

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2174

By Delegate Worrell

[Introduced February 12, 2025; referred
to the Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended; by adding thereto six new
2 sections, designated §16-2E-1, §16-2E-2, §16-2E-3, §16-2E-4, §16-2E-5, §16-2E-6, §16-
3 2E-7, §16-2E-8, §16-2E-9, §16-2E-10, and §16-2E-11, relating to the licensure of birthing
4 centers; defining terms; creating license types for birthing centers; updating the procedure
5 for application for and obtaining a license; updating license fees; providing for regulation by
6 the Office of Health Facility Licensure and Certification; designating the necessity for a
7 governing body and administrator and prescribing the duties and responsibilities for the
8 same; setting certain minimum standards in any birthing center; setting certain minimum
9 required services and prohibited services in any birthing center; restricting the location of
10 birthing centers; allowing for variances and waivers from licensure standards; providing for
11 inspections and inspection warrants; designating license limitations; providing procedure
12 for denial, suspension, or revocation of a license; allowing civil money penalties; providing
13 for administrative review and appeal rights; prescribing advertisement disclosure; and
14 permitting the Inspector General to promulgate rules, including emergency rules.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2E. BIRTHING CENTERS.

§16-2E-1. Purpose.

1 The purpose of this act is to establish licensing requirements for birthing centers to ensure
2 that patients may be lawfully treated in accordance with best practices and facilities meet minimum
3 practice and oversight requirements developed by the Office of Inspector General. The Legislature
4 recognizes the need for health care facilities for childbirth where care is provided in the midwifery
5 and wellness model.

§16-2E-2. Definitions.

1 "Administrator" means the person who is responsible for advising and consulting with the
2 clinical staff of a birthing center on all matters related to the clinical management of all patients,
3 irrespective of the person's assigned title and who is directly responsible for the general operation

4 and administration of the birthing center. The administrator has the responsibility for implementing
5 policies and procedures and administrative operation of the birthing center.

6 "Birthing center" means a facility licensed for the primary purpose of providing midwifery
7 care, low-risk deliveries, and newborn care immediately after delivery, for a stay of generally less
8 than twenty-four hours. This term does not include a hospital, ambulatory surgical center, or the
9 resident of the patient giving birth. A birthing center may be a location for additional services in
10 shared or adjacent spaces, including outpatient gynecologic care, primary care, and education
11 and support services within each Licensed Provider's scope of practice.

12 "Director" means the Director of the Office of Health Facility Licensure and Certification, or
13 his or her designee.

14 "Governing body" means the individual, agency, group, or corporation, appointed, elected,
15 or otherwise designated, who is ultimately responsible for and has authority over the conduct and
16 regulatory compliance of the birthing center.

17 "Inspector General" means the Inspector General of the Office of the Inspector General, as
18 described in §16-1-22, or his or her designee.

19 "Office of Health Facility Licensure and Certification" means the West Virginia Office of
20 Health Facility Licensure and Certification within the Office of Inspector General.

21 "Substantial compliance" means a level of compliance with the minimum standards set
22 forth in this article and any applicable rules promulgated pursuant to this article so as not to impose
23 a risk to the rights, health, and safety of a patient.

24 "Variance" means written permission granted by the Inspector General to a birthing center
25 that a requirement of this article or rules promulgated pursuant to this article may be accomplished
26 in manner different from the manner set forth in this article or associated rule.

27 "Waiver" means a formal, time-limited agreement between the Inspector General and the
28 birthing center that suspends a rule, policy, or standard for a specific situation so long as the health
29 and safety of patients is better served in the situation by suspension of the rule, policy, or standard

30 that _____ by _____ enforcement.

§16-2E-3. Birthing Centers to obtain license; applications; fees and inspections.

1 (a) This Inspector General designates the director of the Office of Health Facility Licensure
2 and Certification to enforce the provisions of this article, except where otherwise stated.

