

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2174

By Delegate Worrell

[Originating in the Subcommittee on Health Care
Regulation; Reported on February 19, 2025]

1 A BILL to amend and reenact §16B-20-1, of the Code of West Virginia, 1931, as amended; and to
2 repeal §16B-20-2, §16B-20-3, §16B-20-4 and §16B-20-5, relating to the licensure of
3 birthing centers.

Be it enacted by the Legislature of West Virginia:

ARTICLE 20. BIRTHING CENTERS.

§16B-20-1. Definitions.

1 For the purpose of this article:

2 On July 1, 2025, a "birthing center" means defined as a type of facility which is a building,
3 house or the equivalent organized to provide facilities and staff to support a birthing service for
4 pregnant clients, is not subject to the licensure requirements of the Office of Health Facility
5 Licensure and Certification.

6 "~~Director~~" means the director of the Office of Health Facility Licensure and Certification or
7 his or her designee.

8 "~~Inspector General~~" means the Inspector General of the Office of the Inspector General as
9 described in §16B-2-1 of this code, or his or her designee.

10 "~~Office of Health Facilities Licensure and Certification~~" means the West Virginia Office of
11 Health Facility Licensure and Certification within the Office of the Inspector General.

§16B-20-2. Birthing centers to obtain license, application, fees, suspension, or revocation.

1 The Inspector General designates the director of the Office of Health Facilities Licensure
2 and Certification to enforce the provisions of this article, except as otherwise stated.

3 No person, partnership, association, or corporation, or any local governmental unit or any
4 division, department, board or agency thereof may operate a birthing center unless such operation
5 shall have been approved and licensed by the director in accordance with the provisions of this
6 article and the rules and regulations lawfully promulgated hereunder provided that all birthing
7 centers which are in operation or which have received a certificate of need valid as of the date of
8 passage of this act shall be deemed to have been so approved and shall be issued a license within

9 ~~30 days of passage of this act.~~

10 ~~Any person, partnership, association or corporation, or any local governmental unit or any~~
11 ~~division, department, board, or agency thereof desiring a license hereunder shall file with the~~
12 ~~director an application in such form as the director shall prescribe and furnish accompanied by a~~
13 ~~fee of \$10. Information received by the director under the provisions of this section shall be~~
14 ~~confidential. The director is authorized to issue licenses for the operation of birthing centers which~~
15 ~~are found to comply with the provisions of this article and with all rules and regulations~~
16 ~~promulgated by the Inspector General. The license issued shall not be transferred or assignable.~~
17 ~~The director, in consultation with the Inspector General, is authorized to suspend or revoke a~~
18 ~~license issued hereunder if the provisions of this article or of the rules and regulations are violated.~~

19 ~~Before any such license is suspended or revoked, however, written notice shall be given~~
20 ~~the licensee, stating the grounds of the complaint, and the date, time and place set for the hearing~~
21 ~~on the complaint, which date shall not be less than 30 days from the time notice is given. Such~~
22 ~~notice shall be sent by registered mail to the licensee at the address where the institution~~
23 ~~concerned is located. The licensee shall be entitled to be represented by legal counsel at the~~
24 ~~hearing.~~

25 ~~If a license is revoked as herein provided, a new application for a license shall be~~
26 ~~considered by the director if, when and after, the conditions upon which revocation was based~~
27 ~~have been corrected and evidence of this fact has been furnished. A new license shall then be~~
28 ~~granted after proper inspection has been made and all provisions of this article and rules and~~
29 ~~regulations promulgated hereunder have been satisfied.~~

30 ~~All of the pertinent provisions of §29A-5-1 of this code shall apply to and govern any~~
31 ~~hearing authorized and required by the provisions of this article and the administrative procedure~~
32 ~~in connection with and following any such hearing, with like effect as if the provisions of said article~~
33 ~~five were set forth in extenso in this section.~~

34 ~~The West Virginia Intermediate Court of Appeals shall have the power to affirm, modify or~~

35 ~~reverse the decision of the Board of Review and either the applicant or licensee or the Office of~~
36 ~~Inspector General may appeal from the court's decision to the Supreme Court of Appeals. Pending~~
37 ~~the final disposition of the matter the status quo of the applicant or licensee shall be preserved.~~

