

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

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OFFICE OF THE WEST VIRGINIA  
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Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: DHHR - Bureau for Public Health TITLE NUMBER: 64

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 97

TITLE OF RULE BEING PROPOSED: MATERNAL RISK SCREENING

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) 295

SECTION §64-5-1(g), PASSED ON March 18, 2011

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE

FOLLOWING DATE: April 21, 2011

  
\_\_\_\_\_  
Authorized Signature

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**TITLE 64  
LEGISLATIVE RULE  
BUREAU FOR PUBLIC HEALTH**

**SERIES 97  
MATERNAL RISK SCREENING**

**§64-97-1. General.**

1.1. Scope -- This rule further implements the Uniform Maternal Screening Act by setting forth responsibilities of the advisory council created in the Act; developing and establishing the requirement for health care practitioners to use a uniform maternal risk screening tool; and providing for the confidentiality of the tool. This rule should be read in conjunction with WV Code §16-4E-1, et seq. The WV Code is available in public libraries and on the Legislature's web page, <http://www.legis.state.wv.us/>.

1.2. Authority -- WV Code §§16-1-4 and 16-4E-4.

1.3. Filing Date --

1.4. Effective Date -- March 18, 2011.

**§64-97-2. Application.**

2.1. Application -- This rule applies to all health care providers offering maternity services.

2.2. Enforcement -- This rule is enforced by the Office of Maternal, Child and Family Health in the Bureau for Public Health.

**§64-97-3. Definitions.**

3.1. Maternal Risk Screening - Screening conducted by physicians, midwives and other qualified health care practitioners to discover at-risk and high-risk pregnancies.

3.2. Maternal Risk Screening Advisory Council - A multidisciplinary group of professionals including representatives from public health and the medical community all with an interest in improving pregnancy outcomes.

**§64-97-4. Responsibilities of Maternal Risk Screening Advisory Council.**

4.1. The Maternal Risk Screening Advisory Council shall exercise the following responsibilities:

4.1.a. Meet at least annually;

4.1.b. Offer expert advice to the Office of Maternal, Child and Family Health to gain a better understanding of at-risk and high-risk conditions that are most frequently observed and to develop methodology to address these concerns;

4.1.c. Develop a uniform maternal risk screening tool to identify risk conditions that contribute to adverse pregnancy outcomes and review the tool at least annually to offer suggested revisions based upon current medical knowledge;

4.1.d. Develop, in conjunction with the Office of Maternal, Child and Family Health, a statistical matrix to measure incidence of high-risk and at-risk pregnancies for planning purposes by public health officials; and

4.1.e. Develop methods to collect evidence based data reported to the Office of Maternal, Child and Family Health needed to track at-risk and high-risk women.

#### **§64-97-5. Applicability of the Screening Tool.**

5.1. The maternal risk screening tool, developed by the advisory council, may be found online at <http://www.wvdhhr.org/mcflh>. All health care providers offering maternity services shall be required to use this maternal risk screening tool in their initial examination of all pregnant women.

5.2. The health care provider shall notify the woman of any high-risk condition which has been identified along with any appropriate referral.

5.3. The health care provider shall report the results to the Bureau for Public Health, Office of Maternal, Child and Family Health by FAX (304) 957-0176.

#### **§64-97-6. Confidentiality.**

6.1. The uniform maternal risk screening tool shall be confidential and shall not be released or disclosed to anyone for any reason other than data analysis of high-risk and at-risk pregnancies and for planning purposes by public health officials.

6.2. Proceedings, records and opinions of the advisory council are confidential and are not subject to discovery, subpoena or introduction into evidence in any civil or criminal proceeding. Nothing in this subsection is to be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the proceedings of the advisory council.

6.3. Members of the advisory council may not be questioned in any civil or criminal proceeding regarding information presented in or opinions formed as a result of a meeting of the council. Nothing in this subsection may be construed to prevent a member of the advisory council from testifying to information obtained independently of the council or which is public information.