3 (b) No person, partnership, association, or corporation may operate a birthing center
4 without first obtaining a license from the director in accordance with the provisions of this article
5 and the rules lawfully promulgated pursuant to this article.

6 (c) Any person, partnership, association, or corporation desiring a license to operate a
7 birthing center in this state shall file with the Office of Health Facility Licensure and Certification an
8 application in such form and with such information as the director shall prescribe and furnish
9 accompanied by an application fee.

10 (d) The Office of Health Facility Licensure and Certification shall inspect each facility and
11 review all documentation submitted with the application. The director shall issue a license if the
12 facility is in substantial compliance with the provisions of this article and with any rules lawfully
13 promulgated pursuant to this article.

14 (e) A license shall be issued in one of three categories:

15 (1) An initial six month license shall be issued to a birthing center establishing a new facility
16 for which there is insufficient patient participation to demonstrate substantial compliance with this
17 article and with all rules promulgated pursuant to this article.

18 (2) A provisional license shall be issued when a birthing center seeks a renewal license,
19 and the birthing center is not in substantial compliance with this article and with all rules
20 promulgated pursuant to this article but does not pose a significant risk to the rights, health, and
21 safety of a consumer. It shall expire not more than six months from the date of issuance, and may
22 not be consecutively reissued; or

23 (3) A renewal license shall be issued when a birthing center is in substantial compliance
24 with this article and with all rules promulgated pursuant to this article. A renewal license may

25 expire not more than one year from the date of issuance.

26 (f) At least 60 days prior to the license expiration date, an application for renewal shall be
27 submitted by the birthing center to the director on forms furnished by the director. A license shall
28 be renewed if the director determines that the applicant is in substantial compliance with this
29 article and with all rules promulgated pursuant to this article.

30 (g) A license issued to one facility location pursuant to this article is not transferrable or
31 assignable. Any change of ownership of a licensed birthing center requires submission of a new
32 application. The birthing center shall notify the Office of Health Facility Licensure and Certification
33 of any change in ownership within 10 days of the change and must submit a new application within
34 the time frame prescribed by the director.

35 (h) Any person, partnership, association, or corporation that seeks to obtain or renew a
36 license for a birthing center in this state must submit to the director the following information and
37 documentation:

38 (1) Full operating name of the birthing center as advertised;

39 (2) Legal name of the birthing center as registered with the West Virginia Secretary of
40 State;

41 (3) Physical address of the birthing center;

42 (4) Preferred mailing address for the birthing center;

43 (5) Email address to be used as the primary contact for the birthing center;

44 (6) Federal Employer Identification Number assigned to the birthing center;

45 (7) All business licenses issued to the birthing center by this state, the State Tax
46 Department, the Secretary of State, and all other applicable business entities;

47 (8) Brief description of all services provided by the birthing center;

48 (9) Hours of operation;

49 (10) Legal Registered Owner Name – name of the person registered as the legal owner of
50 the birthing center. If more than one legal owner (i.e., partnership, corporation, etc.) list each legal

51 owner separately, indicating the percentage of ownership;

52 (11) Administrator's full name, professional license number, and a list of all current
53 certifications;

54 (12) Name and location address of all birthing centers owned or operated by the applicant;

55 (13) Notarized signature of applicant; and

56 (14) Check or money order for licensing fee and inspection fee.

57 (i) Upon satisfaction that an applicant has met all of the requirements of this article, the
58 director shall issue a license to operate a birthing center.

59 (j) The birthing center shall display the current license in a prominent location where
60 services are provided and in clear view of all patients.

61 (k) The schedule of fees for a birthing center license is as follows:

62 (1) Initial licensure fee is \$125;

63 (2) First renewal licensure fee is \$125;

64 (3) Second and all subsequent renewal licensure fee is \$250; and

65 (4) Change of Ownership licensure fee is \$250.

66 (l) In addition to set fee, the annual renewal fee shall be adjusted on the first day of June of
67 each year to correspond with the increases in the consumer price index. The Office of Health
68 Facility Licensure and Certification shall post the consumer price index increases, immediately
69 after those increases are released annually, on its website located at: <http://ohflac.wvdhhr.org/>.

