obstetrician.

**Article 14.**

Head of the midwifery team shall be a midwife with higher education/qualifications who has been registered in the register of the Croatian Midwifery Association (hereinafter referred to as: the register) and was granted the licence to practice.

Midwifery is pursued by a midwife as team member (member of the healthcare team in primary medical care, team member in hospital healthcare), who has been registered in the register of the Croatian Midwifery Association and was granted the licence to practice.

Midwife, who has earned minimally the basic education in midwifery, finished internship and passed the state exam, has the right to register.

Terms of finished internship and taken state exam from paragraph 3 hereof, do not refer to nationals of EU Member States.

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

**Article 15**

Midwife with higher education/qualifications who has been registered in the register and was granted the licence to practice from Article 14, paragraph 1, hereof, has the right of practice.

Midwife-assistant who has been registered in the register and was granted the licence to practice from Article 14, paragraph 2, hereof, has the right of practicing.

Licence to practice shall be granted or denied to a midwife who has been registered in the register, by means of an administrative act adopted by the body determined by the Statute of the Croatian Midwifery Chamber.

Appealing against the administrative act from paragraph 3 hereof shall not be allowed. Administrative lawsuit shall be allowed.

Licence to practice is renewed every 6 years.

Terms for granting, renewal and revocation of the licence to practice shall be regulated a by-law adopted by the Croatian Midwifery Chamber.

Provisions from paragraphs 3 and 4 hereof shall apply to the procedure regarding the renewal and revocation of a licence to practice.

**V. MIDWIVES' DUTIES**

**Article 16**

The duties of a midwife shall be as follows:

– application of all available knowledge from the area of midwifery,
– application of problem-solving methods in midwifery practice that require analytical critical
approach skills,
– proceeding according to the set rules and protocols for conducting procedures in midwifery,
– implementation of midwifery care according the established plan,
– application, implementation and recording of local, peroral and parenteral therapy prescribed by a doctor,
– timely informing the doctor in the event of occurrence of complications of the administered therapy,
– implementation of procedures from the area of the protection of health and prevention of diseases,
– keeping midwifery documentation which records all implemented procedures over 24 hours,
– informing the doctor in a timely manner on the status of the patient, particularly on the change of health status,
– proceeding with the resuscitation procedure in the event of the doctor’s absence,
– keeping a professional secret,
– respecting the rights of the patients,
– respecting the Midwifery Code of Ethics,
– respecting the religious persuasion of the patients,
– cooperation with all team members,
– preserving the reputation of the institution (the employer),
– economical and efficient usage of medical instruments and equipment, and
– acting in the best interest of the patient.

Article 17

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

Midwife’s list referred to in paragraph 1 of this Article is a compilation of data used for the quality control of the planned and implemented midwifery activities.

The content and form of the midwife’s list at the proposal of the Croatian Chamber of Midwives shall be prescribed by the minister in charge of health.

SERIOUS NON-FULFILMENT OF DUTY

Article 18

A midwife shall fail to fulfil work duty seriously:
– when, due to negligence or ignorance, by proceeding improperly acts to the detriment of the health of the patient,
– when she/he changes the mode and content of the therapy prescribed by the doctor and
- when she/he intentionally causes material damage.

EXCEPTION FROM MIDWIFE’S RESPONSIBILITY

Article 19

A midwife shall not conduct procedures that are not in the area of her/his activity, and 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 doctor immediately.

Article 21

A midwife shall not be responsible for non-administered procedure in case when, despite the application of the 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 minimal standards for successful administering of midwifery care.

In the event that it is impossible to administer the prescribed procedure referred to in paragraph 1 of this Article, the midwife shall inform the supervisor to that effect immediately.

Article 22

A midwife shall be responsible for minor and serious non-fulfilment of duty prescribed by this Act and general acts of the Croatian Chamber of Midwives before disciplinary bodies of the Croatian Chamber of Midwives.

Disciplinary measures for minor and serious non-fulfilment of duty of a midwife shall be determined by the Croatian Chamber of Midwives.

VI. QUALITY CONTROL

Article 23

Quality control of performance of midwifery activity shall be implemented by a specially trained midwife as a member of the team appointed by the employer in cooperation with the ministry in charge of health and the Croatian Chamber of Midwives.

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

VII. PRIVATE PRACTICE

Article 24

Private practice may be performed only by a midwife with completed midwifery study who has an approval for independent work 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 the work of the midwife’s 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 harmonise the interests of midwives before state and other bodies in the Republic of Croatia and abroad. Midwives who perform their activities shall become members of the Chamber on the mandatory basis. The Chamber shall have its coat of arms, mark, seals and stamps. The seat of the Chamber shall be in Zagreb.

