



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3995

Introduced 3/4/2021, by Rep. Robyn Gabel

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Birth Center Licensing Act. Provides that, except as provided by the Act, no person shall open, manage, conduct, offer, maintain, or advertise as a birth center without a valid license issued by the Department of Public Health. Requires all birth centers in existence as of the effective date of the Act to obtain a valid license to operate within 2 years after the adoption of rules by the Department to implement the Act. Provides that an applicant for a license under the Act shall submit an application on forms prescribed by the Department, which shall be accompanied by a nonrefundable license fee, as established by rule by the Department. Provides that licenses under the Act are renewable every 3 years upon submission of specified materials. Requires birth centers, to the extent possible, to link and integrate services with nearby health care facilities. Contains provisions concerning staffing requirements; minimum standards to protect the health and safety of a patient of a birth center; and requirements for reimbursement, reporting, training, and inspections. Requires the Department to adopt specified rules. Contains other provisions. Effective immediately.

LRB102 14648 CPF 21906 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Birth  
5 Center Licensing Act.

6 Section 5. Definitions. In this Act:

7 "Birth center" means a designated site, other than a  
8 hospital:

9 (1) in which births are planned to occur following a  
10 normal, uncomplicated, and low-risk pregnancy;

11 (2) that is not the pregnant person's usual place of  
12 residence;

13 (3) that is exclusively dedicated to serving the  
14 childbirth-related needs of pregnant persons and their  
15 newborns, and has no more than 10 beds; and

16 (4) that offers prenatal care and community education  
17 services and coordinates these services with other health  
18 care services available in the community.

19 "Department" means the Department of Public Health.

20 "Hospital" does not include places where pregnant females  
21 are received, cared for, or treated during delivery if it is in  
22 a licensed birth center, nor include any facility required to  
23 be licensed as a birth center.

1           Section 10. License required. Except as provided by this  
2 Act, no person shall open, manage, conduct, offer, maintain,  
3 or advertise as a birth center without a valid license issued  
4 by the Department. All birth centers in existence as of the  
5 effective date of this Act shall obtain a valid license to  
6 operate within 2 years after the adoption of rules by the  
7 Department to implement this Act under Section 60.

8           Section 15. Issuance and renewal of license.

9           (a) An applicant for a license under this Act shall submit  
10 an application on forms prescribed by the Department. Each  
11 application shall be accompanied by a nonrefundable license  
12 fee, as established by rule by the Department under Section  
13 60.

14           (b) The Department may grant a temporary initial license  
15 to an applicant. A temporary initial license expires on the  
16 earlier of the date the Department denies the license or the  
17 date 6 months after the temporary initial license was issued.

18           (c) The Department shall issue a license if, after  
19 application, inspection, and investigation, it finds the  
20 applicant meets the requirements of this Act and the rules and  
21 standards adopted pursuant to this Act.

22           (d) A license is renewable every 3 years upon submission  
23 of (i) the renewal application and fee and (ii) a report on a  
24 form prescribed by the Department that includes information

1 related to quality of care at a birth center. The report must  
2 be in the form and documented by evidence as required by the  
3 Department by rule under Section 60.

4 Section 20. Linkages.

5 (a) A birth center shall, to the extent possible, link and  
6 integrate its services with nearby health care facilities.

7 (b) A birth center shall have a written plan for transfer  
8 of patients that addresses emergency and nonemergency  
9 situations for both pregnant persons and newborns in  
10 antepartum, intrapartum, and postpartum phases. This should  
11 include plans for communication with the receiving hospital  
12 before and after transfer.

13 Section 25. Staffing.

14 (a) A birth center shall have a clinical director, who may  
15 be:

16 (1) a physician who is either certified or eligible  
17 for certification by the American College of Obstetricians  
18 and Gynecologists or the American Board of Osteopathic  
19 Obstetricians and Gynecologists or has hospital  
20 obstetrical privileges; or

21 (2) a midwife who is either certified or eligible for  
22 certification by his or her governing body.

23 (b) The clinical director shall be responsible for:

24 (1) the development of policies and procedures for

1 services as provided by Department rules;

2 (2) coordinating the clinical staff and overall  
3 provision of patient care;

4 (3) developing and approving policies defining the  
5 criteria to determine which pregnancies are accepted as  
6 normal, uncomplicated, and low-risk; and

7 (4) developing and approving policing regarding the  
8 anesthesia services available at the center.

9 (c) An obstetrician, family practitioner, or midwife  
10 licensed in Illinois shall attend each person in labor from  
11 the time of admission through birth and throughout the  
12 immediate postpartum period. Attendance may be delegated only  
13 to another physician or midwife licensed in Illinois.

14 (d) A second staff person shall be present at each birth  
15 who:

16 (1) is licensed or certified in Illinois in a  
17 health-related field and under the supervision of a  
18 physician or a licensed midwife in Illinois that is in  
19 attendance;

20 (2) has specialized training in labor and delivery  
21 techniques and care of newborns; and

22 (3) receives planned and ongoing training as needed to  
23 perform assigned duties effectively.

24 Section 30. Minimum standards.

25 (a) The Department's rules adopted pursuant to Section 60

1 of this Act shall contain minimum standards to protect the  
2 health and safety of a patient of a birth center. In adopting  
3 rules for birth centers, the Department shall consider:

4 (1) the Commission for the Accreditation of Birth  
5 Centers' Standards for Freestanding Birth Centers;

6 (2) the American Academy of Pediatrics and American  
7 College of Obstetricians and Gynecologists Guidelines for  
8 Perinatal Care; and

9 (3) the Regionalized Perinatal Health Care Code.

