

No: 1747

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-15-83

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



ENROLLED

HOUSE BILL No. 1747

(By Mr. Divers + Mrs. Theiling)



Passed March 3, 1983

In Effect Ninety Days From Passage



ENROLLED

H. B. 1747

(By MR. GIVENS and MRS. THEILING)

[Passed March 3, 1983; in effect ninety days from passage.]

AN ACT to amend and reenact section twelve-a, article five, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the registration of infants born with specified birth defects; requiring physician or midwife to check for defects; defects specified; registration of minors with impairments.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 5. VITAL STATISTICS.

§16-5-12a. Registration of infants born with specified birth defects; requiring physician or midwife to check for defects, including visual impairments; registration of minors with previously undiagnosed impairments; form to be provided by state registrar; confidentiality; exceptions; parental consent.

1 When a live birth occurs, the physician or midwife in at-
2 tendance at, or present immediately after, the birth shall
3 examine the infant for any of the following birth defects:

4 (a) Anencephaly;

5 (b) Spina bifida;

- 6 (c) Hydrocephaly;
- 7 (d) Cleft palate;
- 8 (e) Total cleft lip;
- 9 (f) Esophageal atresia and atenosis;
- 10 (g) Rectal and anal atresia;
- 11 (h) Hypospadias;
- 12 (i) Reduction and deformity—upper limb;
- 13 (j) Reduction and deformity—lower limb;
- 14 (k) Congenital dislocation of the hip;
- 15 (l) Down's syndrome;
- 16 (m) Visual impairments; and
- 17 (n) Others as may be requested by the director.

18 If any such impairment is found in an infant, and/or if
19 such impairment is found in any subsequent examination of
20 any minor which has not been previously diagnosed, the
21 examining physician, midwife or other health care provider
22 licensed under chapter thirty of the code shall within thirty
23 days of the examination make a report of the diagnosis to
24 the state registrar of vital statistics on forms provided by the
25 state registrar of vital statistics. The report shall include the
26 name of the child, the name or names of the parents or
27 parent or guardian and a description of the impairment.

28 The information received by the state registrar pursuant
29 to this section pertaining to the identity of the persons
30 named shall be kept confidential: *Provided*, That if consent
31 of the parents, or if only one parent exists, of the parent,
32 or of the guardian is obtained, the registrar may provide
33 such information to the department of health, the department
34 of welfare, the department of education, the division of
35 vocational rehabilitation and the school for the deaf and
36 the blind so that such information can be utilized to provide
37 assistance or services for the benefit of the child.

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

James L. Davis
Chairman Senate Committee

Assaad Abello
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jose C. Wilti
Clerk of the Senate

Donald L. Jopp
Clerk of the House of Delegates

Walter W. Shaw
President of the Senate

John W. M. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *15*
day of *March*, 1983.

John D. Rhyne
Governor

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SECY. OF STATE