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SECRETARY OF STATE
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**



C 641

718

FILED
APR 14 1973
CLERK OF THE HOUSE
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 gyne-
7 cology 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 obstetri-
11 cian, gynecologist, or the primary-care physician normally dir-
12 ectly responsible for the obstetric care in said area of practice.

§30-15-8. Penalties.

1 Any person practicing midwifery in this state without com-
2 plying 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 Darby
Chairman Senate Committee

Florence C. Christian Jr.
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard E. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. J. Brantley
President of the Senate

Samuel T. McPherson
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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