

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;

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; and

19 (5) that does not provide general anesthesia or
20 surgery.

21 "Certified nurse midwife" means an advanced practice
22 registered nurse licensed in Illinois under the Nurse Practice
23 Act with full practice authority or who is delegated such

1 authority as part of a written collaborative agreement with a
2 physician who is associated with the birthing center or who
3 has privileges at a nearby birthing hospital.

4 "Department" means the Illinois Department of Public
5 Health.

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

10 "Physician" means a physician licensed to practice
11 medicine in all its branches in Illinois.

12 Section 10. License required. Except as provided by this
13 Act, no person shall open, manage, conduct, offer, maintain,
14 or advertise as a birth center without a valid license issued
15 by the Department. All birth centers in existence as of the
16 effective date of this Act shall obtain a valid license to
17 operate within 2 years after the adoption of rules by the
18 Department to implement this Act under Section 60.

19 Section 15. Issuance and renewal of license.

20 (a) An applicant for a license under this Act shall submit
21 an application on forms prescribed by the Department. Each
22 application shall be accompanied by a nonrefundable license
23 fee, as established by rule by the Department under Section
24 60.

1 (b) The Department may grant a temporary initial license
2 to an applicant. A temporary initial license expires on the
3 earlier of the date the Department denies the license or the
4 date 6 months after the temporary initial license was issued.

5 (c) The Department shall issue a license under this Act
6 if, after application, inspection, and investigation, it finds
7 the applicant meets the requirements of this Act and the rules
8 and standards adopted pursuant to this Act.

9 (d) A license is renewable every year upon submission of:
10 (i) the renewal application and fee and (ii) a report on a form
11 prescribed by the Department that includes information related
12 to quality of care at a birth center. The report must be in the
13 form and documented by evidence as required by the Department
14 by rule under Section 60.

15 Section 17. Certificate of need; licenses.

16 (a) A birth center shall obtain a certificate of need from
17 the Health Facilities and Services Review Board under the
18 Health Facilities Planning Act before receiving a license by
19 the Department under this Act.

20 (b) If, after obtaining an initial certificate of need
21 under subsection (a), a birth center seeks to increase the bed
22 capacity of the birth center, the birth center must obtain a
23 certificate of need from the Health Facilities and Services
24 Review Board before increasing the bed capacity.

25 (c) A birth center in a medically underserved area, as

1 determined by the U.S. Department of Health and Human
2 Services, shall receive priority in obtaining a certificate of
3 need under this Section.

4 Section 20. Linkages.

5 (a) A birth center shall link and integrate its services
6 with at least one birthing hospital with a minimum of a Level 1
7 perinatal designation.

8 (b) A birth center shall have an established agreement
9 with a nearby receiving birthing hospital with policies and
10 procedures for timely transfer of maternal and neonatal
11 patients. The agreement shall include a determination of
12 maternal and neonatal conditions necessitating consultation
13 and referral. This should include plans for communication with
14 the receiving hospital before and after transfer.

15 Section 25. Staffing.

16 (a) A birth center shall have a clinical director, who may
17 be:

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

23 (2) a certified nurse midwife.

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

1 (1) the development of policies and procedures for
2 services as provided by Department rules;

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

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

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

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

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

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

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

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

25 Section 30. Minimum standards.

1 (a) The Department's rules adopted pursuant to Section 60
2 of this Act shall contain minimum standards to protect the
3 health and safety of a patient of a birth center. In adopting
4 rules for birth centers, the Department shall consider:

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

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

10 (3) the Regionalized Perinatal Health Care Code.

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

16 A birth center shall implement a quality improvement
17 program consistent with the requirements of the accrediting
18 body and is encouraged to participate in quality improvement
19 projects implemented by the Department's Administrative
20 Perinatal Centers and other Department-supported perinatal
21 quality improvement projects. Clinicians, or their clinical
22 representative, attending persons in labor at the birth center
23 shall attend morbidity and mortality reviews that occur at the
24 receiving birthing hospital on their patients, when invited,
25 at a mutually agreeable time. This includes, but is not

1 limited to, maternal and neonatal patients transferred to the
2 receiving birthing hospital.

3 Section 40. Reimbursement requirements.

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

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

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

12 (2) a facility fee for the birthing person that is no
13 less than 75% of the statewide average facility payment
14 rate made to a hospital for an uncomplicated vaginal
15 birth;

16 (3) a facility fee for the baby that is no less than
17 75% of the statewide average facility payment rate made to
18 a hospital for a normal baby; and

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

21 (c) A birth center shall provide charitable care
22 consistent with that provided by comparable health care
23 providers in the geographic area.

24 (d) A birth center may not discriminate against any
25 patient requiring treatment because of the source of payment

1 for services, including Medicare and Medicaid recipients.

2 Section 45. Reporting requirements. The Department shall
3 by rule require each birth center to report information every
4 year that is consistent with the birth center's license
5 renewal schedule, which the Department shall make publicly
6 available and which shall include the following:

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

8 (2) admissions and discharges;

9 (3) complications;

10 (4) transfers;

11 (5) deaths;

12 (6) any other publicly reported data required under
13 the Consumer Guide to Health Care; and

14 (7) post-discharge patient status data where patients
15 are followed for 14 days after discharge from the birth
16 center to determine whether the mother or baby developed a
17 complication or infection.

18 Section 50. Training. A birth center shall, in
19 consultation with the clinical director, establish and
20 implement a policy to ensure appropriate training and
21 competency of individuals employed within the birth center.
22 The policy shall, at a minimum, define the acts and practices
23 that are allowed or prohibited for such employees, establish
24 how training will be conducted, and illustrate how initial

1 competency will be established.

2 Section 55. Inspections; special inspections; reports.

3 (a) The Department, whenever it determines necessary, may
4 conduct a special inspection, survey, or evaluation of a birth
5 center to assess compliance with licensure requirements and
6 standards or a plan of correction submitted as a result of
7 deficiencies cited by the Department or an accrediting body.

8 (b) Upon the Department's completion of any special
9 inspection, survey, or evaluation, the appropriate Department
10 personnel who conducted the special inspection, survey, or
11 evaluation shall submit a copy of his or her report to the
12 licensee upon exiting the birth center, and shall submit the
13 actual report to the appropriate regional office.

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

18 (d) The plan of correction may contain related comments or
19 documentation provided by the birth center that may refute
20 findings in the report, explain extenuating circumstances that
21 the birth center could not reasonably have prevented, or
22 indicate methods and timetables for correction of deficiencies
23 described in the report.

24 (e) A birth center has 10 days after the date of the
25 Department's special inspection, survey, or evaluation to

1 submit a plan of correction. The Department shall determine
2 whether a birth center is in violation of this Section no later
3 than 60 days after completion of each special inspection,
4 survey, evaluation, or plan of correction.

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

8 Section 60. Rules.

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

11 (b) Rules adopted by the Department under this Act shall
12 stipulate:

13 (1) the eligibility criteria for birth center
14 admission that are consistent with accreditation standards
15 and the certified nurse midwife's or physician's scope of
16 practice;

17 (2) the necessary equipment for emergency care
18 according to the Commission for Accreditation of Birth
19 Centers' standards;

20 (3) the minimum elements required in the transfer
21 agreement between a birth center and a receiving birth
22 hospital with at least a Level 1 perinatal designation,
23 including the amount of travel time between facilities in
24 rural and nonrural areas, the staff required to transfer
25 patients, and the mode of emergency transportation between

1 facilities; and

2 (4) the equipment used by the birth center to ensure
3 that it is compatible with the health and safety of the
4 patients.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.