WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED

HOUSE BILL No. 278

(By Mr. )

PASSED April 4, 1973

In Effect from Passage

C 641

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


1 The following terms wherever used or referred to in this article shall have the following meaning:
2 “Midwife” means a person who assists in the management and care of a woman and her infant during the prenatal, deliv-
3 ery and postnatal periods.
4 “Midwifery” means the practice of performing the service
"Nurse-midwife" means a qualified professional nurse registered with the West Virginia board of examiners for registered professional nurses who by virtue of additional training is specifically qualified to practice midwifery according to the statement of functions, standards and qualifications for the practice of nurse-midwifery as set forth by the American College of Nurse-Midwives.

"Board" means the West Virginia board of examiners for registered professional nurses.

§30-15-2. Licenses required.

No person, other than a physician, shall engage or hold themselves out as practicing midwifery without a license to do so issued by the West Virginia board of examiners for registered professional nurses, except those midwives who hold licenses upon the first day of July, one thousand nine hundred seventy-three, issued by the West Virginia board of health. Persons holding licenses on said date issued by the said board of health, shall be permitted to practice midwifery as formerly defined and according to the authority granted to them upon the issuance of their licenses, until the expiration of such licenses without the privilege of renewal.


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

§30-15-4. Applications; fee.

Persons may make applications for licensing as a nurse-midwife by completion of an application upon forms to be provided by the board. Such forms shall require the applicant to state their name, address, age, and their qualifications for licensing. The board may require reasonable supporting documentation and information demonstrating that the applicant meets the qualifications for licensure. Such completed appli-
cations shall be submitted to the board together with the sum
of twenty dollars.

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

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

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

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

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

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

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

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


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

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.
Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within __________ approved this the __________
day of __________, 1973.

[Signature]
Governor
PRESENTED TO THE
GOVERNOR

Date 4/10/73
Time 10:35a.m.

RECEIVED

APR 14 10 69 PM '73
OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA