**Section 264.1250 General Requirements for Licensure**

a) *No person shall open, manage, conduct, offer, maintain, or advertise as a birth center without a valid license issued by the Department. All birth centers in existence as of* September 1, 2023 *shall obtain a valid license to operate* by September 1, 2025. (Section 10 of the Act)

b) *A birth center shall obtain a certificate of need from the Health Facilities and Services Review Board under the Health Facilities Planning Act before receiving a license by the Department under* the *Act.* (Section 17(a) of the Act)

c) A birth center shall have no more than 10 beds.

d) Each license shall specify the licensed bed capacity of the birth center. *If, after obtaining an initial certificate of need under* subsection (a), *a birth center seeks to increase the bed capacity of the birth center, the birth center must obtain a certificate of need from the Health Facilities and Services Review Board before increasing bed capacity* and obtain approval from the Department before operating expanded beds. (Section 17(b) of the Act)

e) Proposed changes in birth center licensed bed capacity shall be submitted in writing to the Department and shall be subject to the approval of the Department based upon need and compliance with Subpart B of this Part.

f) A birth center shall be a designated site that is away from the pregnant person’s usual place of residence and in which births are planned to occur following a normal, uncomplicated, and low-risk pregnancy.

g) *A birth center shall offer prenatal care and community education services and shall coordinate these services with other health care services available in the community.* (Section 5 of the Act)

h) *A birth center shall seek certification under Titles XVIII and XIX of the federal Social Security Act.* (Section 40(a) of the Act)

i) *Each birth center must become accredited by either the Commission for the Accreditation of Freestanding Birth Centers or the Joint Commission* within two years after becoming licensed. (Section 35 of the Act)

j) Each birth center shall have all agreements as required in Section 264.2250.

k) No person or place shall represent itself as a "birth center" or use the term "birth center" in its title, advertising, publications, or other form of communication unless licensed as a birth center in accordance with this Part.

l) Procedures performed at birth centers shall be limited to those normally accomplished in uncomplicated childbirth, including repairs of obstetric lacerations performed in accordance with the birth attendant's or birth assistant's scope of practice (See Section 264.1550). Surgical procedures such as tubal ligation are prohibited at birth centers.

m) *A birth center may not discriminate against any client requiring treatment because of the source of payment for services, including Medicare and Medicaid recipients.* (Section 40(d) of the Act)

n) The clinical director, or their designee, shall be available on the premises or within close proximity.

o) The birth center license shall be prominently displayed in an area visible to the public.

p) A change of ownership will require a new application.

q) *The Department* will *issue a license under* the Act and this Part *if, after application, inspection, and investigation, it finds the applicant meets the requirements of* the Act and this Part. (Section 15(c) of the Act)

1) The license shall not be transferable; it is issued to the licensee and for the specific location and number of beds identified in the license.

2) The license shall become automatically void and shall be returned to the Department if the birth center's license is revoked, nonrenewed or relinquished, denied, forfeited, or suspended.

r) The birth center shall provide oral and written information for all languages spoken by the significant population(s) being served by the facility as per the recommendations of the Commission for the Accreditation of Birth Centers.