70 (m) An application for licensure is not considered complete until the applicant pays the
71 licensing and inspection fee. The fee shall accompany the application form.

72 (n) License fees paid by an applicant are non-refundable.

73 (o) The director shall inspect on a periodic basis all birthing centers that are subject to this
74 article and all rules adopted pursuant to this article to ensure continued compliance.

§16-2E-4. Operational Requirements.

1 (a) The birthing center shall be licensed and registered in this state with the director, the
2 Secretary of State, the State Tax Department, and all other applicable business or licensing
3 entities.

4 (b) Each birthing center shall identify the governing body. The governing body shall be
5 responsible for appointing the administrator. The governing body shall be responsible for
6 monitoring and ensuring compliance with all requirements related to the licensing of the birthing
7 center. The governing body shall adopt written policies and procedures for the operation of this
8 birthing center in accordance with this article and any rules promulgated pursuant thereto.

9 (c) Each birthing center shall designate an administrator. The administrator shall be
10 responsible for the daily operation of the birthing center, as further specified in the rules
11 promulgated pursuant to this article. The administrator may delegate the day-to-day operation of a
12 birthing center as provided in rules promulgated pursuant to this article. Within 10 days after
13 termination of a administrator, the governing body shall notify the director of the identity of another
14 administrator for that birthing center. Failure to have an administrator practicing at the birthing
15 center may be the basis for a suspension or revocation of the birthing center license. The
16 administrator shall:

17 (1) Have a full, active, and unencumbered license to practice and provide services and
18 treatment within his or her scope of practice, including, but not limited to, preconception, prenatal,
19 labor, birth, and postpartum care and early care of the newborn and who may be the primary
20 attendant during the prenatal period;

21 (2) Practice at the licensed birthing center a sufficient number of hours to carry out those
22 duties specifically assigned to the administrator as further described in the rules promulgated
23 pursuant to this article;

24 (3) Be responsible for monitoring and ensuring compliance with all and operation of the
25 birthing center;

26 (4) Supervise, control, and direct the activities of each individual working or operating at

27 the birthing center including any employee, volunteer, or individual under contract, who provides
28 treatment at the birthing center or is associated with the provision of that treatment. The
29 supervision, control, and direction shall be provided in accordance with rules promulgated by the
30 Inspector General; and

31 (5) Complete other requirements prescribed by the Inspector General by rule.

32 (d) The birthing center shall be eligible for, and not prohibited from, enrollment with West
33 Virginia Medicaid and other private insurance. Prior to directly billing a patient for any treatment, a
34 birthing center shall receive either a rejection of prior authorization, rejection of a submitted claim,
35 or a written denial from a patient's insurer or West Virginia Medicaid denying coverage for such
36 treatment: *Provided*, That the director, in consultation with the Inspector General, may grant a
37 variance from this requirement pursuant to §16-2E-5. The birthing center shall also document
38 whether a patient has no insurance. At the option of the birthing center, treatment may commence
39 prior to billing.

40 (e) All persons employed by the birthing center shall comply with the requirements for the
41 operation of a birthing center established within this article or by any rule adopted pursuant to this
42 article.

43 (f) All employees of a birthing center shall furnish fingerprints for a state and federal
44 criminal records check by the Criminal Identification Bureau of the West Virginia State Police and
45 the Federal Bureau of Investigation. The fingerprints shall be accompanied by a signed
46 authorization for the release of information and retention of the fingerprints by the Criminal
47 Identification Bureau and the Federal Bureau of Investigation. The birthing center shall be subject
48 to the provisions of § 16-49-1 *et seq.* and subsequent rules promulgated thereunder.

49 (g) A birthing center shall comply with:

50 (1) The West Virginia Board of Pharmacy regulations;

51 (2) Any applicable professional licensing agencies for any and all staff or employees of the
52 birthing center;

53 (3) Any requirements as specified in the rules promulgated pursuant to this article.

