

Senator Deidre M. Henderson proposes the following substitute bill:

BIRTHING CENTER AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to birthing centers.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits the Department of Health and the Health Facility Committee from imposing certain requirements on birthing centers licensed under the Health Care Facility Licensing and Inspection Act; and
- ▶ requires the Department of Health to hold a public hearing when it adopts or amends administrative rules that impact birthing centers.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-21-28, Utah Code Annotated 1953



26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **26-21-28** is enacted to read:

28 **26-21-28. Birthing centers -- Regulatory restrictions.**

29 (1) For purposes of this section:

30 (a) "Certified nurse midwife" means an individual who is licensed under Title 58,
31 Chapter 44a, Nurse Midwife Practice Act.

32 (b) "Direct-entry midwife" means an individual who is licensed under Title 58, Chapter
33 77, Direct-Entry Midwife Act.

34 (c) "Licensed maternity care practitioner" includes:

35 (i) a physician;

36 (ii) a certified nurse midwife;

37 (iii) a direct entry midwife;

38 (iv) a naturopathic physician; and

39 (v) other individuals who are licensed under Title 58, Division of Occupational and
40 Professional Licensing Act and whose scope of practice includes midwifery or obstetric care.

41 (d) "Naturopathic physician" means an individual who is licensed under Title 58,
42 Chapter 71, Naturopathic Physician Practice Act.

43 (e) "Physician" means an individual who is licensed under Title 58, Chapter 67, Utah
44 Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

45 (2) The Health Facility Committee and the department may not require a birthing
46 center or a licensed maternity care practitioner who practices at a birthing center to:

47 (a) maintain admitting privileges at a general acute hospital;

48 (b) maintain a written transfer agreement with one or more general acute hospitals;

49 (c) maintain a collaborative practice agreement with a physician; or

50 (d) have a physician or certified nurse midwife present at each birth when another
51 licensed maternity care practitioner is present at the birth and remains until the maternal patient
52 and newborn are stable postpartum.

53 (3) The Health Facility Committee and the department shall:

54 (a) permit all types of licensed maternity care practitioners to practice in a birthing
55 center; and

56 (b) except as provided in Subsection (2)(b), require a birthing center to have a written

57 plan for the transfer of a patient to a hospital in accordance with Subsection (4).

58 (4) A transfer plan under Subsection (3)(b) shall:

59 (a) be signed by the patient; and

60 (b) indicate that the plan is not an agreement with a hospital.

61 (5) If a birthing center transfers a patient to a licensed maternity care practitioner or
62 facility, the responsibility of the licensed maternity care practitioner or facility, for the patient:

63 (a) does not begin until the patient is physically within the care of the licensed
64 maternity care practitioner or facility;

65 (b) is limited to the examination and care provided after the patient is transferred to the
66 licensed maternity care practitioner or facility; and

67 (c) does not include responsibility or accountability for the patient's decision to pursue
68 an out-of-hospital birth and the services of a birthing center.

69 (6) (a) Except as provided in Subsection (6)(c), a licensed maternity care practitioner
70 who is not practicing at a birthing center may, upon receiving a briefing from a member of a
71 birthing center's clinical staff, issue a medical order for the birthing center's patient without
72 assuming liability for the care of the patient for whom the order was issued.

73 (b) Regardless of the advice given or order issued under Subsection (6)(a), the
74 responsibility and liability for caring for the patient is that of the birthing center and the
75 birthing center's clinical staff.

76 (c) The licensed maternity care practitioner giving the order under Subsection (6)(a) is
77 responsible and liable only for the appropriateness of the order, based on the briefing received
78 under Subsection (6)(a).

79 (7) The department shall hold a public hearing under Subsection [63G-3-302\(2\)\(a\)](#) for a
80 proposed administrative rule, and amendment to a rule, or repeal of a rule, that relates to
81 birthing centers.