

SB 307

FILED

2009 APR 11 PM 3:01

WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009

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ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 307

(SENATORS PREZIOSO, BOLEY, CARUTH, FOSTER,
STOLLINGS, JENKINS, GUILLS, WHITE AND
KESSLER, *original sponsors*)

[Passed April 6, 2009; in effect ninety days from passage.]

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4E-1, §16-4E-2, §16-4E-3, §16-4E-4, §16-4E-5 and §16-4E-6, all relating to development of a maternal risk assessment advisory council; providing for legislative findings; setting forth responsibilities of the advisory council; providing for legislative rule-making authority within the Department of Health and Human Resources to develop a uniform maternal risk screening tool; providing for applicability of the screening tool once developed; and providing confidentiality of the tool.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-4E-1, §16-4E-2, §16-4E-3, §16-4E-4, §16-4E-5 and §16-4E-6, all to read as follows:

ARTICLE 4E. UNIFORM MATERNAL SCREENING ACT.

§16-4E-1. Legislative findings.

1 The Legislature finds that there is a need for a more
2 comprehensive and uniform approach to any screening
3 conducted by physicians and midwives to discover at-risk
4 and high-risk pregnancies. A uniform approach would
5 simplify the process, standardize the procedure and better
6 identify those pregnancies that need more in-depth care
7 and monitoring. Additionally, a uniform application
8 would provide better and more measurable data regarding
9 at-risk and high-risk pregnancies. This would allow
10 public health officials to gain a better understanding of
11 those conditions that are most frequently observed and to
12 develop methodology to address those concerns.

§16-4E-2. Establishment of an advisory council on maternal risk assessment.

1 (a) There is hereby created within the Department of
2 Health and Human Resources, Bureau for Public Health,
3 Office of Maternal, Child and Family Health the advisory
4 council on maternal risk assessment to provide assistance
5 in the development of a uniform maternal risk screening
6 tool.

7 (b) The Office of Maternal, Child and Family Health is
8 charged with convening the advisory council at least
9 annually and providing administrative and technical
10 assistance to the advisory council as needed. The members
11 of the advisory council shall be appointed by the Commis-
12 sioner of the Bureau for Public Health.

13 (c) The advisory council shall be comprised of:

14 (1) At least one private provider of maternity services;

15 (2) At least one public provider of maternity services;

16 (3) One representative from each of the state's three
17 medical schools;

18 (4) The Commissioner of the Bureau for Public Health
19 or his or her designee;

20 (5) The Director of the Office of Maternal, Child and
21 Family Health or his or her designee;

22 (6) At least one representative of a tertiary care center;

23 (7) At least one representative of a facility with a level
24 I or II obstetrical unit;

25 (8) At least one certified nurse midwife;

26 (9) At least one allopathic or osteopathic physician who
27 is a private provider of maternity services at a facility
28 with a level I or level II obstetrical unit.

**§16-4E-3. Responsibilities of the advisory council on maternal
risk assessment.**

1 This advisory council shall:

2 (a) Advise the Bureau for Public Health, Office of
3 Maternal, Child and Family Health with respect to the
4 implementation of this article;

5 (b) Offer expert advice to the Office of Maternal, Child
6 and Family Health on the development of a uniform risk
7 screening tool and review the tool at least annually to
8 offer suggested updates based upon current medical
9 knowledge;

10 (c) Provide comments to the Office of Maternal, Child
11 and Family Health on any legislative rules necessary for

12 the accomplishment of any requirements of this article; and

13 (d) Develop in conjunction with the Office of Maternal,
14 Child and Family Health a statistical matrix to measure
15 incidents of high-risk and at-risk pregnancies for planning
16 purposes by public health officials.

§16-4E-4. Legislative rule-making authority.

1 The Department of Health and Human Resources shall
2 propose rules for legislative approval in accordance with
3 the provisions of article three, chapter twenty-nine-a of
4 this code. The legislative rules shall include a uniform
5 maternal risk screening tool to identify women at risk for
6 a preterm birth or other high-risk condition.

§16-4E-5. Applicability of the screening tool.

1 Once developed, all health care providers offering
2 maternity services shall be required to utilize the uniform
3 maternal risk screening tool in their examinations of any
4 pregnant woman. Additionally they shall notify the
5 woman of any high-risk condition which they identify
6 along with any necessary referral and report the results to
7 the Bureau for Public Health, Office of Maternal, Child
8 and Family Health in the manner provided in the legisla-
9 tive rule.

§16-4E-6. Confidentiality of screening tool.

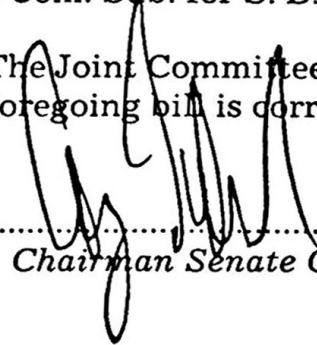
1 (a) The uniform maternal screening tool shall be
2 confidential and shall not be released or disclosed to
3 anyone including any state or federal agency for any
4 reason other than data analysis of high-risk and at-risk
5 pregnancies for planning purposes by public health
6 officials.

7 (b) Proceedings, records and opinions of the advisory
8 council are confidential and are not subject to discovery,
9 subpoena or introduction into evidence in any civil or

10 criminal proceeding. Nothing in this subsection is to be
11 construed to limit or restrict the right to discover or use in
12 any civil or criminal proceeding anything that is available
13 from another source and entirely independent of the
14 proceedings of the advisory council.

15 (c) Members of the advisory council may not be ques-
16 tioned in any civil or criminal proceeding regarding
17 information presented in or opinions formed as a result of
18 a meeting of the panel. Nothing in this subsection may be
19 construed to prevent a member of the advisory council
20 from testifying to information obtained independently of
21 the panel or which is public information.

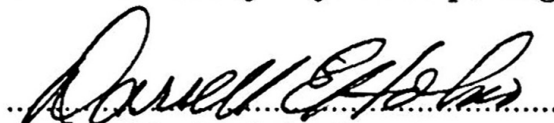
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

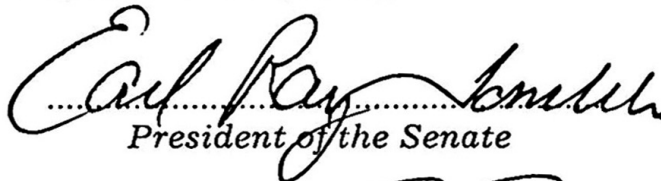

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 11th
Day of April, 2009.


.....
Governor

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Time 2.50 pm