54 (h) Birthing centers shall provide care and treatment in a home-like environment with
55 adequate space for furnishings, equipment, supplies, and comfortable accommodations for
56 patients and families served. The birthing center shall provide services, including, but not limited
57 to, initial and ongoing risk and patient eligibility assessments; intrapartum care; postpartum care;
58 and laboratory services, as further described in the rules promulgated pursuant to this article.

59 (i) The following limitations apply to the services performed at birthing centers:

60 (1) The use of general or regional anesthesia, including epidurals, is prohibited;

61 (2) Notwithstanding paragraph (a), systemic analgesia, nitrous oxide, and other forms of
62 pain relief may be administered at the birthing center if it is performed within the provider's scope
63 of practice, and as determined by the birthing center's policies and procedures;

64 (3) Labor may not be induced, stimulated, or augmented with pharmacologic agents during
65 the first or second stages of labor or before labor;

66 (4) Surgical services must be limited to those normally performed during an uncomplicated
67 birth, including episiotomy and repair. No operative obstetrics or cesarean sections shall be
68 performed;

69 (5) The use of vacuum extractors, vaginal forceps, or continuous electronic fetal
70 monitoring is prohibited; and

71 (6) The risk factors preclude a patient from delivering at the birthing center:

72 (A) Known breech or non-vortex presentation at time of admission;

73 (B) Multiple gestation, such as twins;

74 (C) Gestation less than 36 weeks and zero days, or greater than 42 weeks and zero days;

75 and

76 (D) Other risk factors contrary to the birthing center's established risk criteria.

77 (j) Each birthing center location shall be licensed separately, regardless of whether the
78 center is operated under the same business name or management as another birthing center.

79 (k) The birthing center shall report information, data, statistics, and other information as
80 directed in this code, and the rules promulgated pursuant to this article, to required agencies and
81 other authorities.

82 (l) The birthing center shall immediately notify the director, or his or her designee, in writing
83 of any changes to its operations that affect the birthing center's continued compliance with the
84 certification and licensure requirements.

§16-2E-5. Restrictions; variances and waivers.

1 (a) A birthing center shall not be located or operated within a hospital licensed and defined
2 in §16-5B-1 et seq. Birthing centers are defined as freestanding facilities which provide healthcare
3 as specified in this article and in the rules promulgated pursuant to this article in a home-like
4 environment, which is different and outside of the hospital setting, while promoting safety and
5 quality care for patients and newborn infants.

6 (b) Birthing centers may not have procedures for offering a bounty, monetary, equipment or
7 merchandise reward, or free services for individuals in exchange for recruitment of new patients
8 into the birthing center.

9 (c) The director, in consultation with the Inspector General, may grant a waiver or a
10 variance from any licensure standard, or portion thereof, for the period which the license is in
11 effect.

12 (1) Requests for waivers or variances of licensure standards shall be in writing to the
13 director and shall include:

14 (A) The specific section of this article or rules promulgated pursuant to this article for which
15 a waiver or variance is sought;

16 (B) The rationale for requesting the waiver or variance;

17 (C) Documentation by the birthing center's administrator or governing body to the director
18 that describes how the birthing center will maintain the quality of services and patient safety and
19 rights if the waiver or variance is granted; and

20 (D) The consequences of not receiving approval of the requested waiver or variance.

21 (2) The director, in consultation with the Inspector General, shall issue a written statement
22 to the birthing center granting or denying a request for a waiver or variance of birthing center
23 licensure standards.

24 (3) The birthing center shall maintain a file copy of all requests for waivers or variances and
25 the approval or denial of the requests for the period during which the license is in effect.

26 (4) The Office of Health Facility Licensure and Certification may inspect each birthing
27 center prior to a waiver or variance being granted, including a review of patient records, to ensure
28 and verify that any waiver or variance request meets the spirit and purpose of this article and the
29 rules promulgated pursuant to this article. The Office of Health Facility Licensure and Certification
30 may verify, by unannounced inspection, that the birthing center is in compliance with any waiver or
31 variance granted by the director, in consultation with the Inspector General, for the duration of
32 such waiver or variance.

