

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5501**

By Delegates Young and Hamilton

[Introduced February 13, 2026; referred to the Committee on  
Health and Human Resources then Government  
Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §30-  
 2 44-1, §30-44-2, §30-44-3, §30-44-4, §30-44-5, §30-44-6, §30-44-7, §30-44-8, §30-44-9, §30-44-  
 3 10, §30-44-11, §30-44-12, §30-44-13, §30-44-14, and §30-44-15, relating to create and regulate  
 4 the certified professional midwife; licensing and regulation; and definitions.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE. 44. CERTIFIED PROFESSIONAL MIDWIFE LICENSING AND REGULATION.**

**§30-44-1. Definitions.**

1 "Administer" means the direct provision of a prescription drug or device, whether by injection,  
 2 ingestion, or any other means, to the body of a client.

3 "Client" means a person receiving midwife care and shall be considered synonymous with  
 4 "patient."

5 "Collaboration" means the process by which a licensed midwife and an appropriate obstetrical  
 6 provider jointly manage the care of a client.

7 "Consultation" means discussing the aspects of an individual client's circumstance with other  
 8 professionals for the purpose of adjusting the client's treatment plan.

9 "CPM" means the Certified Professional Midwife credential issued by the North American Registry  
 10 of Midwives (NARM).

11 "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d et  
 12 seq.

13 "Licensing Authority" means the state agency, board, commission, or department designated by  
 14 the Legislature or otherwise designated by the law to administer, license, regulate, and discipline  
 15 Licensed Midwives under this article.

16 "LM" means Licensed Midwife

17 "MEAC" means the Midwifery Education Accreditation Council.

18 "Midwife" means any person who provides primary maternity care by affirmative act or conduct  
 19 prior to, during, and subsequent to childbirth, and who is not licensed as a doctor of medicine or

20 osteopathy or certified nurse-midwife;

21 "Midwife Care" means providing primary maternity care that is consistent with NARM standards  
22 and NACPM practice guidelines.

23 "NACPM" means the National Association of Certified Professional Midwives.

24 "NARM" means the North American Registry of Midwives.

25 "Referral" means the process by which a licensed midwife arranges for an accepting obstetrical  
26 provider to assume primary responsibility for the condition requiring referral, which shall not preclude the  
27 licensed midwife from continuing in the provision of care as mutually agreed upon with the accepting  
28 provider.

29 "Transfer" means the act of transporting a client to a licensed healthcare facility providing a higher  
30 level of care.

**§30-44-2. License requirements.**

1 (a) The Licensing Authority shall issue a license to practice midwifery to an applicant who meets  
2 the following requirements:

3 (1) Is at least 18 years of age;

4 (2) Has achieved a high school diploma or the equivalent thereof;

5 (3) Has a current Certified Professional Midwife credential issued by NARM or a successor  
6 organization;

7 (4) Has completed one of the following educational pathways: graduation from a Midwifery  
8 Education Accreditation Council (MEAC) accredited midwifery program, or completion of the portfolio  
9 evaluation process with a midwifery bridge certificate granted by the North American Registry of Midwives  
10 (NARM); and

11 (5) Has filed with the Licensing Authority an application as established by the Licensing Authority,  
12 demonstrating that they have met the qualifications outlined in this section, and paid an application fee, as  
13 established by the Licensing Authority, not to exceed \$500.

14 (b) If the applicant has been licensed in another jurisdiction, they shall provide information on the

15 status of each license and any disciplinary action taken or pending.

16 (c) An applicant who meets the requirements of §30-44-2 of this code shall be issued a license to  
17 practice as an LM. The license shall be issued for two years from the date of initial licensure and may be  
18 renewed pursuant to §30-44-3 of this code.

**§30-44-3. License renewal and reinstatement.**

1 (a) A license to practice as a licensed midwife may be renewed by completing the licensure  
2 renewal application for a licensed midwife and paying the fee established in §30-44-2 of this code. The  
3 licensing authority may deny an application for renewal for any reason which would justify the denial of an  
4 original application. The licensed midwife shall provide evidence of current certification with NARM at the  
5 time of renewal. Renewal applicants shall provide proof of participation in data submission on perinatal  
6 outcomes to a national or state midwifery data registry or professional organization, in a manner  
7 consistent with the requirements established by the licensing authority by rule. Upon approval of the  
8 renewal application for a licensed midwife, the license shall be renewed for two years.

9 (b) If the licensed midwife license has lapsed, an applicant may file the application for licensure as  
10 a licensed midwife to request reinstatement and pay the fee established in §30-44-2 of this code. The  
11 licensed midwife shall provide evidence of current certification with NARM at the time of application for  
12 reinstatement.

13 (c) A licensed midwife whose license has been suspended may apply for reinstatement upon the  
14 expiration of the suspension period by:

- 15 (1) Submitting a reinstatement application;
- 16 (2) Providing proof of compliance with any terms or conditions of the suspension order;
- 17 (3) Demonstrating current certification with NARM; and
- 18 (4) Paying the reinstatement fee established by the Licensing Authority, not to exceed \$500.

