

# MAINE STATE LEGISLATURE

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(EMERGENCY)

(New Draft of H.P. 1560, L.D. 2062)  
(New Title)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 2361

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H.P. 1788

House of Representatives, March 27, 1984

Reported by Representative Carroll from the Committee on Health and Institutional Services and printed under Joint Rule 2.

Original bill presented by Representative Soule of Westport.

EDWIN H. PERT, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-FOUR

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RESOLVE, Directing the Department of Human Services to Prepare Draft Regulations on the Licensing of Birthing Centers.

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Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 111th Legislature has had under discussion L.D. 2062, "AN ACT to Provide for Licensure of Birthing Centers;" and

Whereas, the Legislature recognizes that there are many issues which must be addressed to assure that birthing centers provide safe and adequate care and treatment of women, fetuses and newborns receiv-

1 ing care and services during pregnancy, childbirth  
2 and recovery; and

3 Whereas, the limited time-frame available during  
4 this session is insufficient for the Legislature to  
5 discuss and resolve these issues; and

6 Whereas, in the judgment of the Legislature,  
7 these facts create an emergency within the meaning of  
8 the Constitution of Maine and require the following  
9 legislation as immediately necessary for the preser-  
10 vation of the public peace, health and safety; now,  
11 therefore, be it

12 Task force established. Resolved: That the De-  
13 partment of Human Services, through the Bureau of  
14 Medical Services, establish a task force to draft  
15 proposed regulations for the licensing of birthing  
16 centers. In addition to representatives of the de-  
17 partment, the task force shall include representa-  
18 tives of the following organizations and groups:

19 The Maine State Nurses' Association; the Maine  
20 Association of Nurse Midwives; the Maine Chapter of  
21 the American College of Obstetrics and Gynecology;  
22 the Maine Medical Association; the Maine Osteopathic  
23 Association; 3rd party payors; the Maine Hospital As-  
24 sociation; representatives of any existing birthing  
25 centers operating in the State; and 2 Legislators ap-  
26 pointed by the President of the Senate and the Speak-  
27 er of the House, in consultation with the chairmen of  
28 the Health and Institutional Services Committee; and  
29 be it further

30 Resolved: That the draft regulations contain, at  
31 a minimum, substantive requirements in the following  
32 areas:

33 The physical structure of the centers; space,  
34 equipment and supplies; fire protection; selection of  
35 clients and criteria for determination of low-risk  
36 pregnancies; use of medications; record keeping and  
37 any reporting requirement; established written  
38 protocols with physicians and hospitals; geographical  
39 distance the facility may be located from a hospital  
40 capable of providing birth by caesarean section; pro-  
41 vision of services 24 hours a day at least on an

1 on-call basis; staffing of the center; and evaluation  
2 of quality.

3 The department shall report to the Joint Standing  
4 Committee on Health and Institutional Services by De-  
5 cember 1, 1984, regarding the proposed regulations.

6 **Emergency clause.** In view of the emergency cited  
7 in the preamble, this resolve shall take effect when  
8 approved.

9 STATEMENT OF FACT

10 This resolve is offered in place of L.D.  
11 2062. It directs the Department of Human Services,  
12 through the Bureau of Medical Services, to form a  
13 task force to develop comprehensive regulations re-  
14 garding the licensure of freestanding birthing cen-  
15 ters. The department is to report back to the Joint  
16 Standing Committee on Health and Institutional Ser-  
17 vices by December 1, 1984, so that appropriate action  
18 may be taken during the First Regular Session of the  
19 112th Legislature.

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