

ARTICLE 15. MIDWIVES

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§ 2987. [1] **Duties of State Public Health Council; Rules and Regulations.**—The state public health council, through the state health commissioner or a member of the state department of health designated by him, shall have charge of the instruction, examination, licensing and registration of midwives; shall prepare the necessary instructions, forms and blanks to be used in this work; shall, through its field agents and other representatives, visit from time to time the different parts of the State for the purpose of instructing and examining midwives, either individually or in groups; and shall procure the registration of each midwife with the local registrar of vital statistics. The state commissioner of health may make such rules and regulations as he may deem necessary to carry out the provisions of this article.

§ 2988. [2] **Definition of Midwife; Limitation of Article.**—For the purposes of this article, a midwife shall be any person at least twenty-one years of age, other than a physician, who shall attend or agree to attend any woman at or during child-birth, and who shall accept any compensation or other remuneration for her services: Provided, that nothing contained in this article shall prevent a neighbor or friend from rendering assistance in such cases in an emergency.

§ 2989. [3] **License to Practice Midwifery; Qualifications of Applicants.**—No person, other than a licensed physician, shall practice midwifery in the State of West Virginia unless such person shall be duly licensed to practice midwifery as hereinafter provided.

Every person, other than a licensed physician, who wishes to practice midwifery shall make a written application to the state public health council for a license to practice midwifery. The application shall be sworn to before a notary public and shall be accompanied by a registration fee of one dollar. Every applicant for a license to practice midwifery shall possess the following qualifications:

- (a) She shall not be less than twenty-one years of age;
- (b) She shall be able to read and write;
- (c) She shall be clean and constantly show evidence, in general appearance and in her home, of habits of cleanliness;

(d) She shall either possess a diploma from a school for midwives recognized by the state commissioner of health, or shall have attended, under the instruction of a duly licensed and registered physician, not fewer than five mothers and new-born infants during lying-in periods of at least ten days each, and shall present a written statement from said physician or physicians that she has received such instruction in said five cases, with the name, date and address of each case, and establishing the fact that she is reasonably skillful and competent, to the satisfaction of the state commissioner of health;

(e) She shall present evidence satisfactory to the state public health council that she is of good moral character, has good health, and is free from communicable diseases, in such form as the state commissioner of health, or such person designated by him, by rule or regulation may prescribe.

§ 2990. [4] **Registration of Midwife with Local Registrar of Vital Statistics.**—Every licensed midwife shall register her name, address and license number with the local registrar of vital statistics of the district wherein she resides, within ten days after the issuance of such license and after any change in her address.

§ 2991. [5] **Term of License; Annual Renewal.**—Unless revoked, every license to practice midwifery issued by the state public health council shall permit the holder thereof to practice midwifery only during the current calendar year, being from January first in any one year to December thirty-first next succeeding. In December application for renewal of the license for the ensuing year shall be made to the state public health council.

§ 2992. [6] **Cases in Which Midwife May Practice; Acts Forbidden.**—A duly licensed and registered midwife may practice midwifery in cases of normal labor. In cases where delivery has not been accomplished in twelve hours a physician shall be summoned at once.

All midwives are forbidden to:

- (a) Make vaginal examinations;
- (b) Use instruments of any kind to aid delivery;
- (c) Assist labor by any artificial, forcible or mechanical means;
- (d) Administer, advise, prescribe or employ dangerous or poisonous drugs.

§ 2993. [7] **Duty as to Rules of State Department of Health, Sanitary Code and Public Health Law.**—All midwives to whom licenses shall be issued pursuant to the provisions of this article shall conform to all rules and regulations of the state department of health, the provisions of the sanitary code enacted by the public health council, and the provisions of the public health law of the State of West Virginia.

§ 2994. [8] **Roster of Midwives; Reports of Local Health Officers and Employees of State Department of Health as to Midwives.**—The state commissioner of health is authorized to furnish to each local health officer a roster of all midwives practicing within his jurisdiction, and to require

of such local health officer a report as to the conduct of the several midwives who may be practicing within his jurisdiction. It shall be the duty of such local health officer to report truthfully any and all matters pertaining to the conduct of any licensed and registered midwife practicing as such within his jurisdiction. All reports of such local health officers respecting the conduct of such midwives, and all reports of any employees of the state department of health relating to the conduct and department of midwives licensed in accordance with the provisions of this article, made in the course of and as part of the official duties of such employees of the state department of health, shall be deemed prima facie evidence of the facts contained in said reports, and shall be deemed sufficient to justify the action of the state public health council in refusing to issue any license to an applicant therefor, where the information detailed in such reports of any local health officer, or in the reports of any employee of the state department of health, respecting the conduct of any midwife, in its judgment justifies the withholding of such a license to such an applicant.

§ 2995. [9] **Revocation of License.**—The State Public Health Council may, for cause, revoke any license to practice midwifery issued pursuant to the provisions of this Article, after having given the midwife whose license is sought to be revoked an opportunity to be heard.

§ 2996. [10] **Certificates Without Examination.**—All midwives practicing midwifery in this State for three years prior to the fifteenth day of April, nineteen hundred and twenty-five, who are residents of this State, of good moral character, clean in their habits and free from infectious diseases, after presenting letters of recommendation from two physicians of good standing or from two reputable citizens of this State by whom they have been employed, shall be given certificates by the state public health council, permitting them to practice midwifery in this State, without an examination.

§ 2997. [11] **Offenses; Penalties.**—Any person, other than a licensed physician, who shall practice midwifery in this State without first being duly licensed so to practice, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars.

N. H. DYER, M.D., M.P.H.
STATE DIRECTOR OF HEALTH



State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

November 28, 1967

Honorable Robert D. Bailey
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Mr. Bailey:

Enclosed are two copies of a Reference Page and two copies of Index Pages for The Public Health Laws of West Virginia and a Manual of Regulations of the West Virginia Board of Health. These Laws and Regulations are filed in the Odd Size File as item number 3.

Sincerely yours,

A handwritten signature in cursive script that reads "N. H. Dyer".

N. H. Dyer, M. D., M. P. H.
State Director of Health

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 11/28/67