

1 **ENGROSSED**

2 **COMMITTEE SUBSTITUTE**

3 **for**

4 **H. B. 2829**

5
6 (By Delegates Householder, Summers, Sobonya, Campbell and Fleischauer)

7
8 [Originating in the Committee on Health and Human Resources.]

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10
11 A BILL to amend and reenact §16-5-1 of the Code of West Virginia, 1931, as amended; and to
12 amend said code by adding thereto a new section, designated §16-5-10a, all relating to direct
13 entry midwifery; defining certain terms and requiring a report.

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

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

18 **ARTICLE 5. VITAL STATISTICS.**

19 **§16-5-1. Definitions.**

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

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

24 (2) “Commissioner” means the Commissioner of the Bureau for Public Health within the

1 Department of Health and Human Resources.

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

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

6 (5) "Department" means the Department of Health and Human Resources.

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

10 (7) "Direct entry midwife" means a person who provides aid to a woman and her infant
11 during the prenatal, delivery and postnatal periods.

12 (8) "Direct entry midwifery" means the practice of providing aid to a woman and her infant
13 during the prenatal, delivery and postnatal periods for a fee or compensation. A direct entry midwife
14 practicing direct entry midwifery is not be subject to the provisions of article three, article seven,
15 article seven-a, article fourteen, and article fifteen of chapter thirty.

16 (7) (9) "Fetal death" means death prior to the complete expulsion or extraction from its
17 mother of a product of human conception, irrespective of the duration of pregnancy and which is not
18 an induced termination of pregnancy, such death being indicated by the fact that after such expulsion
19 or extraction the fetus does not breathe or show any other evidence of life such as beating of the
20 heart, pulsation of the umbilical cord or definite movement of voluntary muscles.

21 (8) (10) "Filing" means the presentation and acceptance of a vital record or report provided
22 in this article for registration by the section of vital statistics of the state Bureau for Public Health.

23 (9) (11) "Final disposition" means the burial, interment, cremation, removal from the state,

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

2 ~~(10)~~ (12) "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)~~ (13) "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)~~ (14) "Licensed health professional" means an individual who is licensed by the State of
10 West Virginia to practice a health profession.

11 ~~(13)~~ (15) "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)~~ (16) "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 ~~(15)~~ (17) "Physician" means a person licensed to practice medicine or osteopathy pursuant
20 to the laws of this state.

21 ~~(16)~~ (18) "Registration" means the process by which vital records are completed, filed and
22 incorporated into the official records of the section of vital statistics.

23 ~~(17)~~ (19) "Research" means a systematic investigation designed primarily to develop or

1 contribute to general knowledge.

2 ~~(18)~~ (20) "System of vital statistics" means the registration, collection, preservation,
3 amendment, certification of vital records, the collection of other reports required by this article, and
4 related activities, including, but not limited to, the tabulation, analysis, publication and dissemination
5 of vital statistics.

6 ~~(19)~~ (21) "Vital records" means certificates or reports and data related to birth, death, and
7 marriage, including divorce, dissolution of marriage, and annulment.

8 ~~(20)~~ (22) "Vital reports" means reports and related data designated in this article and in rules.

9 ~~(21)~~ (23) "Vital statistics" means the data derived from certificates and reports of birth,
10 death, fetal death, marriage, divorce, annulment and related records and reports.

11 **§16-5-10a. Direct Entry Midwifery Birth activity reports.**

12 A person practicing direct entry midwifery shall report to the bureau in a manner and form
13 prescribed by the Division of Vital Statistics. The report shall be submitted annually by January 31
14 and shall include the following:

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

17 (2) The calendar year being reported;

18 (3) The total number of clients served;

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

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

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

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

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

3 (9) A brief description of any complications resulting in the mortality or morbidity of a
4 mother or an infant.

5 (10) If their care still requires a caesarean section.

6 (b) A direct entry midwife is not a licensed registered nurse, an advanced practice registered
7 nurse or a certified midwife.