Article 26

The Chamber shall perform the following public authorities:
– keep the register of its members,
– issue, renew and revokes licences for independent work,
– perform expert supervision over the work of midwives.

The Chamber shall prescribe by a general act the manner and conditions under which expert supervision referred to in paragraph 1 subparagraph 3 of this Article is performed, with an approval of the minister in charge of health.

Article 27

In addition to public authorities referred to in Article 26 of this Act, the Chamber shall also perform the following activities:
1. pass the Midwifery Code of Ethics,
2. cooperate with the ministry in charge of health in all areas of interest for midwives and provide expert opinions in the preparation of regulations that impact the midwifery profession,
3. pass the content of the protocol for the plan and implementation of midwifery practice,
4. propose to the minister in charge of health the standards and norms for the midwifery practice,
5. identify the need, content and length of additional training programme for midwives,
6. pass a general act establishing the content, terms and procedures of continual professional development and checking the expertise of midwives,
7. propose to the minister in charge of health the content of the midwife’s list,
8. prescribes the manner and conditions under which expert supervision over the work of midwives is performed,
9. establish the lowest prices for the midwifery activity for midwives outside of the basic health care network,
10. establish the prices for the midwifery practice from the scope of voluntary health insurance,
11. perform expert supervision over the work of midwives,
12. identify the non-fulfilment of duty of midwives,
13. establish disciplinary measures for minor and serious non-fulfilment of duty of midwives,
14. conduct a disciplinary procedure and pronounce disciplinary measures for non-fulfilment of duty of midwives,
15. cooperate with health inspection of the ministry in charge of health,
16. represent the interests of midwives,
17. take care of legal aid to its members,
18. take care of other interests of its members,
19. coordinate public relations among members and actively participate in resolving an eventual disputes,
20. cooperate with the World Health Organisation and other international organisations of interest for midwifery,
21. perform other activities stipulated by this Act, the Statute and other enactments of the Chamber.

Article 28

The Chamber shall have a statute.
The Statute is the fundamental general act of the Chamber passed by the Assembly of the Chamber.
The Statute of the Chamber shall be approved by the minister in charge of health.
The Statute of the Chamber shall contain the following provisions: the name and the seat, the area in which the Chamber operates, internal organisation, the bodies of the Chamber, their composition, authorities, manner of decision-making, terms and manner of selection and recall, duration of the mandate and the responsibility of members, assets and disposal of prospective profits, manner of the acquisition of assets, attaining the public nature of the work of the Chamber, members and membership fee, the rights, obligations and disciplinary responsibility of the members, termination of the work of the Chamber and proceeding with assets in the event of the termination of the work of the Chamber.

Article 29

The founder of the Chamber is the Ministry of Health and Social Welfare and the Croatian Association of Midwives.

Article 30

The supervision over the legality of the work of the Chamber in performing its public authorities shall be conducted by the ministry in charge of health.

In implementing the supervision referred to in paragraph 1 of this Article, the ministry in charge of health may request relevant reports and data from the Chamber.
The Chamber shall submit the reports and data referred to in paragraph 2 of this Article to the minister in charge of health within 30 days or within the same period report on the reasons why it is not able to submit them.
The Chamber shall submit to the minister in charge of health an annual work report by 1 March of the following year for the previous year.

Article 31

The Chamber shall inform the ministry in charge of health, other state administration bodies and competent bodies of local and territorial (regional) self-government units, at its own initiative or at their request, on the status and problems in the midwifery profession and on the measures that
should be undertaken to improve the midwifery profession and to improve health protection of citizens.

The Chamber shall cooperate with state bodies and local and territorial (regional) self-government bodies in resolving the problems of the midwifery profession.

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

**Article 32**

To accomplish its goals and performing of duties, the Chamber shall acquire the funds:

– from enrolment fees,
– from membership fees,
– from other revenues collected through the activity of the Chamber.

The State budget of the Republic of Croatia shall provide for 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 public authorities.

**IX. PENAL PROVISIONS**

**Article 33**

A fine in the amount of HRK 3,000.00 to HRK 10,000.00 will be imposed for an offence of a midwife if she:

1. fails to fulfil the obligation of keeping the professional secret (Article 3 paragraph 3),
2. practices midwifery as a team leader or team member without being registered in the register (Article 14 paragraphs 1 and 2),
3. performs independent work without an approval for independent work (Article 15 paragraphs 1 and 2),
4. in case of impossibility to administer the prescribed procedure, fails to immediately inform the supervisor in writing (Article 21 paragraph 2),
5. makes expert supervision impossible or disrupts it (Article 26 paragraph 2),
6. fails to eliminate deficiencies identified through expert supervision.