38 ~~Any applicant or licensee who is dissatisfied with the decision of the Board of Review as a~~
39 ~~result of the hearing provided in this section may, within 30 days after receiving notice of the~~
40 ~~decision, appeal to the West Virginia Intermediate Court of Appeals for judicial review of the~~
41 ~~decision.~~

42 ~~[Repealed]~~

**§16B-20-3. Inspector General to establish rules and regulations; legislative findings;
emergency filing.**

1 ~~The Inspector General shall promulgate rules and regulations not in conflict with any~~
2 ~~provision of this article, as he or she finds necessary in order to ensure adequate care and~~
3 ~~accommodations for consumers of birthing centers. In promulgating such regulations the~~
4 ~~Inspector General shall be limited to simple, necessary provisions which shall not have the effect~~
5 ~~of hampering the development and licensure of birthing centers. Such regulations shall not~~
6 ~~address acceptable site characteristics such as the number of minutes of travel time between a~~
7 ~~birthing center and a hospital, or physical environment, such as acceptable levels of temperature~~
8 ~~of any refrigerator found in a birthing center, or clinical equipment, such as the number and kind of~~
9 ~~clocks which a birthing center must have on the premises. Such regulations shall require that all~~
10 ~~birthing centers submit satisfactory evidence that the center has implemented the paternity~~
11 ~~program created pursuant to §16B-3-13 of this code along with any application for licensure.~~

12 ~~The Legislature hereby finds and declares that it is in the public interest to encourage the~~
13 ~~development of birthing centers for the purpose of providing an alternative method of birth and~~
14 ~~therefore, in order to provide for the licensing of such birthing centers to prevent substantial harm~~
15 ~~to the public interest because of preexisting delay, within 60 days of passage of this article, the~~
16 ~~Inspector General shall proceed to promulgate such rules and regulations under the provisions of~~

17 ~~§29A-3-15 of this code.~~

18 [Repealed]

§16B-20-4. Insurance.

1 ~~Not later than July 1, 1983, every policy or contract of individual accident and sickness~~
2 ~~insurance covered under the provision of §33-15-1 et seq. of this code, or policy or contract of~~
3 ~~group accident and sickness insurance covered under the provisions of §33-16-1 et seq. of this~~
4 ~~code, including, but not limited to, any subscriber contract issued by a corporation organized~~
5 ~~pursuant to §33-24-1 et seq. of this code, shall include benefits to all subscribers and members for~~
6 ~~birthing center service charges, and for care rendered therein by a licensed nurse midwife or~~
7 ~~midwife as this occupation is defined in §30-15-1 et seq. of this code, and which care is within the~~
8 ~~scope of duties for such licensed nurse midwife or midwife as permitted by the provisions of §30-~~
9 ~~15-7 of this code.~~

10 [Repealed]

§16B-20-5. Violations; penalties; injunction.

1 ~~Any person, partnership, association or corporation, and any local governmental unit or~~
2 ~~any division, department, board, or agency thereof establishing, conducting, managing or~~
3 ~~operating a birthing center without first obtaining a license therefor as herein provided, or violating~~
4 ~~any provisions of this article or any rule or regulation lawfully promulgated thereunder, shall be~~
5 ~~guilty of a misdemeanor, and, upon conviction thereof, shall be punished for the first offense by a~~
6 ~~fine of not more than \$100, or by imprisonment in the county jail for a period of not more than 90~~
7 ~~days, or by both such fine and imprisonment, in the discretion of the court. For each subsequent~~
8 ~~offense the fine may be increased to not more than \$500, with imprisonment in the county jail for a~~
9 ~~period of not more than 90 days, or both such fine and imprisonment, in the discretion of the court.~~
10 ~~Each day of a continuing violation after conviction shall be considered a separate offense.~~

11 ~~Notwithstanding the existence or pursuit of any other remedy, the Inspector General may,~~

12 ~~in the manner provided by law, maintain an action in the name of the state for an injunction against~~
13 ~~any person, partnership, association, corporation, or any local governmental unit, or any division,~~
14 ~~department, board or agency thereof, to restrain or prevent the establishment, conduct,~~
15 ~~management or operation of any birthing center without first obtaining a license therefor in the~~
16 ~~manner hereinbefore provided.~~

17 [Repealed]

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