

**HOUSE . . . . . No. 3616**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Manny Cruz and Chynah Tyler***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act updating the regulations governing licensed birth centers in Massachusetts.

PETITION OF:

| NAME:                              | DISTRICT/ADDRESS:                       | DATE ADDED:      |
|------------------------------------|---|------------------|
| <i>Manny Cruz</i>                  | <i>7th Essex</i>                        | <i>1/19/2023</i> |
| <i>Chynah Tyler</i>                | <i>7th Suffolk</i>                      | <i>1/20/2023</i> |
| <i>Lindsay N. Sabadosa</i>         | <i>1st Hampshire</i>                    | <i>1/23/2023</i> |
| <i>Tram T. Nguyen</i>              | <i>18th Essex</i>                       | <i>1/30/2023</i> |
| <i>Steven Owens</i>                | <i>29th Middlesex</i>                   | <i>1/31/2023</i> |
| <i>Dylan A. Fernandes</i>          | <i>Barnstable, Dukes and Nantucket</i>  | <i>1/31/2023</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i>                   | <i>1/31/2023</i> |
| <i>Christopher J. Worrell</i>      | <i>5th Suffolk</i>                      | <i>2/1/2023</i>  |
| <i>Brian W. Murray</i>             | <i>10th Worcester</i>                   | <i>2/6/2023</i>  |
| <i>Patricia A. Duffy</i>           | <i>5th Hampden</i>                      | <i>2/6/2023</i>  |
| <i>Christine P. Barber</i>         | <i>34th Middlesex</i>                   | <i>2/6/2023</i>  |
| <i>David M. Rogers</i>             | <i>24th Middlesex</i>                   | <i>2/14/2023</i> |
| <i>Daniel Cahill</i>               | <i>10th Essex</i>                       | <i>2/14/2023</i> |
| <i>David Paul Linsky</i>           | <i>5th Middlesex</i>                    | <i>2/14/2023</i> |
| <i>Samantha Montaño</i>            | <i>15th Suffolk</i>                     | <i>2/14/2023</i> |
| <i>Rebecca L. Rausch</i>           | <i>Norfolk, Worcester and Middlesex</i> | <i>2/14/2023</i> |
| <i>Jennifer Balinsky Armini</i>    | <i>8th Essex</i>                        | <i>2/14/2023</i> |
| <i>Sally P. Kerans</i>             | <i>13th Essex</i>                       | <i>2/14/2023</i> |

|                                     |  |                  |
|-------------------------------------|--|------------------|
| <i>Rob Consalvo</i>                 | <i>14th Suffolk</i>                      | <i>2/14/2023</i> |
| <i>Thomas M. Stanley</i>            | <i>9th Middlesex</i>                     | <i>2/14/2023</i> |
| <i>James B. Eldridge</i>            | <i>Middlesex and Worcester</i>           | <i>2/22/2023</i> |
| <i>Joanne M. Comerford</i>          | <i>Hampshire, Franklin and Worcester</i> | <i>2/22/2023</i> |
| <i>James C. Arena-DeRosa</i>        | <i>8th Middlesex</i>                     | <i>2/22/2023</i> |
| <i>Erika Uyterhoeven</i>            | <i>27th Middlesex</i>                    | <i>2/22/2023</i> |
| <i>Natalie M. Higgins</i>           | <i>4th Worcester</i>                     | <i>2/23/2023</i> |
| <i>Patrick Joseph Kearney</i>       | <i>4th Plymouth</i>                      | <i>2/23/2023</i> |
| <i>Kay Khan</i>                     | <i>11th Middlesex</i>                    | <i>2/27/2023</i> |
| <i>Christopher Richard Flanagan</i> | <i>1st Barnstable</i>                    | <i>2/27/2023</i> |
| <i>James J. O'Day</i>               | <i>14th Worcester</i>                    | <i>2/28/2023</i> |
| <i>Adrienne Pusateri Ramos</i>      | <i>14th Essex</i>                        | <i>3/6/2023</i>  |
| <i>Mindy Domb</i>                   | <i>3rd Hampshire</i>                     | <i>3/9/2023</i>  |
| <i>Russell E. Holmes</i>            | <i>6th Suffolk</i>                       | <i>3/14/2023</i> |
| <i>Patrick M. O'Connor</i>          | <i>First Plymouth and Norfolk</i>        | <i>3/14/2023</i> |
| <i>Jack Patrick Lewis</i>           | <i>7th Middlesex</i>                     | <i>3/14/2023</i> |
| <i>Tommy Vitolo</i>                 | <i>15th Norfolk</i>                      | <i>3/17/2023</i> |
| <i>Bruce E. Tarr</i>                | <i>First Essex and Middlesex</i>         | <i>3/24/2023</i> |

