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LICENSE FREESTANDING BIRTHING CENTERS

House Bill 4141

Sponsor: Larry DeVuyst

Committee: Health Policy

Complete to 2-22-99

A SUMMARY OF HOUSE BILL 4141 AS INTRODUCED 2-3-99

The bill would add a new part (204) to the Public Health Code to define, license and regulate freestanding birthing clinics, and to authorize the Department of Consumer and Industry Services (DCIS) to promulgate rules governing the establishment and operation of birthing clinics.

Definition. More specifically, the bill would define "freestanding birthing clinic" to mean a facility -- other than the private practice office of a licensed physician or a certified nurse midwife -- that provided family-centered care in a homelike atmosphere for healthy women before, during, and after normal pregnancy, labor, and birth, either as part of or independent of another health facility or agency. "Freestanding birthing clinic" also would be added to the list of facilities under the health code's definition of "health facility or agency" (which currently includes clinical laboratories, county medical care facilities, freestanding surgical outpatient facilities, health maintenance organizations, homes for the aged, hospitals, nursing homes, hospices, and hospice residences).

Licensure. Freestanding birthing clinics would be required to be licensed under the Public Health Code and the name (or similar terms or abbreviations) could not be used to describe or refer to other than freestanding birthing clinics licensed under the health code.

The bill would require the owners, operators, and governing bodies of freestanding birthing clinics to cooperate with the Department of Consumer and Industry Services in enforcing the health code and to require current licensing or registration of their health professionals and any other staff required to be licensed or registered by the state. Freestanding birthing clinic owners, operators, and governing boards would be responsible for all phases of the birthing clinic's operation, the selection of health professionals and other staff, and the quality of care rendered in the birthing clinic.

Freestanding birthing clinics would be required to comply with all of the following:

**** Birthing clinics would have to be organized, administered, staffed, and equipped to provide birthing services on a regular and scheduled basis.**

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** Birthing clinics would be required to have the necessary health professionals and other staff (both technical and supportive personnel) and equipment to assure the safe performance of birthing services and related care undertaken in the birthing clinic.

** Birthing clinics would have to assure that a clinical record was established for each client who received birthing services. The clinical record would have to include a history, physical examination, justification for treatment planned and rendered, tests and examinations performed, observations made, and treatment provided.

** Finally, birthing clinics would have to comply with rules promulgated by the Department of Community Health.

Rules promulgation. The bill would authorize the Department of Consumer and Industry Services to promulgate rules that established standards for the establishment and operation of licensed freestanding birthing clinics. The bill also would allow the department to incorporate all or part of the National Association of Child Bearing Centers' standards by reference in its rules.

MCL 333.20104 et al.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.