§16-2E-6. Inspection; inspection warrant.

1 (a) The Office of Health Facility Licensure and Certification shall inspect each birthing
2 center annually, including a review of patient records, to ensure that the facility complies with this
3 article and the applicable rules.

4 (b) The Office of Health Facility Licensure and Certification shall perform unannounced
5 complaint and verification inspections at birthing centers, including a review of patient records, to
6 ensure that the facility complies with this article and the applicable rules.

7 (c) During an onsite inspection, the inspectors shall make a reasonable attempt to discuss
8 each potential violation with the administrator or governing body of the birthing center before
9 issuing a formal written notification.

10 (d) Any action taken to correct a violation shall be documented in writing by the
11 administrator or governing body of the birthing center and may be verified by follow-up visits by the
12 Office of Health Facility Licensure and Certification.

13 (e) Notwithstanding the existence or pursuit of any other remedy, the Inspector General
14 may, in the manner provided by law, maintain an action in the name of the state for an inspection
15 warrant against any person, partnership, association, or corporation to allow any inspection or
16 seizure of records in order to complete any inspection allowed by this article or the rules
17 promulgated pursuant to this article, or to meet any other purpose of this article or the rules
18 promulgated pursuant to this article.

§16-2E-7. License limitation; denial; suspension; revocation.

1 (a) The director, in consultation with the Inspector General, may, by order, impose a ban on
2 the admission of patients or reduce the patient capacity of the birthing center, or any combination
3 thereof, when he or she finds upon inspection of the birthing center that the licensee is not
4 providing adequate care under the birthing center's existing patient quota, and that an imposition
5 of a ban on admissions or reduction in quota, or any combination thereof, would place the licensee
6 in a position to render adequate care. Any notice to a licensee of a ban on new admission or
7 reduction in quota shall include the terms of the order, the reason therefor, and the date set for
8 compliance.

9 (b) The director, in consultation with the Inspector General, shall deny, suspend, or revoke
10 a license pursuant to this article if the provisions of this article or of the rules promulgated pursuant
11 to this article are violated. The director, in consultation with the Inspector General, may revoke a
12 birthing center's license and prohibit all licensed disciplines associated with that birthing center
13 from practicing at the birthing center location based upon annual, periodic, complaint, verification,
14 or other inspection and evaluation.

15 (c) Notice of any such license denial, suspension, or revocation shall be by written notice
16 given to the licensee stating the grounds for such denial, suspension, or revocation.

17 (d) If a license is denied or revoked as herein provided, a new application for license shall
18 be considered by the director if, when, and after the conditions upon which the denial or revocation
19 was based have been corrected and evidence of this fact has been furnished with the new

20 application. A new license shall then be granted after proper inspection, if applicable, has been
21 made and all provisions of this article and rules promulgated pursuant to this article have been
22 satisfied.

23 (e) If the license of a birthing center is denied, suspended, or revoked, the owner,
24 governing body, or administrator, or any combination thereof, shall cease to operate the center,
25 clinic, facility, office, or program as a birthing center as of the effective date of the denial,
26 suspension, or revocation. The owner or lessor of the birthing center property is responsible for
27 removing all signs and symbols identifying the premises as a birthing center within 30 days of the
28 denial, suspension, or revocation. Any administrative appeal of such denial, suspension, or
29 revocation shall not stay the denial, suspension, or revocation.

30 (f) Upon the effective date of the denial, suspension, or revocation, the administrator of the
31 birthing center shall advise the director and the Board of Pharmacy of the disposition of all
32 medications located on the premises. The disposition is subject to the supervision and approval of
33 the director. Medications that are purchased or held by a birthing center that is not licensed may be
34 deemed adulterated.