**HOUSE . . . . . No. 3616**

---

By Representatives Cruz of Salem and Tyler of Boston, a petition (accompanied by bill, House, No. 3616) of Manny Cruz, Chynah Tyler and others relative to the regulations governing licensed birth centers. Public Health.

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act updating the regulations governing licensed birth centers in Massachusetts.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 51 of chapter 111 of the General Laws, as appearing in the 2020  
2 Official Edition, is hereby amended by adding after the word “Gynecologists,” in line 106, the  
3 following words:- , American College of Nurse Midwives, American Association of Birth  
4 Centers.

5           SECTION 2. (a) The department of public health shall promulgate revised regulations  
6 under the Code of Massachusetts Regulations 105 CMR 140.000 and 142.000 governing the  
7 facility and operation of licensed birth centers in consultation with Seven Sisters Birth Center,  
8 Neighborhood Birth Center, American College of Nurse Midwives Massachusetts Affiliate, and  
9 other entities operating or planning to open birth centers in Massachusetts to bring the  
10 regulations in accordance with chapter 111 of the General Laws and the standards of the  
11 American Association of Birth Centers or any successor organization, and to ensure safe,  
12 equitable and accessible birth options for birth center clients.

13 (b) The regulations shall include, but not be limited to, the following provisions:

14 (i) a licensed free-standing birth center shall have a detailed and written plan on the  
15 premises for transfer of a client to a nearby hospital providing obstetrical and newborn services  
16 as needed for emergency treatment beyond that provided by the birth center;

17 (ii) a licensed free-standing birth center shall develop policies and procedures to ensure  
18 coordination of ongoing care and transfer when complications occur which render the patient  
19 ineligible for birth center care during the antepartum, intrapartum or postpartum period;

20 (iii) the department shall not require a licensed free-standing birth center or the directors  
21 and providers on staff to practice under the supervision of a hospital or another health care  
22 provider or to enter into an agreement, written or otherwise, with another hospital or health care  
23 provider, or maintain privileges at a hospital;

24 (iv) a licensed free-standing birth center shall have an administrative director responsible  
25 for implementing and overseeing the operational policies of the birth center;

26 (v) a licensed free-standing birth center shall have a director of clinical affairs on staff  
27 who shall be a nurse midwife or physician licensed and in good standing in Massachusetts whose  
28 professional scope of practice includes preconception, prenatal, labor, birth, and postpartum care  
29 and early care of the newborn and who may be the primary attendants during the perinatal period  
30 in accordance with chapter 112 of the General Laws; and

31 (vi) birth attendants at licensed free-standing birth centers shall be midwives, physicians,  
32 or other providers licensed and in good standing in Massachusetts whose professional scope of  
33 practice includes preconception, prenatal, labor, birth, and postpartum care and early care of the

34 newborn and who may be the primary attendants in accordance with chapter 112 of the General  
35 Laws.

36 SECTION 3. The department shall issue the revised regulations under section 2 of this  
37 act no later than 180 days after the effective date of this act.