

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2024 REGULAR SESSION
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Amend printed copy of **HB 199**

On page 1, by deleting lines 9 to 23 in their entirety and inserting the following in lieu thereof:

"(2) The cabinet shall establish licensure standards for freestanding birthing centers that:

(a) Require accreditation by the Commission for the Accreditation of Birth Centers;

(b) Delineate requirements for medical malpractice insurance;

(c) Require a plan for physician collaboration for obstetric services and for pediatric services;

(d) Establish requirements for the clinical director;

(e) Require location within thirty (30) miles of a hospital. If a hospital located within thirty (30) miles of a freestanding birthing center ceases operations after a freestanding birthing center has been established, the requirement of this paragraph shall not apply to the affected freestanding birthing center;

(f) Do not prohibit a hospital from owning or operating a freestanding birthing center that complies with the requirements of this section; and

(g) Include any other requirements deemed necessary by the cabinet that are not inconsistent with the other requirements of this section.

(3) A freestanding birthing center shall obtain written informed consent for each client receiving care. The written informed consent shall include:

Amendment No. HFA

Rep. Rep. Jason Nemes

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

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- (a) A description of the benefits, risks, and eligibility requirements for receiving care at the freestanding birthing center;
 - (b) A description of the education and credentials of practitioners providing clinical care at the freestanding birthing center;
 - (c) Instructions for obtaining a copy of the administrative regulations promulgated pursuant to this section;
 - (d) Instructions for filing a complaint relating to the freestanding birthing center with the cabinet;
 - (e) A summary of a written protocol for emergencies, including transfer to a higher level of care;
 - (f) Disclosure of professional liability insurance held by clinical care providers at the freestanding birthing center; and
 - (g) A summary of procedures established by the freestanding birthing center for professional collaboration with other care providers.
- (4) (a) A freestanding birthing center shall have a written patient transfer agreement with a hospital that provides obstetric services. The cabinet shall establish minimum requirements for the patient transfer agreement which shall include:
- 1. Specifying the responsibilities that a freestanding birthing center and a hospital assume in the transfer of a patient; and
 - 2. Establishing the freestanding birthing center's responsibility for:
 - a. Notifying the receiving hospital promptly of the impending transfer of a patient; and
 - b. Arranging for appropriate and safe transportation.
- (b) A freestanding birthing center that does not have a written patient transfer agreement with a hospital that provides obstetric services in effect but has

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documented a good-faith effort to enter into such an agreement, as determined by the cabinet, and otherwise meets all requirements for licensure, shall be in compliance with this subsection.

(5) (a) A freestanding birthing center shall have a written patient transfer agreement with a licensed emergency medical transportation service.

(b) A freestanding birthing center that does not have a written patient transfer agreement with a licensed emergency medical transportation service in effect but has documented a good-faith effort to enter into such an agreement, as determined by the cabinet, and otherwise meets all requirements for licensure, shall be in compliance with this subsection."; and

On page 1, line 24, by deleting "(3)" and inserting "(6)" in lieu thereof; and

On page 1, line 26, by deleting "(4)" and inserting "(7)" in lieu thereof; and

On page 2, line 15, by deleting "(5)" and inserting "(8)" in lieu thereof; and

On page 2, between lines 16 and 17, by inserting the following:

"(9) The cabinet shall promulgate updated administrative regulations in accordance with KRS Chapter 13A to implement the requirements of this section by December 1, 2024."