



Rep. Robyn Gabel

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1 AMENDMENT TO HOUSE BILL 3995

2 AMENDMENT NO. _____. Amend House Bill 3995 by replacing
3 everything after the enacting clause with the following:

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

1 services and coordinates these services with other health
2 care services available in the community.

3 "Department" means the Department of Public Health.

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

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

15 Section 15. Issuance and renewal of license.

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

21 (b) The Department may grant a temporary initial license
22 to an applicant. A temporary initial license expires on the
23 earlier of the date the Department denies the license or the
24 date 6 months after the temporary initial license was issued.

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

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

11 Section 17. Certificate of need; licenses.

12 (a) A birth center shall obtain a certificate of need from
13 the Health Facilities and Services Review Board under the
14 Health Facilities Planning Act before receiving a license by
15 the Department under this Act.

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

21 (c) A birth center in a medically underserved area, as
22 determined by the U.S. Department of Health and Human
23 Services, shall receive priority in obtaining a certificate of
24 need under this Section.

1 Section 20. Linkages.

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

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

10 Section 25. Staffing.

11 (a) A birth center shall have a clinical director, who may
12 be:

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

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

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

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

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

25 (3) developing and approving policies defining the

1 criteria to determine which pregnancies are accepted as
2 normal, uncomplicated, and low-risk; and

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

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

10 (d) A second staff person shall be present at each birth
11 who:

12 (1) is licensed or certified in Illinois in a
13 health-related field and under the supervision of a
14 physician or a licensed midwife in Illinois that is in
15 attendance;

16 (2) has specialized training in labor and delivery
17 techniques and care of newborns; and

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

20 Section 30. Minimum standards.

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

25 (1) the Commission for the Accreditation of Birth

1 Centers' Standards for Freestanding Birth Centers;

2 (2) the American Academy of Pediatrics and American
3 College of Obstetricians and Gynecologists Guidelines for
4 Perinatal Care; and

5 (3) the Regionalized Perinatal Health Care Code.

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

11 A birth center shall implement a quality improvement
12 program consistent with the requirements of the accrediting
13 body.

14 Section 40. Reimbursement requirements.

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

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

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

23 (2) a facility fee for the birthing person that is no
24 less than 75% of the statewide average facility payment

1 rate made to a hospital for an uncomplicated vaginal
2 birth;

3 (3) a facility fee for the baby that is no less than
4 75% of the statewide average facility payment rate made to
5 a hospital for a normal baby; and

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

8 (c) A birth center shall provide charitable care
9 consistent with that provided by comparable health care
10 providers in the geographic area.

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

14 Section 45. Reporting requirements. The Department shall
15 by rule require each birth center to report information every
16 year that is consistent with the birth center's license
17 renewal schedule, which the Department shall make publicly
18 available and which shall include the following:

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

20 (2) admissions and discharges;

21 (3) complications;

22 (4) transfers;

23 (5) deaths;

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

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

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

12 Section 55. Inspections; special inspections; reports.

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

21 (b) Upon the Department's completion of any special
22 inspection, survey, or evaluation, the appropriate Department
23 personnel who conducted the special inspection, survey, or
24 evaluation shall submit a copy of his or her report to the

1 licensee upon exiting the birth center, and shall submit the
2 actual report to the appropriate regional office.

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

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

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

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

22 Section 60. Rules.

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

25 (b) Rules adopted by the Department under this Act shall

1 stipulate:

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

5 (2) the necessary equipment for emergency care
6 according to the Commission for Accreditation of Birth
7 Centers' standards;

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

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

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

22 (6) the equipment used by the birth center to ensure
23 that it is compatible with the health and safety of the
24 patients.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".