10 Section 35. Quality of care. The Department's rules shall  
11 provide for a time period within which each birth center must  
12 become accredited by either the Commission for the  
13 Accreditation of Freestanding Birth Centers or The Joint  
14 Commission.

15 A birth center shall implement a quality improvement  
16 program consistent with the requirements of the accrediting  
17 body.

18 Section 40. Reimbursement requirements.

19 (a) A birth center shall seek certification under Titles  
20 XVIII and XIX of the federal Social Security Act.

21 (b) Reimbursement rates set by the Department of  
22 Healthcare and Family Services should be based on all types of  
23 medically necessary covered services provided to both the  
24 birthing person and the baby, including:

1           (1) a professional fee for both the birthing person  
2           and baby;

3           (2) a facility fee for the birthing person that is no  
4           less than 75% of the statewide average facility payment  
5           rate made to a hospital for an uncomplicated vaginal  
6           birth;

7           (3) a facility fee for the baby that is no less than  
8           75% of the statewide average facility payment rate made to  
9           a hospital for a normal baby; and

10          (4) additional fees for other services, medications,  
11          laboratory tests, and supplies provided.

12          (c) A birth center shall provide charitable care  
13          consistent with that provided by comparable health care  
14          providers in the geographic area.

15          (d) A birth center may not discriminate against any  
16          patient requiring treatment because of the source of payment  
17          for services, including Medicare and Medicaid recipients.

18          Section 45. Reporting requirements. The Department shall  
19          by rule require each birth center to report information every  
20          3 years that is consistent with the birth center's license  
21          renewal schedule, which the Department shall make publicly  
22          available and which shall include the following:

23                 (1) utilization data involving patient length of stay;

24                 (2) admissions and discharges;

25                 (3) complications;

- 1           (4) transfers;
- 2           (5) deaths;
- 3           (6) any other publicly reported data required under  
4 the Consumer Guide to Health Care; and
- 5           (7) post-discharge patient status data where patients  
6 are followed for 14 days after discharge from the birth  
7 center to determine whether the mother or baby developed a  
8 complication or infection.

9           Section 50. Training. A birth center shall establish and  
10 implement a policy to ensure appropriate training and  
11 competency of individuals employed within the birth center.  
12 The policy shall, at a minimum, define the acts and practices  
13 that are allowed or prohibited for such employees, establish  
14 how training will be conducted, and illustrate how initial  
15 competency will be established.

16           Section 55. Inspections; special inspections; reports.

17           (a) The Department shall deem an accreditation body  
18 applicable to birth centers as a substitute for its own  
19 periodic inspection. The Department, whenever it determines  
20 necessary, may conduct a special inspection, survey, or  
21 evaluation of a birth center to assess compliance with  
22 licensure requirements and standards or a plan of correction  
23 submitted as a result of deficiencies cited by the Department  
24 or accrediting body.



1           (b) Upon the Department's completion of any special  
2 inspection, survey, or evaluation, the appropriate Department  
3 personnel who conducted the special inspection, survey, or  
4 evaluation shall submit a copy of his or her report to the  
5 licensee upon exiting the birth center, and shall submit the  
6 actual report to the appropriate regional office.

7           (c) The Department's report and any recommendation for  
8 action under this Act shall be sent to the Department's  
9 central office together with a plan of correction from the  
10 birth center.

11           (d) The plan of correction may contain related comments or  
12 documentation provided by the birth center that may refute  
13 findings in the report, explain extenuating circumstances that  
14 the birth center could not reasonably have prevented, or  
15 indicate methods and timetables for correction of deficiencies  
16 described in the report.

17           (e) A birth center has 10 days after the date of the  
18 Department's special inspection, survey, or evaluation to  
19 submit a plan of correction. The Department shall determine  
20 whether a birth center is in violation of this Section no later  
21 than 60 days after completion of each special inspection,  
22 survey, evaluation, or plan of correction.

23           (f) The Department shall maintain all special inspection,  
24 survey, or evaluation reports for at least 5 years in a manner  
25 accessible to the public.

1 Section 60. Rules.

2 (a) The Department shall adopt rules for the  
3 administration and enforcement of this Act.

4 (b) Rules adopted by the Department under this Act shall  
5 stipulate:

6 (1) the eligibility criteria for birth center  
7 admission that are consistent with accreditation standards  
8 and the midwife's or physician's scope of practice;

9 (2) the necessary equipment for emergency care  
10 according to the Commission for Accreditation of Birth  
11 Centers' standards;

12 (3) the travel time distance from the birth center  
13 that is not located within a rural area and a general acute  
14 care hospital with which the birth center the maintains a  
15 transfer agreement that allows for an emergency cesarean  
16 delivery to be started within 30 minutes of the decision  
17 that a cesarean delivery is necessary;

18 (4) the travel time distance from the birth center  
19 that is located within a rural area and a general acute  
20 care hospital with which the birth center maintains a  
21 transfer agreement that allows for an emergency cesarean  
22 delivery to be started within 45 minutes of the decision  
23 that a cesarean delivery is necessary;

24 (5) that the use of general anesthesia at a birth  
25 center is prohibited; and

26 (6) the equipment used by the birth center to ensure

1           that it is compatible with the health and safety of the  
2           patients.

3           Section 99. Effective date. This Act takes effect upon  
4           becoming law.