35 (g) If the license of a birthing center is suspended or revoked, any person named in the
36 licensing documents of the facility, including persons owning or operating the birthing center, may
37 not, as an individual or as part of a group, apply to operate another birthing center for up to five
38 years after the date of suspension or revocation. The director, in consultation with the Inspector
39 General, may grant a variance pursuant to section five of this article to the prohibition of this
40 subsection.

§16-2E-8. Violations; penalties; injunction.

1 (a) Any person, partnership, association, or corporation which establishes, conducts,
2 manages, or operates a birthing center without first obtaining a license as herein provided, or who
3 violates any provision of this article or any rule lawfully promulgated pursuant to this article, shall
4 be assessed a civil penalty by the director, in consultation with the Inspector General, in

5 accordance with this section. Each day of continuing violation after assessment shall be
6 considered a separate violation.

7 (b) If a birthing center or any owner, governing body, or administrator is found to be in
8 violation of any provision of this article, unless otherwise noted herein, the director, in consultation
9 with the Inspector General, may limit, suspend, or revoke the birthing center's license.

10 (c) If the birthing center's administrator or governing body knowingly and intentionally
11 misrepresents actions taken to correct a violation, the director, in consultation with the Inspector
12 General, may impose a civil money penalty not to exceed \$10,000 and, in the case of any owner-
13 operator birthing center, limit or revoke a birthing center's license.

14 (d) If any owner of a birthing center that requires a license under this article fails to apply for
15 a new license for the birthing center upon a change of ownership and operates under new
16 ownership, the director, in consultation with the Inspector General, may impose a civil money
17 penalty upon the owner, not to exceed \$5,000.

18 (e) If anyone operates, owns, or manages an unlicensed birthing center that is required to
19 be licensed pursuant to this article; or procures or attempts to procure a license for a birthing
20 center for any other person by making or causing to be made any false representation, the
21 director, in consultation with the Inspector General, may assess a civil money penalty of not more
22 than \$20,000.

23 (f) Civil money penalties may be in addition to or in lieu of any other action that may be
24 taken by the director, in consultation with the Inspector General, or any other board, court, or entity.

25 (g) In determining whether a civil money penalty is to be imposed and in fixing the amount
26 of the penalty, the director, in consultation with the Inspector General, shall consider the following
27 factors:

28 (1) The gravity of violation, including the probability that death or serious physical or
29 emotional harm to a patient has resulted, or could have resulted, from the birthing center's actions
30 or the actions of any administrator, governing body, or any licensed professional, the severity of

31 the action or potential harm, and the extent to which the provisions of the applicable laws or rules
32 were violated;

33 (2) What actions, if any, the owner or administrator took to correct the violations;

34 (3) Whether there were any previous violations at the birthing center; and

35 (4) The financial benefits that the birthing center derived from committing or continuing to
36 commit the violations.

37 (h) Upon finding that a licensed professional has violated provisions of this article or rules
38 adopted pursuant to this article, the director shall provide notice of the violation to the applicable
39 licensing board.

§16-2E-9. Due process; injunction.

1 (a) Within 10 days of receipt of the notice required in §16-2E-7 or §16-2E-8, or both, the
2 birthing center may submit a request for an administrative hearing before the Board of Review or
3 an informal meeting to address the notice and reason stated therefore.

4 (b) The birthing center and its owner or owners and the Office of Health Facility Licensure
5 and Certification will be entitled to representation by legal counsel at the informal meeting and at
6 the administrative hearing at their own expense, respectively.

7 (c) All of the pertinent provisions of §29A-5-1 et seq. and 69 CSR 01 shall apply to and
8 govern any formal hearing authorized by this article and any rules promulgated pursuant thereto.

9 (d) If a birthing center fails to request a hearing within the time frame specified, he or she
10 shall be subject to the full limitation, enforcement action, or penalty, or any combination thereof,
11 imposed pursuant to the provisions of §16-2E-7 or §16-2E-8, or both.