19 (d) A licensed midwife whose license has been revoked may apply for reinstatement after a  
20 minimum of one year by:

- 21 (1) Submitting a reinstatement application to the Licensing Authority;

22 (2) Demonstrating evidence of rehabilitation, including completion of any required corrective  
23 actions specified in the revocation order;

24 (3) Providing proof of current certification with NARM; and

25 (4) Paying the reinstatement fee established by the Licensing Authority, not to exceed \$500).

26 (e) The Licensing Authority may expedite reinstatement applications for suspensions or  
27 revocations if the applicant demonstrates urgency in returning to practice due to critical community needs  
28 or exceptional circumstances.

**§30-44-4. Contents of license.**

1 Each license issued by the Licensing Authority shall bear the:

2 (1) Serial number;

3 (2) Full name of the applicant;

4 (3) Date of expiration;

5 (4) Date of issuance;

6 (5) Title of the Licensing Authority; and

7 (6) Signature of an authorized representative of the Licensing Authority. §30-44-5. Use of title.

8 An individual licensed by the licensing authority as a licensed midwife pursuant to the provisions of  
9 this article shall be known as a licensed midwife in the state of West Virginia, and may use the initials "LM"  
10 after his or her name. No other person may assume a title or use abbreviations or any other words, letters,  
11 figures, signs, or devices to indicate that the person using the same is a licensed midwife.

**§30-44-6. Denial, revocation, or suspension of license; grounds for discipline.**

1 The Licensing Authority may deny, revoke, or suspend any license to provide midwife care issued  
2 or applied for in accordance with the provisions of this article, or to otherwise discipline a licensee or  
3 applicant upon proof that he or she:

4 (1) Is or was guilty of fraud or deceit in procuring or attempting to procure a license to provide  
5 midwife care; or

6 (2) Has been convicted of a felony; or



8 (4) Otherwise violate any provisions of this article.

9 (b) Upon conviction thereof, the person shall be fined no more than \$250.

**§30-44-9. Regulations for providing midwife care.**

1 The Licensing Authority shall propose and adopt rules necessary to implement this article. The  
2 rules shall be consistent with NACPM standards of practice and may not require a written agreement with  
3 another health care professional or require assessment by another health care professional as a condition  
4 of receiving midwife care services.

**§30-44-10. Medical tests, medications, and medical devices.**

1 A licensed midwife may order or request medical testing, obtain and administer medications, and  
2 obtain and use medical devices within the midwife’s scope of practice for providing midwife care.

3 The licensed midwife may not obtain or use any drug, in Schedule I through V of the Drug Control  
4 Act.

5 A licensed midwife may obtain medications and devices to treat conditions from entities including a  
6 pharmacy, or a manufacturer, medical equipment supplier, outsourcing facility, warehouser, or wholesale  
7 distributor.

8 An entity that provides a medication to a licensed midwife in accordance with this section, and who  
9 relies in good faith upon the license information provided by the licensed midwife is not subject to liability  
10 for providing the medication.

11 All medication administered must be documented in the client's medical record.

**§30-44-11. Licensed Midwife responsibilities.**

1 (a) Risk Assessment.

2 (1) Upon initiation of care, a licensed midwife shall review the client's medical history and identify  
3 indicators that require disclosure of risk for a planned out-of-hospital birth. If the client is under the care of  
4 a licensed healthcare professional for any chronic medical condition, the licensed midwife shall consult  
5 with an appropriate obstetrical healthcare provider as part of the risk assessment for evaluating  
6 appropriateness of birth outside of a hospital.

7 (2) The licensed midwife shall offer standard tests and screenings for evaluating risks and shall  
8 document client response to such recommendations. The licensed midwife shall continually assess the  
9 pregnant woman and baby to recognize conditions that may arise during care that require disclosure of  
10 risk for birth outside of a hospital.

11 (3) If, on initial or subsequent assessment, one of the conditions listed in this section exists for the  
12 client seeking midwife care, the licensed midwife shall consult with an appropriate obstetrical provider and  
13 shall consult, collaborate, or refer as appropriate and shall document that recommendation in the client  
14 record:

15 (A) Complete placenta previa;

16 (B) Partial placenta previa persisting after 32 weeks;

17 (C) HIV infection;

18 (D) Cardiovascular disease, including hypertension;

19 (E) Severe psychiatric illness;

20 (F) Pre-eclampsia or eclampsia;

21 (G) Intrauterine growth restriction;

22 (H) Known potentially serious anatomic fetal abnormalities;

23 (I) Any type of diabetes not controlled by diet and exercise;

24 (J) Labor prior to 37 weeks Substance use disorder with current or recent use; or

25 (K) Any other condition or symptom which may threaten the life of the client or fetus, as assessed  
26 by the licensed midwife exercising reasonable skill and knowledge.

27 (4) If a client with a condition listed in this section declines to accept an indicated consultation,  
28 collaboration, or referral, the licensed midwife shall document the refusal in writing. In addition, the  
29 licensed midwife shall refer the client to an appropriate provider and document the referral in writing,  
30 regardless of the client's refusal.

