

Regular Session, 2012

HOUSE BILL NO. 789

BY REPRESENTATIVE NANCY LANDRY

HEALTH/MIDWIVES: Provides for the licensure of birth centers

1 AN ACT

2 To enact Part XII of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 40:2198.1 through 2198.5, relative to the licensure of birth
4 centers; to require the Department of Health and Hospitals to establish licensure
5 requirements for birth centers; to provide for the application and renewal process for
6 the licensure of birth centers; to provide for definitions; to authorize the department
7 to issue a temporary permit to certain birth centers; to provide for rights of the
8 mother; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part XII of Chapter 11 of Title 40 of the Louisiana Revised Statutes of
11 1950, comprised of R.S. 40:2198.1 through 2198.5, is hereby enacted to read as follows:

12 PART XII. LICENSING OF BIRTH CENTERS

13 §2198.1. Short title

14 This Part shall be known and may be cited as the "Birth Center Licensing
15 Act".

16 §2198.2. Licensure of birth centers; definitions

17 A. The Department of Health and Hospitals shall license free standing birth
18 centers under the standards established by the department or based on the standards
19 and accreditation of the Commission for the Accreditation of Birth Centers.

20 B. As used in this Part, the following definitions shall apply:

21 (1) "Birth centers" means a facility licensed for the primary purpose of
22 providing prenatal and post partal care and performing low-risk deliveries that is not

1 a hospital or licensed as a part of a hospital and where births are planned to occur
2 away from the mother's usual residence following low-risk pregnancy.

3 (2) "Commission" means the Commission for the Accreditation of Birth
4 Centers.

5 (3) "Department" means the Louisiana Department of Health and Hospitals.

6 C. After January 1, 2013, no birth center shall be established, operated, or
7 maintained in Louisiana without a license issued by the department.

8 §2198.3. Application and renewal of birth center licenses

9 A. Application for licensure and renewals shall be made by a birth center to
10 the department on forms developed by the department and include a fee not to
11 exceed five hundred dollars.

12 B. The department shall have the authority to license birth centers accredited
13 by the commission. When the basis for licensing is accreditation by the commission,
14 the applicant shall submit satisfactory evidence of such accreditation to the
15 department.

16 C. A license issued in accordance with this Part shall be for a period of two
17 years.

18 D. Upon the loss of accreditation, a licensed birth center shall immediately
19 notify the department of the loss, and the department may use this fact as the basis
20 of revoking or suspending the birth center's license.

21 E. The department shall have the right to inspect the facilities, equipment,
22 supplies, and records of any birth center holding or applying for a license pursuant
23 to this Part.

24 F. Upon request, a birth center shall submit to the department any material
25 submitted to the commission as part of the accreditation process, including but not
26 limited to the accreditation application, self evaluation reports, accreditation decision
27 letter from the commission, and any reports from the commission following a site
28 visit.

1 §2198.4. Temporary permit

2 For a new birth center planning to begin operation, the department may issue
3 a temporary permit pursuant to rules and regulations promulgated by the department.

4 §2198.5. Rights of the mother

5 Nothing in the law or rules and regulations of the department shall infringe
6 upon the right of the mother to choose the location for the birth of her child or the
7 persons who are authorized to be in attendance.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Nancy Landry

HB No. 789

Abstract: Establishes the Birth Center Licensing Act.

Proposed law (R.S. 40:2198.1) provides that proposed law will be known and may be cited as the "Birth Center Licensing Act".

Proposed law (R.S. 40:2198.2(A)) requires the Dept. of Health and Hospitals (DHH) to license free standing birth centers under the standards established by the department or based on the standards and accreditation of the Commission for the Accreditation of Birth Centers.

Proposed law (R.S. 40:2198.2(B)) defines "birth centers" as meaning a facility licensed for the primary purpose of providing prenatal and post partal care and performing low-risk deliveries that is not a hospital or licensed as a part of a hospital and where births are planned to occur away from the mother's usual residence following low-risk pregnancy. Also, defines the "department" as meaning the La. Dept. of Health and Hospitals. Finally, defines the "commission" as meaning the commission for the Accreditation of Birth Centers.

Proposed law (R.S. 40:2198.2(C)) prohibits the establishment, operation, or maintenance of birth centers in La. without a license issued by DHH after Jan. 1, 2013; however, authorizes DHH to license birth centers accredited by the commission.

Proposed law (R.S. 40:2198.3(A)) requires an application for birth center licensure and renewals to be made by the birth center to DHH on forms established by DHH and include a fee not to exceed \$500.

Proposed law (R.S. 40:2198.3(B)) authorizes DHH to license birth centers accredited by the commission. Specifies that when the basis for licensing is accreditation by the commission, the applicant must submit satisfactory evidence of such accreditation to DHH.

Proposed law (R.S. 40:2198.3(C)) provides that a license issued in accordance with proposed law is for a period of two years.

Proposed law (R.S. 40:2198.3(D)) provides that when a licensed birth center losses accreditation, the birth center must immediately notify DHH of the loss and DHH may use it as the basis of revoking or suspending the birth center's license.

Proposed law (R.S. 40:2198.3(E)) provides that DHH has the right to inspect the facilities, equipment, supplies, and records of any birth center holding or applying for a license pursuant to proposed law.

Proposed law (R.S. 40:2198.3(F)) requires a birth center, upon request, to submit to DHH any material submitted to the commission as part of the accreditation process, including but not limited to the accreditation application, self evaluation reports, accreditation decision letter from the commission, and any reports from the commission following a site visit.

Proposed law (R.S. 40:2198.4) authorizes the issuance of a temporary permit for birth centers planning to begin operation pursuant to rules and regulations promulgated by DHH.

Proposed law (R.S. 40:2198.5) establishes the rights of the mother and specifies that nothing in the law or rules and regulations of DHH can infringe upon the right of the mother to choose the location for the birth of her child or the persons who are authorized to be in attendance.

(Adds R.S. 40:2198.1-2198.5)