12 (e) The filing of a request for an administrative hearing or an informal meeting does not
13 stay or supersede the enforcement of a limitation, enforcement action, or penalty, or any
14 combination thereof, imposed pursuant to the provisions of §16-2E-7 or §16-2E-8, or both.

15 (f) Any party who is dissatisfied with the decision of the Board of Review as a result of the
16 formal hearing provided in this section may, within 30 days after receiving the notice of the

17 decision, petition the West Virginia Intermediate Court of Appeals, in term or in vacation, for
18 judicial review of the decision.

19 (g) The court may affirm, modify, or reverse the decision of the Board of Review and either
20 the applicant or the licensee, or the Inspector General may appeal the court's decision to the West
21 Virginia Supreme Court of Appeals.

22 (h) Notwithstanding the existence or pursuit of any other remedy, the Inspector General
23 may, in the manner provided by law, maintain an action in the name of the state for an injunction
24 against any person, partnership, association, or corporation to restrain or prevent the
25 establishment, conduct, management, or operation of any birthing center or violation of any
26 provision of this article or any rule lawfully promulgated thereunder without first obtaining a license
27 in the manner herein provided.

§16-2E-10. Advertisement disclosure.

1 Any advertisement made by or on behalf of a birthing center through public media, such as
2 a telephone directory, medical directory, newspaper or other periodical, outdoor advertising, radio
3 or television, social media, or through written or recorded communication shall include the name
4 of, at a minimum, the administrator or individual from the governing body responsible for the
5 content of the advertisement. No person, entity, or facility shall represent itself as a birthing center
6 or use the term "birth center" or "birthing center" as its title, or part of its title, in any advertising,
7 publications, or other forms of communication unless licensed as a birthing center in accordance
8 with the provisions of this article and the rules promulgated pursuant to this article.

§16-2E-11. Rules; minimum standards for birthing centers.

1 (a) The Inspector General shall promulgate rules in accordance with the provisions of
2 §29A-3-1, et seq. for the licensure of birthing centers to ensure adequate care, treatment, health,
3 safety, welfare, and comfort of patients at birthing centers. These rules shall include, at a
4 minimum:

5 (1) The process to be followed by applicants seeking a license;

6 (2) The qualifications and supervision of licensed and non-licensed personnel at a birthing
7 center and training requirements for all facility health care practitioners who are not regulated by
8 another board;

9 (3) The plan for collaboration with other providers, agencies, or organizations for services
10 not directly provided by the birthing center;

11 (4) The management, operation, staffing, and equipping of the birthing center;

12 (5) The clinical, medical, patient, and business records kept by the birthing center;

13 (6) The procedures for inspections and for review of utilization and quality of patient care;

14 (7) The standards and procedures for the general operation of a birthing center, including,
15 but not limited to, facility operations, physical operations, infection control requirements, health
16 and safety requirements, and quality assurance;

17 (8) The criteria used to identify a facility as a birthing center;

18 (9) The standards and procedures to be followed by an administrator in providing,
19 supervision, direction, and control of individuals employed by or associated with a birthing center;

20 (10) Data collection and reporting requirements;

21 (11) The criteria and requirements related to required services and specific functions of a
22 birthing center;

23 (12) The provisions for requesting and responding to a written request for a variance or
24 waiver;

25 (13) The provisions for administrative due process; suspension, revocation, or denial of a
26 license; ban on admissions; reduction in census; and civil money penalties, and the time frames
27 for the same;

28 (14) Such other standards or requirements as the Inspector General determines are
29 appropriate.

30 (b) The Legislature finds that an emergency exists and, therefore, the Inspector General
31 shall file an emergency rule to implement the provisions of this section pursuant to the provisions

32 of §29A-3-15.

NOTE: The purpose of this bill is to modernize the birthing center statute by updating language to make the statute more consistent with nationally recognized best practices in the field and by making the administrative requirements and processes associated with birthing center licensure more streamlined and consistent with other facility types regulated by the Office of Health Facility and Certification.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.