

Senate Bill No. 501

(By Senators Karnes, Blair, Boley, Boso, Gaunch, D. Hall, Leonhardt, Mullins, Nohe and
Walters)

[Introduced February 17, 2015;

referred to the Committee on Health and Human Resources.]

A BILL to amend and reenact §16-5-1 of the Code of West Virginia, 1931, as amended; and to
amend said code by adding thereto a new section, designated §16-5-10a, all relating to
defining "midwife", "certified midwife" and "midwifery"; and requiring persons practicing
midwifery in the State of West Virginia to make an annual report to the Bureau for Public
Health as prescribed by the section of Vital Statistics.

Be it enacted by the Legislature of West Virginia:

That §16-5-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted;
and that said code be amended by adding thereto a new section, designated §16-5-10a, all to read as
follows:

ARTICLE 5. VITAL STATISTICS.

§16-5-1. Definitions.

As used in this article, unless the context otherwise requires, the following terms have the
following meanings:

1 (1) “Bureau” means the Bureau for Public Health within the Department of Health and
2 Human Resources.

3 (2) “Certified professional midwife” means a person who has met the standards for
4 certification and is certified by the North American Registry of Midwives.

5 ~~(2)~~ (3) “Commissioner” means the Commissioner of the Bureau for Public Health within the
6 Department of Health and Human Resources.

7 ~~(3)~~ (4) "Date of filing" means the date a vital record is accepted for registration by the section
8 of vital statistics of the state Bureau for Public Health.

9 ~~(4)~~ (5) "Dead body" means a human body or parts of a human body or bones from the
10 condition of which it reasonably may be concluded that death occurred.

11 ~~(5)~~ (6) “Department” means the Department of Health and Human Resources.

12 ~~(6)~~ (7) "Deputy local registrar" means a person appointed by and working under the
13 supervision of a local registrar in the discharge of the vital statistics functions specified to be
14 performed in and for the county or other district of the local registrar.

15 ~~(7)~~ (8) "Fetal death" means death prior to the complete expulsion or extraction from its
16 mother of a product of human conception, irrespective of the duration of pregnancy and which is not
17 an induced termination of pregnancy, such death being indicated by the fact that after such expulsion
18 or extraction the fetus does not breathe or show any other evidence of life such as beating of the
19 heart, pulsation of the umbilical cord or definite movement of voluntary muscles.

20 ~~(8)~~ (9) "Filing" means the presentation and acceptance of a vital record or report provided
21 in this article for registration by the section of vital statistics of the state Bureau for Public Health.

22 ~~(9)~~ (10) "Final disposition" means the burial, interment, cremation, removal from the state,

1 or other authorized disposition of a dead body or fetus.

2 ~~(10)~~ (11) "Induced termination of pregnancy" means the purposeful interruption of an
3 intrauterine pregnancy with the intention other than to produce a live-born infant, and which does
4 not result in live birth. The definition excludes management of prolonged retention of products of
5 conception following fetal death.

6 ~~(11)~~ (12) "Institution" means any establishment, public or private, which provides inpatient
7 or outpatient medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary
8 care to two or more unrelated individuals or to which persons are committed by law.

9 ~~(12)~~ (13) "Licensed health professional" means an individual who is licensed by the State of
10 West Virginia to practice a health profession.

11 ~~(13)~~ (14) "Live birth" means the complete expulsion or extraction from its mother of a
12 product of human conception, irrespective of the duration of pregnancy, which, after such expulsion
13 or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of
14 the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has
15 been cut or the placenta is attached.

16 ~~(14)~~ (15) "Local registrar" means the person appointed by the state Registrar of Vital
17 Statistics for a county or other district to perform the vital statistics functions specified to be
18 performed in and for the county or other district.

19 (16) "Midwife" means a person who assists in the management and care of a woman and her
20 infant during the prenatal, delivery and postnatal periods. No physician, hospital, emergency room
21 personnel, emergency medical technician or ambulance personnel shall be liable in any civil action
22 arising out of any injury resulting from an act or omission of a midwife, even if the health care

1 provider has consulted with or accepted a referral from the midwife. A physician who consults with
2 a midwife but who does not examine or treat a client of the midwife shall not be deemed to have
3 created a physician-patient relationship with such client.

4 (17) "Midwifery" means the practice of performing the service of a midwife for a fee or
5 compensation. The practice of midwifery shall not be subject to the provisions of section ten, article
6 three, chapter thirty; section fourteen, article seven, chapter thirty; and section eight, article fifteen,
7 chapter thirty of the West Virginia Code.

8 ~~(15)~~ (18) "Physician" means a person licensed to practice medicine or osteopathy pursuant
9 to the laws of this state.

10 ~~(16)~~ (19) "Registration" means the process by which vital records are completed, filed and
11 incorporated into the official records of the section of vital statistics.

12 ~~(17)~~ (20) "Research" means a systematic investigation designed primarily to develop or
13 contribute to general knowledge.

14 ~~(18)~~ (21) "System of vital statistics" means the registration, collection, preservation,
15 amendment, certification of vital records, the collection of other reports required by this article, and
16 related activities, including, but not limited to, the tabulation, analysis, publication and dissemination
17 of vital statistics.

18 ~~(19)~~ (22) "Vital records" means certificates or reports and data related to birth, death, and
19 marriage, including divorce, dissolution of marriage, and annulment.

20 ~~(20)~~ (23) "Vital reports" means reports and related data designated in this article and in rules.

21 ~~(21)~~ (24) "Vital statistics" means the data derived from certificates and reports of birth,
22 death, fetal death, marriage, divorce, annulment and related records and reports.

1 **§16-5-10a. Midwifery Birth activity reports.**

2 Persons practicing midwifery in the State of West Virginia shall report to the bureau annually
3 in a manner and form prescribed by the Section of Vital Statistics. The report shall be submitted by
4 January 31 of each year and shall include all of the following:

5 (1) The persons name, tax identification number, and amount of liability insurance coverage,
6 if any;

7 (2) The calendar year being reported;

8 (3) The total number of clients served;

9 (4) The total number and county of live births attended as a primary caregiver;

10 (5) The total number and county of stillbirths attended as a primary caregiver;

11 (6) The number of patients whose primary care was transferred to another health care
12 provider during the antepartum period and the reason for each transfer;

13 (7) The number, reason and outcome for each elective hospital transfer;

14 (8) The number, reason and outcome for each emergency transport of an expectant mother
15 prior to labor; and

16 (9) A brief description of any complications resulting in the mortality of a mother or an
17 infant.

NOTE: The purpose of this bill is to define "midwife", "certified midwife" and "midwifery"; and to require persons practicing midwifery in the State of West Virginia to make an annual report to the Bureau of Public Health as prescribed by the Section of Vital Statistics.

Strike-throughs indicate language that would be stricken from the present law, and

underscoring indicates new language that would be added.

§16-5-10a is new; therefore, it has been completely underscored.