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STATE OF WEST VIRGINIA

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1973**



**ENROLLED**

HOUSE BILL No. 718

(By Mr. Bullen)



PASSED April 4, 1973

In Effect From Passage



718

FILED IN THE OFF. OF  
EDGAR F. HEISLER III  
SECRETARY OF STATE  
THIS DATE 4-14-73

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 718**  
(By MR. QUEEN)

[Originating in the House Committee on Health and Welfare.]

[Passed April 4, 1973; in effect from passage.]

AN ACT to amend and reenact article fifteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the practice of midwifery; necessity of license; qualifications of applicants; annual registration; limitations on authority; hearing; fees; penalties.

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

That article fifteen chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 15. MIDWIVES.**

**§30-15-1. Definitions.**

- 1 The following terms wherever used or referred to in this
- 2 article shall have the following meaning:
- 3 "Midwife" means a person who assists in the management
- 4 and care of a woman and her infant during the prenatal, deliv-
- 5 ery and postnatal periods.
- 6 "Midwifery" means the practice of performing the service

7 of a midwife for a fee or compensation.

8 “Nurse-midwife” means a qualified professional nurse regis-  
9 tered with the West Virginia board of examiners for registered  
10 professional nurses who by virtue of additional training is  
11 specifically qualified to practice midwifery according to the  
12 statement of functions, standards and qualifications for the  
13 practice of nurse-midwifery as set forth by the American Col-  
14 lege of Nurse-Midwives.

15 “Board” means the West Virginia board of examiners for  
16 registered professional nurses.

**§30-15-2. Licenses required.**

1 No person, other than a physician, shall engage or hold  
2 themselves out as practicing midwifery without a license to do  
3 so issued by the West Virginia board of examiners for register-  
4 ed professional nurses, except those midwives who hold licen-  
5 ses upon the first day of July, one thousand nine hundred sev-  
6 enty-three, issued by the West Virginia board of health. Per-  
7 sons holding licenses on said date issued by the said board of  
8 health, shall be permitted to practice midwifery as formerly  
9 defined and according to the authority granted to them upon  
10 the issuance of their licenses, until the expiration of such licen-  
11 ses without the privilege of renewal.

**§30-15-3. Qualifications for licensing.**

1 Persons shall be granted licenses who shall provide evidence  
2 upon their application that they: (a) Are a registered profes-  
3 sional nurse registered by the board; (b) are a graduate of a  
4 school of midwifery approved by the American College of Nurse-  
5 Midwifery; and (c) are certified by the American College of  
6 Nurse-Midwives.

**§30-15-4. Applications; fee.**

1 Persons may make applications for licensing as a nurse-  
2 midwife by completion of an application upon forms to be pro-  
3 vided by the board. Such forms shall require the applicant to  
4 state their name, address, age, and their qualifications for  
5 licensing. The board may require reasonable supporting docu-  
6 mentation and information demonstrating that the applicant  
7 meets the qualifications for licensure. Such completed appli-

8 cations shall be submitted to the board together with the sum  
9 of twenty dollars.

**§30-15-5. Form of licenses; annual registration fee.**

1 Licenses issued by the board shall bear a serial number, the  
2 full name of the applicant, the date of issuance of any such  
3 license, the seal of the board and the signature of the execu-  
4 tive secretary of the board.

5 Every licensed midwife shall procure from the secretary  
6 of the board annually, on or before the first day of July, a  
7 certificate of registration. The certificate shall be issued by  
8 said secretary upon the payment of a fee to be fixed by the  
9 board, not to exceed the sum of ten dollars. The secretary  
10 shall mail annually, on or before the first day of June, to  
11 each licensed midwife a printed blank form to be properly  
12 filled in and returned by such licensed person on or before  
13 the first day of July to the secretary of the board. Upon the  
14 receipt of the form properly filled in, and such fee, the annual  
15 certificate of registration shall be issued and transmitted.

**§30-15-6. Suspension or revocation of licenses.**

1 The board may suspend or revoke a license for any of the  
2 following reasons:

- 3 (1) Failure to remain current in annual registration;
- 4 (2) Gross negligence in performance of service as pro-  
5 vided by the statement of functions, standards, and qualifica-  
6 tions by the american college of nurse-midwives or failure to  
7 perform such duties as may be required by the West Virginia  
8 board of health;
- 9 (3) The commission of a crime in association with the  
10 practice of nurse-midwifery.

11 Before any license shall be revoked or suspended, the  
12 accused shall be furnished with a written statement of the  
13 reasons for such suspension or revocation and shall be given  
14 reasonable notice of, and be entitled to, a hearing before the  
15 board, in person, or by attorney, according to the provisions  
16 of chapter twenty-nine-a of the code of West Virginia, one  
17 thousand nine hundred thirty-one, as amended.

**§30-15-7. Limitations of authority.**

1 The license to practice nurse-midwifery shall entitle the  
2 holder to practice such profession according to the functions,  
3 standards, and qualifications of the American College of  
4 Midwives, and such holder shall be required to practice under  
5 the supervision of or in association with a licensed physician  
6 engaged in family practice or the specialized field of gynecology  
7 or obstetrics, or as a member of the staff of any  
8 maternity, newborn or family planning service approved by  
9 the West Virginia Board of Health, who, as such, shall practice  
10 midwifery under the supervision of a board-certified obstetrician,  
11 gynecologist, or the primary-care physician normally directly  
12 responsible for the obstetric care in said area of practice.

**§30-15-8. Penalties.**

1 Any person practicing midwifery in this state without complying  
2 with the provisions of this article shall be guilty of a  
3 misdemeanor, and, upon conviction thereof, shall be fined not  
4 more than five hundred dollars, or imprisoned in the county  
5 jail not more than one year, or both fined and imprisoned.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

H. Darrell Derby  
Chairman Senate Committee

Florence C. Christian Jr.  
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard E. Cannon  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

H. B. Burton  
President of the Senate

Levin T. W. Thomas  
Speaker House of Delegates

The within approved this the 14th  
day of April, 1973.

Arthur A. Shouse, Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/10/73

Time 10:35 a.m.

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