**X. TRANSITIONAL AND FINAL PROVISIONS**

**Article 34**

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

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

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 the minister in charge of health is authorised by this Act shall be passed by the minister in charge of health within eight days after coming of this Act into force.

**Article 36**

Midwives with college education who performed midwifery activity the last ten years prior to coming of this Act into force may keep performing the activity provided that within two years they obtain the approval for independent work in accordance with this Act.

**Article 37**

This Act shall come into force on the eighth day after publication in 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**

**On Articles 1 – 2**

These Articles regulate the subject of the regulation of this Act, namely, the content and manner of work, education standard, conditions for performing the activity, duties, quality control
and expert supervision over the work of midwives in the Republic of Croatia.

Midwives are health workers and their activity is an integral part of health care 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 in the appropriate manner should also be applied to persons of the profession of midwife assistant and baccalaureus in midwifery (primaljski/a prvostupnik/ca).

The provisions of this Act pertaining to the midwife assistant and baccalaureus in midwifery are applied mutatis mutandis to the persons with the profession of gynaecological-obstetrics midwives, midwives who graduated from midwifery department, senior nurses from midwifery department and senior nurses from gynaecological-obstetrics department.

**On Articles 3 - 6**

These Articles regulate the midwifery activity. The midwifery activity includes all procedures, knowledge and skills of midwifery care. In performing her/his activity a midwife shall apply her/his 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.

**On Articles 7 – 8**

The minimal education standard stipulates that a midwife has to attain the basic education for the profession of midwives.

The midwifery study is a higher level of 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.

**On Articles 9 - 11**

The provisions of these Articles introduce the requirement of additional training, in the event that the scope and complexity of the activities of midwives 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 progress of medicine.

Continual education through a point system is becoming an important element for individual work relicensing, and this will surely motivate midwives to improve their professional expertise.

**On Articles 13 - 15**

The provisions of these Articles regulate the conditions for performing the midwifery activity. A midwife assistant who attained the basic education for midwife assistant may administer midwifery care only under supervision. Midwives referred to in paragraph 1 of this Article
administer midwifery care as midwife assistants. Supervision over the work of a midwife assistant can be performed by a midwife who has the right to a valid licence for independent work or a doctor - specialist of gynaecology and obstetrics.

The leader of a midwifery care team can be a midwife with university qualifications who is registered in the register of midwives in the Croatian Chamber of Midwives and who has been issued a licence for independent work.

Midwifery care administered by a member of the team (by a member of health team in primary health care, a member of the team in hospital health care) is implemented by a midwife who is registered in the register and who has been awarded a licence for independent work.

The right to entry into the register shall be exercised by a midwife who has attained at least the basic midwifery education, completed internship and who has passed the professional examination.

The requirements for the completed internship and passed professional examination do not pertain to citizens of the EU member states.

The right to independent work shall be exercised by a midwife with university qualifications who is registered in the register and who has been awarded an appropriate approval (licence) for independent work.

The right to independent work shall also be exercised by a midwife assistant who is registered in the register and who has been awarded a licence for independent work.

An approval (licence) for independent work of a midwife registered in the register shall be awarded by the Croatian Chamber of Midwives.

A midwife may perform the midwifery activity only within the framework of their education and additional training stipulated by the approval for independent work.

The approval for independent work shall be extended every six years.

On Articles 16 – 22

These Articles regulate basic duties of a midwife based on respecting professional, ethical, moral and legal principles in performing the activity.

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

On Article 23

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

On Article 24

Stipulates the requirements for performing private midwifery practice.

On 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 the establishment of the Chamber as a professional independent organisation of midwives is promoting, representing and harmonising of the interests of midwives, as well as control of conscientious, responsible and lawful work of midwives. The proposal provides for mandatory association of midwives into the Chamber.

The midwifery profession, via its Chamber, has the responsibility for the development of the knowledge and skills base. The role of the profession includes setting and recommending of the standards in the form of definitions, codes of ethics in behaviour, education/training and requirements of the service and a number of issues in the area of the midwifery profession and activity. Further, the profession has, by designing programmes of the improvement of knowledge, to advance the midwifery practice. This will promote the discussions on the desirable changes in legislation and assist state bodies in taking appropriate measures of general interest, but also in the interest of the profession. The activities have to be based on raised awareness among midwives and the sensitivity towards the general good and responsibility towards the public. The profession has to 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 or himself the need for personal professional responsibility. The profession will, particularly by assuming the responsibility in all areas, be able to consider itself independent and responsible for its procedures.

On Article 33

The Article contains penal provisions.

On Articles 34 - 37

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