**Section 265.1250 General Requirements for Licensure**

a) Birth centers shall obtain a permit from the Illinois Health Facilities and Services Review Board and shall obtain a license from the Illinois Department of Public Health. No person may engage in the business of providing birth center services, or represent to the public that the person is a provider of such services for pay or other consideration, without a license.

b) *A birth center shall be exclusively dedicated to serving the childbirth-related needs of women and their newborns and shall have no more than 10 beds*. (Section 35(6) of the Act)

c) *A birth center is a designated site that is away from the mother’s usual place of residence and in which births are planned to occur following a normal, uncomplicated, and low-risk pregnancy*. (Section 35(6) of the Act)

d) *A birth center shall offer prenatal care and community education services and shall coordinate these services with other health care services available in the community.* (Section 35(6) of the Act)

e) *A birth center license shall be required if the birth center is operated as:*

1) *A part of the operation of a federally qualified health center as designated by the United States Department of Health and Human Services; or*

2) *A facility other than one described in* Section 35(6)(A)(1) or (A)(2) of the Act or subsection (e)(1) of this Section *whose costs are reimbursable under Title XIX of the federal Social Security Act*. (Section 35(6)(B)(2) of the Act)

f) *Each birth center must become accredited by either the Commission for the Accreditation of Freestanding Birth Centers or the Joint Commission* on Accreditation of Health Care Organizationswithin two years after becoming licensed. (Section 35(6) of the Act)

g) *A birth center shall be certified to participate in the Medicare and Medicaid Programs under Titles 18 and 19, respectively, of the federal Social Security Act* if allowable*.* (Section 35(6) of the Act)

h) *A birth center shall be located within a ground travel time distance from the general acute care hospital with which the birth center maintains a contractual relationship, including a transfer agreement that allows for an emergency caesarian delivery* *to be started within 30 minutes* after *the decision a caesarian delivery is necessary.* (Section 35(6) of the Act)

i) No person or place shall represent itself as a "birth center" or use the term "birth center" in its title, advertising, publications or other form of communication unless licensed as a birth center in accordance with this Part.

j) Each license shall specify the licensed bed capacity of the birth center.

k) Procedures performed at birth centers shall be limited to those normally accomplished in uncomplicated childbirth, including simple episiotomies and repairs of lacerations. Surgical procedures such as tubal ligation or termination of pregnancy are prohibited at birth centers.

l) Proposed changes in birth center licensed bed capacity shall be submitted in writing to the Department and shall be subject to the approval of the Department based upon need and compliance with Subpart B of this Part.

m) *A birth center may not discriminate against any* client *requiring treatment because of the source of payment for services, including Medicare and Medicaid recipients*. (Section 35(6) of the Act)

n) *The medical director or his or her physician designee shall be available on the premises or within a close proximity*. Close proximity means being able to be physically present in the facility within 30 minutes after being called. (Section 35(6) of the Act)

o) The birth center license shall be prominently displayed in the area accessible to the public.

p) Staff Continuing Education Policies and Requirements.

1) Birth centers shall have a *written policy and conduct continuing education yearly for providers and staff of obstetric medicine and other staff that may care for pregnant or postpartum women. The written policy and continuing education shall include educational modules regarding management of severe maternal hypertension and obstetric hemorrhage and other leading causes of maternal mortality for units that care for pregnant or postpartum women*. *Birthing facilities must demonstrate compliance with these written policy, education, and training requirements.* (Section 2310-222(b) of the Department of Public Health Powers and Duties Law)

2) Birth centers shall annually submit documentation demonstrating compliance with the requirements in subsection (p)(1) to their respective Administrative Perinatal Center*.*

q) Birth centers *shall incorporate* the *best practices* made available by the Department in consultation with the Illinois Perinatal Quality Collaborative *for timely identification and assessment of all pregnant and postpartum women for common pregnancy or postpartum complications and for care provided by the birth center throughout the pregnancy and postpartum period*. The best practices shall be incorporated *into the written policy* required in subsection (p). (Section 2310-222(d) of the Department of Public Health Powers and Duties Law)

r) A birth center *licensed under* the Act shall *make reasonable efforts to have activated at all times the closed captioning feature on a television in a common area provided for use by the general public or in a patient's room, or enable the closed captioning feature when requested to do so by a member of the general public or a patient, if the television includes a closed captioning feature. As used in this* subsection (r), "*closed captioning*" *means a text display of spoken words presented on a television that allows a deaf or hard of hearing viewer to follow the dialogue and the action of a program simultaneously.*

1) *It is not a violation of this* subsection (r) *if the closed captioning feature is deactivated by a member of the* birth center's *staff after such feature is enabled in a common area or in a patient's room unless the deactivation of the closed captioning feature is knowing and intentional. It is not a violation of this* subsection (r) *if the closed captioning feature is deactivated by a member of the general public, a patient, or a member of the* birth center's *staff at the request of a patient of the* birth center*.*

2) *If the* birth center *does not have a television that includes a closed captioning feature, then the* birth centershall *ensure that all televisions* subsequently *obtained for common areas and patient rooms include a closed captioning feature. This* subsection (r) *does not affect any other provision of law relating to disability discrimination or providing reasonable accommodations or diminish the rights of a person with a disability under any other law.* (Section 35.5 of the Act)

3) A birth center shall post information regarding the availability of closed captioning on televisions in the facility and shall provide clients with information on how to activate the closed caption feature.

(Source: Amended at 46 Ill. Reg. 18820, effective November 4, 2022)