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SENATE BILL DRS35353-MGF-159

Short Title: Establish Birth Center Licensure Act.

(Public)

Sponsors: Senator Hise (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING LICENSING REQUIREMENTS FOR BIRTH CENTERS.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Article 6 of Chapter 131E of the General Statutes is amended by adding
5 a new Part to read:

6 "Part 4A. Birth Center Licensure Act.

7 **"§ 131E-153. Title; purpose.**

8 (a) This Part shall be known as the "Birth Center Licensure Act."

9 (b) The purpose of this Part is to establish licensing requirements for birth centers that
10 promote public health, safety, and welfare and to provide for the development, establishment,
11 and enforcement of basic standards for the care and treatment of mothers and infants in birth
12 centers.

13 **"§ 131E-153.1. Definitions.**

14 As used in this Part, unless otherwise specified, the following terms have the following
15 meanings:

16 (1) Birth center. – A facility licensed for the primary purpose of performing
17 normal, uncomplicated deliveries that is not a birth center or attached to a birth
18 center, and where births are planned to occur away from the mother's usual
19 residence following a low-risk pregnancy.

20 (2) Commission. – The North Carolina Medical Care Commission.

21 (3) Low-risk pregnancy. – A normal, uncomplicated prenatal course as
22 determined by documentation of adequate prenatal care and the anticipation
23 of a normal uncomplicated labor and birth, as defined by reasonable and
24 generally accepted criteria adopted by professional groups for maternal, fetal,
25 and neonatal health care, and generally accepted by the health care providers
26 to whom they apply.

27 **"§ 131E-153.2. Licensure requirement.**

28 (a) No person shall establish or operate a birth center in this State without obtaining a
29 license from the Department under this Part.

30 (b) The Department shall provide applications for birth center licensure. Each application
31 filed with the Department shall contain all of the following information:

32 (1) The name of the applicant.

33 (2) The site and location of the birth center.

34 (3) The name of the person in charge of the birth center.

35 (4) Documentation that the birth center meets the licensure standards adopted by
36 the Commission pursuant to G.S. 131E-153.6.



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1 (5) Any other information the Department deems necessary.

2 (c) Upon receipt of an application for a birth center license, the Department shall issue a
3 license if it finds that the applicant is in compliance with the provisions of this Part and any rules
4 adopted by the Commission under this Part. The license is valid for a period of one year from the
5 date of issuance and must designate the number and types of beds and the number of operating
6 rooms on the licensed premises. The Department shall charge the applicant a nonrefundable
7 annual license fee in the amount of one hundred dollars (\$100.00).

8 (d) The Department shall renew each license in accordance with rules adopted by the
9 Commission.

10 (e) The Department shall issue a birth center license only for the premises and persons
11 named in the license. A birth center license is not transferable or assignable except with the
12 written approval of the Department.

13 (f) The operator shall post the license on the licensed premises in an area accessible to
14 the public.

15 **"§ 131E-153.3. Adverse action on a license.**

16 (a) The Department may deny, suspend, or revoke a license in any case when it finds a
17 substantial failure to comply with the provisions of this Part or any rule adopted under this Part.

18 (b) The Secretary may suspend the admission of any new patients to a birth center or
19 suspend the services of a birth center licensed under this Part if the conditions of the birth center
20 constitute a substantial failure to comply with the provisions of this Part or any rule adopted
21 under this Part and are dangerous to the health or safety of the patients. In determining whether
22 to suspend admissions under this subsection, the Secretary shall consider the following factors:

23 (1) The character and degree of impact of the conditions at the birth center on the
24 health and safety of its patients.

25 (2) The character of, and degree of impact that, the proposed suspension of
26 admissions would have on the functionality of the birth center and the
27 availability of services necessary to the community or to current patients of
28 the birth center.

29 (3) Whether all other reasonable means for correcting the problem have been
30 exhausted and no less restrictive alternative to suspension of admissions
31 exists.

32 (c) A birth center may contest any adverse action on its license under this section in
33 accordance with Chapter 150B of the General Statutes.

34 **"§ 131E-153.4. Limitations of services.**

35 (a) A birth center licensed under this Part shall not assert, represent, offer, provide, or
36 imply that the center is or may render care or services other than the services it is permitted to
37 render within the scope of the license issued.

38 (b) The following limitations apply to the services performed at a licensed birth center:

39 (1) Surgical procedures must be limited to those normally accomplished during
40 an uncomplicated birth, such as episiotomy and repair.

41 (2) No abortions may be performed.

42 (3) No general or conduction anesthesia may be performed.

43 **"§ 131E-153.5. Inspections.**

44 (a) The Department shall make or cause to be made inspections of birth centers as it
45 deems necessary. Any birth center licensed under this Part shall at all times be subject to
46 inspections by the Department according to the rules of the Commission.

47 (b) Authorized representatives of the Department shall have at all times the right of
48 proper entry upon any and all parts of the premises of any place in which entry is necessary to
49 carry out the provisions of this Part or the rules adopted by the Commission, and it shall be
50 unlawful for any person to resist a proper entry by such authorized representative upon any

1 premises other than a private dwelling. However, no representative shall, by this entry onto the
2 premises, endanger the health or well-being of any patient being treated in the birth center.

3 (c) To enable the Department to determine compliance with this Part and the rules
4 adopted by the Commission under this Part and to investigate complaints made against a birth
5 center licensed under this Part, the Department has the authority to investigate birth centers in
6 the same manner as it investigates hospitals under G.S. 131E-80(d).

7 (d) Information received by the Commission and the Department through filed reports,
8 license applications, or inspections that are required or authorized by the provisions of this Part
9 may be disclosed publicly except where this disclosure would violate the confidential
10 relationship existing between physician and patient. However, no such public disclosure shall
11 identify the patient involved without permission of the patient or court order.

12 **"§ 131E-153.6. Rules and enforcement.**

13 (a) The Commission shall adopt rules as necessary to implement the provisions of this
14 Part. The rules must establish standards for licensure under this Part which must include, at a
15 minimum, the following:

16 (1) A requirement that the birth center obtain and maintain accreditation with the
17 Commission for the Accreditation of Birth Centers or another nationally
18 recognized organization that accredits birth centers. A licensed birth center
19 shall immediately notify the Department upon the loss of its accreditation.

20 (2) A requirement that the birth center establish procedures specifying the criteria
21 by which each woman's risk status will be evaluated at admission and during
22 labor.

23 (b) The Department shall enforce this Part and any rules adopted by the Commission
24 under this Part."

25 **SECTION 2.** This act becomes effective January 1, 2019.