31 (b)-Transfers.

32 (1) Every licensed midwife shall have a written plan for emergency transfer, transport of an infant to

33 a newborn nursery or neonatal intensive care nursery, or transport of an individual to an appropriate  
34 obstetrical department or patient care area. Transport via private vehicle is an acceptable method of  
35 transport if it is the most expedient method for accessing medical services.

36 (2) When the maternal or fetal health status requires transfer to a health care facility for a higher  
37 level of care, the licensed midwife shall:

38 (A) Initiate immediate transport according to the written plan for emergency transfer;

39 (B) Provide emergency stabilization until emergency medical services arrive or transfer is  
40 completed; and, notify the receiving provider or hospital, if possible, of:

41 (i) The reason for the transfer;

42 (ii) A brief relevant clinical history; and

43 (iii) The expected time of arrival.

44 (3) The licensed midwife may continue to provide routine or urgent care in coordination with any  
45 emergency services personnel and may address the psychosocial needs of the client during the change of  
46 birth setting;

47 (c)- Medical Records.

48 (1) The licensed midwife shall maintain a record for each client. The record shall be complete and  
49 accurate. It shall document:

50 (A) The client's history;

51 (B) Physical examinations;

52 (C) Laboratory test results;

53 (D) Medications administered;

54 (E) Antepartum visits;

55 (F) Consultations, collaborations, and referrals;

56 (G) Labor and delivery;

57 (H) Postpartum visits; and

58 (I) Neonatal evaluations.

59 (2) The licensed midwife shall comply with all state and federal laws and regulations regarding the  
 60 confidentiality of the client's records such as pursuant to the Health Insurance Portability and  
 61 Accountability Act (HIPAA) of 1996, Pub.L. No. 104-191, 110 Stat. 1936.

62 (d) Newborn care.

63 The customary scope of care of a newborn up to six weeks of age by a licensed midwife includes,  
 64 but is not limited to clinical assessment, treatment, education, support, and referral.

**§30-44-12. Confidentiality**

1 A licensed midwife may not willfully or negligently breach the confidentiality between a licensed  
 2 midwife and a client. A breach of confidentiality that is required or permitted by applicable law or beyond  
 3 the control of the practitioner may not be considered negligent or willful.

**§30-44-13. Immunity.**

1 No person, other than the licensed midwife who provided care to the patient, may be liable for the  
 2 licensed midwife's negligent, grossly negligent, or willful and wanton acts or omissions.

**§30-44-14. Transitional provisions.**

1 (a) Any individual who, on the effective date of this article, holds a valid Certified Professional  
 2 Midwife (CPM) credential issued by the North American Registry of Midwives (NARM) and who is actively  
 3 engaged in the practice of midwifery in West Virginia is eligible for licensure under this article without  
 4 meeting additional educational or clinical requirements, provided that the individual:

5 (1) Submits an application for licensure to the Licensing Authority within 12 months of the effective  
 6 date of this article;

7 (2) Provides proof of current certification and good standing with NARM; and

8 (3) Pays the applicable application fee established by the Licensing Authority.

9 (b) After the expiration of the 12-month transition period, all applicants for licensure shall meet the  
 10 requirements established in §30-44-2 of this code.

11 (c) The Licensing Authority shall issue a provisional or temporary license to qualified applicants  
 12 pending final review of their complete application under timelines established by rule, provided that the

13 applicant meets all minimum qualifications and submits proof of current NARM certification.

14 (d) Nothing in this section may be construed to limit the authority of the Licensing Authority to deny  
15 or discipline an applicant for reasons enumerated in §30-44-6 of this code.

**§30-44-15. Client rights and informed refusal.**

1 (a) A client under the care of a licensed midwife retains the fundamental right to make decisions  
2 regarding her pregnancy, labor, birth, and newborn care, including the right to refuse recommended tests,  
3 treatments, procedures, or hospital transfer, consistent with §16-2S-2 of this code, which affirms the right of  
4 an individual to direct her own maternal health care, choose her birth setting, and decline any medical  
5 procedure.

6 (b) A licensed midwife shall provide full and accurate information about the benefits, risks, and  
7 alternatives associated with any recommended intervention or transfer and shall document the client’s  
8 decision and reasoning in the client’s medical record.

9 (c) A client’s informed refusal of a recommendation or transfer does not, by itself, constitute  
10 unprofessional conduct or negligence on the part of the licensed midwife, provided that the:

11 (1) Licensed midwife exercised reasonable skill and judgment;

12 (2) Client’s refusal was voluntary and informed; and

13 (3) Refusal and midwife’s counseling were fully documented.

14 (d) If, during labor or delivery, a new or acute condition arises that places the client or fetus in  
15 immediate jeopardy, the licensed midwife shall exercise professional judgment to initiate emergency care,  
16 including activating emergency medical services, regardless of prior refusals, and shall continue providing  
17 supportive care until an appropriate provider or facility assumes responsibility.

NOTE: The purpose of this bill is to create and regulate the certified professional midwife.

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