

E N G R O S S E D

COMMITTEE SUBSTITUTE

for

H. B. 2829

(BY DELEGATE(S) HOUSEHOLDER, SUMMERS,
SOBONYA, CAMPBELL AND FLEISCHAUER)

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

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 5. VITAL STATISTICS.

§16-5-1. Definitions.

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

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

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

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

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

14 (5) “Department” means the Department of Health and
15 Human Resources.

16 (6) “Deputy local registrar” means a person appointed by
17 and working under the supervision of a local registrar in the
18 discharge of the vital statistics functions specified to be

19 performed in and for the county or other district of the local
20 registrar.

21 (7) “Direct entry midwife” means a person who provides aid
22 to a woman and her infant during the prenatal, delivery and
23 postnatal periods.

24 (8) “Direct entry midwifery” means the practice of providing
25 aid to a woman and her infant during the prenatal, delivery and
26 postnatal periods for a fee or compensation. A direct entry
27 midwife practicing direct entry midwifery is not be subject to the
28 provisions of article three, article seven, article seven-a, article
29 fourteen, and article fifteen of chapter thirty.

30 ~~(7)~~ (9) “Fetal death” means death prior to the complete
31 expulsion or extraction from its mother of a product of human
32 conception, irrespective of the duration of pregnancy and which
33 is not an induced termination of pregnancy, such death being
34 indicated by the fact that after such expulsion or extraction the
35 fetus does not breathe or show any other evidence of life such as
36 beating of the heart, pulsation of the umbilical cord or definite
37 movement of voluntary muscles.

38 ~~(8)~~ (10) “Filing” means the presentation and acceptance of
39 a vital record or report provided in this article for registration by

40 the section of vital statistics of the state Bureau for Public
41 Health.

42 ~~(9)~~ (11) “Final disposition” means the burial, interment,
43 cremation, removal from the state, or other authorized
44 disposition of a dead body or fetus.

45 ~~(10)~~ (12) “Induced termination of pregnancy” means the
46 purposeful interruption of an intrauterine pregnancy with the
47 intention other than to produce a live-born infant, and which
48 does not result in live birth. The definition excludes management
49 of prolonged retention of products of conception following fetal
50 death.

51 ~~(11)~~ (13) “Institution” means any establishment, public or
52 private, which provides inpatient or outpatient medical, surgical,
53 or diagnostic care or treatment, or nursing, custodial or
54 domiciliary care to two or more unrelated individuals or to
55 which persons are committed by law.

56 ~~(12)~~ (14) “Licensed health professional” means an individual
57 who is licensed by the State of West Virginia to practice a health
58 profession.

59 ~~(13)~~ (15) “Live birth” means the complete expulsion or
60 extraction from its mother of a product of human conception,

61 irrespective of the duration of pregnancy, which, after such
62 expulsion or extraction, breathes or shows any other evidence of
63 life such as beating of the heart, pulsation of the umbilical cord
64 or definite movement of voluntary muscles, whether or not the
65 umbilical cord has been cut or the placenta is attached.

66 ~~(14)~~ (16) “Local registrar” means the person appointed by
67 the state Registrar of Vital Statistics for a county or other district
68 to perform the vital statistics functions specified to be performed
69 in and for the county or other district.

70 ~~(15)~~ (17) “Physician” means a person licensed to practice
71 medicine or osteopathy pursuant to the laws of this state.

72 ~~(16)~~ (18) “Registration” means the process by which vital
73 records are completed, filed and incorporated into the official
74 records of the section of vital statistics.

75 ~~(17)~~ (19) “Research” means a systematic investigation
76 designed primarily to develop or contribute to general
77 knowledge.

78 ~~(18)~~ (20) “System of vital statistics” means the registration,
79 collection, preservation, amendment, certification of vital
80 records, the collection of other reports required by this article,

81 and related activities, including, but not limited to, the
82 tabulation, analysis, publication and dissemination of vital
83 statistics.

84 ~~(19)~~ (21) “Vital records” means certificates or reports and
85 data related to birth, death, and marriage, including divorce,
86 dissolution of marriage, and annulment.

87 ~~(20)~~ (22) “Vital reports” means reports and related data
88 designated in this article and in rules.

89 ~~(21)~~ (23) “Vital statistics” means the data derived from
90 certificates and reports of birth, death, fetal death, marriage,
91 divorce, annulment and related records and reports.

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

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

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

7 (2) The calendar year being reported;

8 (3) The total number of clients served;

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

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

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

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

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

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

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

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

