

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2024 REGULAR SESSION
Unofficial Document

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) 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;

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

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

(3) (a) A freestanding birthing center shall have a clinical director who is a licensed physician or licensed advanced practice registered nurse who has, at a minimum, the following functions:

Amendment No. HFA 2

Rep. Rep. Jason Nemes

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRD Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

Not for Filing

Unofficial Document

1. Participation in approval of criteria that would exclude a client or newborn from receiving care at the freestanding birthing center; and
 2. Participation in the quality review functions of the freestanding birthing center including review of transfers and sentinel events.
- (b) The cabinet shall establish a timeline for a freestanding birthing center to fill the position of clinical director if the position becomes vacant.
- (4) A freestanding birthing center shall obtain written informed consent for each client receiving care. The written informed consent shall include:
- (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.
- (5) (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:

Unofficial Document

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) The cabinet shall establish a process and criteria by which the requirement of paragraph (a) of this subsection may be waived if a freestanding birthing center submits to the cabinet evidence of a failure by a hospital that provides obstetric services to enter into a written patient transfer agreement with the freestanding birthing center.
- (6) (a) A freestanding birthing center shall have a written patient transfer agreement with a licensed emergency medical transportation service.
- (b) The cabinet shall establish a process and criteria by which the requirement of paragraph (a) of this subsection may be waived if a freestanding birthing center submits to the cabinet evidence of a failure by a licensed emergency medical transportation service to enter into a written patient transfer agreement with the freestanding birthing center."; and

On page 1, line 24, by deleting "(3)" and inserting "(7)" in lieu thereof; and

On page 1, line 26, by deleting "(4)" and inserting "(8)" in lieu thereof; and

On page 2, line 15, by deleting "(5)" and inserting "(9)" in lieu thereof; and

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

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