



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5012

Introduced 1/27/2022, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

210 ILCS 170/5
210 ILCS 170/25
210 ILCS 170/60

Amends the Birth Center Licensing Act. Replaces references to "certified nurse midwife" with "licensed midwife". Defines "licensed midwife" as either a certified nurse midwife who is an advanced practice registered nurse licensed in Illinois under the Nurse Practice Act with full practice authority or who is delegated such authority as part of a written collaborative agreement with a physician who is associated with the birthing center or who has privileges at a nearby birthing hospital; or a licensed certified professional midwife who has successfully met the requirements under the Licensed Certified Professional Midwife Practice Act.

LRB102 24883 CPF 34133 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Birth Center Licensing Act is amended by
5 changing Sections 5, 25, and 60 as follows:

6 (210 ILCS 170/5)

7 Sec. 5. Definitions. In this Act:

8 "Birth center" means a designated site, other than a
9 hospital:

10 (1) in which births are planned to occur following a
11 normal, uncomplicated, and low-risk pregnancy;

12 (2) that is not the pregnant person's usual place of
13 residence;

14 (3) that is exclusively dedicated to serving the
15 childbirth-related needs of pregnant persons and their
16 newborns, and has no more than 10 beds;

17 (4) that offers prenatal care and community education
18 services and coordinates these services with other health
19 care services available in the community; and

20 (5) that does not provide general anesthesia or
21 surgery.

22 ~~"Certified nurse midwife" means an advanced practice~~
23 ~~registered nurse licensed in Illinois under the Nurse Practice~~

1 ~~Act with full practice authority or who is delegated such~~
2 ~~authority as part of a written collaborative agreement with a~~
3 ~~physician who is associated with the birthing center or who~~
4 ~~has privileges at a nearby birthing hospital.~~

5 "Department" means the Illinois Department of Public
6 Health.

7 "Hospital" does not include places where pregnant females
8 are received, cared for, or treated during delivery if it is in
9 a licensed birth center, nor include any facility required to
10 be licensed as a birth center.

11 "Licensed midwife" means either:

12 (1) a certified nurse midwife who is an advanced
13 practice registered nurse licensed in Illinois under the
14 Nurse Practice Act with full practice authority or who is
15 delegated such authority as part of a written
16 collaborative agreement with a physician who is associated
17 with the birthing center or who has privileges at a nearby
18 birthing hospital; or

19 (2) a licensed certified professional midwife who has
20 successfully met the requirements under Section 45 of the
21 Licensed Certified Professional Midwife Practice Act.

22 "Physician" means a physician licensed to practice
23 medicine in all its branches in Illinois.

24 (Source: P.A. 102-518, eff. 8-20-21.)

1 Sec. 25. Staffing.

2 (a) A birth center shall have a clinical director, who may
3 be:

4 (1) a physician who is either certified or eligible
5 for certification by the American College of Obstetricians
6 and Gynecologists or the American Board of Osteopathic
7 Obstetricians and Gynecologists or has hospital
8 obstetrical privileges; or

9 (2) a licensed ~~certified nurse~~ midwife.

10 (b) The clinical director shall be responsible for:

11 (1) the development of policies and procedures for
12 services as provided by Department rules;

13 (2) coordinating the clinical staff and overall
14 provision of patient care;

15 (3) developing and approving policies defining the
16 criteria to determine which pregnancies are accepted as
17 normal, uncomplicated, and low-risk; and

18 (4) developing and approving policing regarding the
19 anesthesia services available at the center.

20 (c) An obstetrician, family practitioner, or licensed
21 ~~certified nurse~~ midwife shall attend each person in labor from
22 the time of admission through birth and throughout the
23 immediate postpartum period. Attendance may be delegated only
24 to another physician or a licensed ~~certified nurse~~ midwife.

25 (d) A second staff person shall be present at each birth
26 who:

1 (1) is licensed or certified in Illinois in a
2 health-related field and under the supervision of a
3 physician or a licensed ~~certified nurse~~ midwife who is in
4 attendance;

5 (2) has specialized training in labor and delivery
6 techniques and care of newborns; and

7 (3) receives planned and ongoing training as needed to
8 perform assigned duties effectively.

9 (Source: P.A. 102-518, eff. 8-20-21.)

10 (210 ILCS 170/60)

11 Sec. 60. Rules.

12 (a) The Department shall adopt rules for the
13 administration and enforcement of this Act.

14 (b) Rules adopted by the Department under this Act shall
15 stipulate:

16 (1) the eligibility criteria for birth center
17 admission that are consistent with accreditation standards
18 and the licensed ~~certified nurse~~ midwife's or physician's
19 scope of practice;

20 (2) the necessary equipment for emergency care
21 according to the Commission for Accreditation of Birth
22 Centers' standards;

23 (3) the minimum elements required in the transfer
24 agreement between a birth center and a receiving birth
25 hospital with at least a Level 1 perinatal designation,

1 including the amount of travel time between facilities in
2 rural and nonrural areas, the staff required to transfer
3 patients, and the mode of emergency transportation between
4 facilities; and

5 (4) the equipment used by the birth center to ensure
6 that it is compatible with the health and safety of the
7 patients.

8 (Source: P.A. 102-518, eff. 8-20-21.)