

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 23

BY SENATORS KARNES AND RUCKER

[Introduced February 8, 2017; referred
to the Committee on Health and Human Resources]

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

Be it enacted by the Legislature of West Virginia:

1 That §16-5-1 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted; and that said code be amended by adding thereto a new section, designated §16-5-
 3 10a, all to read as follows:

ARTICLE 5. VITAL STATISTICS.

§16-5-1. Definitions.

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

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

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

7 ~~(2)~~ (3) “Commissioner” means the Commissioner of the Bureau for Public Health within
 8 the Department of Health and Human Resources.

9 ~~(3)~~ (4) “Date of filing” means the date a vital record is accepted for registration by the
 10 section of vital statistics of the state Bureau for Public Health.

11 ~~(4)~~ (5) “Dead body” means a human body or parts of a human body or bones from the
 12 condition of which it reasonably may be concluded that death occurred.

13 ~~(5)~~ (6) “Department” means the Department of Health and Human Resources.

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

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

22 ~~(8)~~ (9) "Filing" means the presentation and acceptance of a vital record or report provided
23 in this article for registration by the section of vital statistics of the state Bureau for Public Health.

24 ~~(9)~~ (10) "Final disposition" means the burial, interment, cremation, removal from the state,
25 or other authorized disposition of a dead body or fetus.

26 ~~(10)~~ (11) "Induced termination of pregnancy" means the purposeful interruption of an
27 intrauterine pregnancy with the intention other than to produce a live-born infant, and which does
28 not result in live birth. The definition excludes management of prolonged retention of products of
29 conception following fetal death.

30 ~~(11)~~ (12) "Institution" means any establishment, public or private, which provides inpatient
31 or outpatient medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary
32 care to two or more unrelated individuals or to which persons are committed by law.

33 ~~(12)~~ (13) "Licensed health professional" means an individual who is licensed by the State
34 of West Virginia to practice a health profession.

35 ~~(13)~~ (14) "Live birth" means the complete expulsion or extraction from its mother of a
36 product of human conception, irrespective of the duration of pregnancy, which, after such
37 expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart,

38 pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the
39 umbilical cord has been cut or the placenta is attached.

40 ~~(14)~~ (15) "Local registrar" means the person appointed by the State Registrar of Vital
41 Statistics for a county or other district to perform the vital statistics functions specified to be
42 performed in and for the county or other district.

43 (16) "Midwife" means a person who assists in the management and care of a woman and
44 her infant during the prenatal, delivery and postnatal periods. No physician, hospital, emergency
45 room personnel, emergency medical technician or ambulance personnel shall be liable in any civil
46 action arising out of any injury resulting from an act or omission of a midwife, even if the health
47 care provider has consulted with or accepted a referral from the midwife. A physician who
48 consults with a midwife but who does not examine or treat a client of the midwife shall not be
49 deemed to have created a physician-patient relationship with such client.

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

54 ~~(15)~~ (18) "Physician" means a person licensed to practice medicine or osteopathy
55 pursuant to the laws of this state.

56 ~~(16)~~ (19) "Registration" means the process by which vital records are completed, filed and
57 incorporated into the official records of the section of vital statistics.

58 ~~(17)~~ (20) "Research" means a systematic investigation designed primarily to develop or
59 contribute to general knowledge.

60 ~~(18)~~ (21) "System of vital statistics" means the registration, collection, preservation,
61 amendment, certification of vital records, the collection of other reports required by this article,

62 and related activities, including, but not limited to, the tabulation, analysis, publication and
63 dissemination of vital statistics.

64 ~~(19)~~ (22) "Vital records" means certificates or reports and data related to birth, death, and
65 marriage, including divorce, dissolution of marriage, and annulment.

66 ~~(20)~~ (23) "Vital reports" means reports and related data designated in this article and in
67 rules.

68 ~~(21)~~ (24) "Vital statistics" means the data derived from certificates and reports of birth,
69 death, fetal death, marriage, divorce, annulment and related records and reports.

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

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

4 (1) The person's name, tax identification number, and amount of liability insurance
5 coverage, if any;

6 (2) The calendar year being reported;

7 (3) The total number of clients served;

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

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

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

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

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

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

NOTE: The purpose of this bill is to define "midwife," "certified midwife" and "midwifery."
The bill requires midwives to make an annual report to the Bureau of Public Health.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.