

# WEST VIRGINIA LEGISLATURE

## 2026 REGULAR SESSION

Introduced

### House Bill 5523

FISCAL  
NOTE

By Delegate Hamilton

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

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
 2 designated §16-29I-1, relating to establishing minimum requirements for discharge of  
 3 women in later stages of pregnancy from medical facilities; requiring an examination; and  
 4 providing that pregnancy related discharge instructions be provided

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

**ARTICLE 29I. PREGNANT WOMEN SAFETY AND HOSPITAL DISCHARGE PRACTICES.**

**§16-29I-1. Hospital discharge of women in late-term pregnancy.**

1 (a) Legislative findings. The Legislature finds that pregnant women who present to a  
 2 hospital, clinic, urgent care, or emergency department in the later stages of pregnancy may be at  
 3 imminent risk of delivery or serious pregnancy-related complications. The Legislature further finds  
 4 that discharging a woman who is clearly in the late stages of pregnancy without physician  
 5 evaluation and without clear instructions regarding the final stages of pregnancy creates an  
 6 unreasonable risk to the health and safety of the mother and child. The Legislature declares that  
 7 requiring physician or nurse midwife involvement prior to discharge and the provision of clear,  
 8 pregnancy-specific discharge instructions for women in the later stages of pregnancy will reduce  
 9 preventable emergencies, improve maternal and neonatal outcomes, and promote patient safety.

10 (b) Prior to discharging any pregnant woman who is determined to be in the later stages of  
 11 pregnancy, a hospital, clinic, urgent care, or emergency department licensed in this state shall  
 12 ensure that the patient is examined by a licensed physician or certified nurse midwife and provide  
 13 the patient, or the patient’s authorized representative, with written and verbal discharge  
 14 instructions.

15 (c) Discharge instructions provided pursuant to this section for a pregnant woman in the  
 16 later stages of pregnancy must include, at a minimum:

17 (1) Information regarding the expected progression of late-stage pregnancy;

- 18           (2) Signs and symptoms of labor and instructions regarding when to return to the hospital;  
19           (3) Warning signs of pregnancy-related emergencies, including but not limited to bleeding,  
20 severe pain, reduced fetal movement, elevated blood pressure symptoms, or rupture of  
21 membranes;  
22           (4) Instructions regarding activity, rest, and hydration;  
23           (5) Recommended obstetrical follow-up, including the timing of the next appointment; and  
24           (6) Contact information and instructions regarding when to seek immediate emergency  
25 care.  
26           (d) Discharge instructions provided to a pregnant woman shall be provided in language  
27 reasonably understandable to the patient are made available in an accessible format for patients  
28 with visual, hearing, or cognitive impairments and reviewed with the patient or authorized  
29 representative, with an opportunity to ask questions.  
30           (e) A hospital, clinic, urgent care, or emergency department shall document in the  
31 pregnant patient's medical record that discharge instructions were provided and reviewed, and  
32 that the patient or authorized representative acknowledged receipt of the instructions.  
33           (f) The Department of Health may propose legislative rules in accordance with §29A-3-1 et  
34 seq. of this code to implement and enforce the provisions of this section.

NOTE: The purpose of this bill is to assure that when women in the advanced stages of pregnancy are properly examined and given proper instructions on their condition and actions to be taken as the pregnancy advances.

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