



Andy Beshear  
GOVERNOR

**CABINET FOR HEALTH AND FAMILY SERVICES**

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June 2, 2026

Ange Darnell, Administrative Regulations Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
Capitol Annex Building, Room 83  
Frankfort, KY 40601

Re: 902 KAR 20:150. Freestanding Birthing Centers.

Dear Ms. Darnell:

Per KRS 13A.320(3), the attached Agency Amendment is being filed as a response to stakeholders' comments made after the Amended After Comments version was filed in order to further clarify potential areas of concern and further meet the requirements as set forth in statute.

Upon consideration of the public comments received after amendments made in the Amended After Comments (AAC) administrative regulation, the Cabinet for Health and Family Services proposes the attached agency amendment to 902 KAR 20:150. The amendment updates language in Section 3(4)(a)2. pertaining to amending language so as not to limit providers to physicians, but to include all qualified providers affected under this regulation. Section 3(5)(c) amends "two nurse midwives or a midwife" to "at a minimum two (2) licensed midwives or a licensed midwife" to be more inclusive of both licensure types, cause less confusion to birthing center management and to recognize the difference between a "certified" NRP practitioner and a "trained: NRP practitioner, both changes were recommended by stakeholders. Section 3(5)(c)1.b. pertaining to policies and procedures necessary to receive an extension and appeals process for a medical director vacancy. Section 3(5)(c)2. replaces "protocols" with "policies of the birthing center" to better meet the needs of the providers. Section 4(2)(a) to better assist clinics with staffing requirements by not requiring a registered nurse, but rather a member of the center's clinical staff. Section 7(1) removes outdated and unnecessary language. Section 7(2) updates outdated language and requires each patient's room to be private to meet sanitary and privacy needs. Section 7(3) clarifies that patient rooms shall be private. Section 7(4)(b) specifies that lavatories or sinks are required in every patient's room to meet sanitary and hygiene needs. Section 7(4)(c) clarifies that a dedicated enclosed area shall be provided for clean linens to meet sanitary needs. Section 7(4)(d) clarifies that a dedicated and enclosed area shall be dedicated to soiled linens. Section 7(5)(e)2. again clarifies that clean linens shall be stored in a separate and enclosed area. Section 7(5)(e)3. again clarifies that soiled linens shall be kept in a separate and enclosed area. Section 8(2) changes "calendar" days to "business" days, Section 8(3)(a) changes

made in response to comments received from stakeholders including original bill sponsor to try to clarify what was intended in statute. Section 8(3)(d) replaces “physician” with more inclusive “provider” language. Section 8(3)(e)2. removes unnecessary duties that were previously required of the facility. Section 8(4)(a)1. expands area in which ambulances who enter into transfer agreements with the center can be located. Section 8(5)(a)2 and Section 8(5)3.(c) changes “calendar” days to “business” days. Section 8(5)3.(b) capitalizes “Inspector General” in two places in that subsection. Sections 8(5), Section 8(5)(a)2, Section 8(5)(b)1, and Section 8(5)(f) delineates process for waivers for inability to enter into a transfer agreement with a hospital, or a transport agreement with an ambulance service provider within the prescribed time period laid out in this regulation and statute, it also lays out the process for extensions for medical director providers for centers that are unable to fill the position within the first ninety (90) days of the position being vacated.

The fiscal impact statement for the administrative regulation remains the same.

If you have any questions regarding this matter, please contact [CHFSregs@ky.gov](mailto:CHFSregs@ky.gov).

Sincerely,

A handwritten signature in cursive script that reads "Stacy Carey".

Stacy Carey  
Executive Staff Advisor  
Office of Legislative and Regulatory Affairs

Attachments

## FISCAL IMPACT STATEMENT

902 KAR 20:150: Freestanding Birthing Centers

Contact Person: Valerie Moore

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- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 216B.042, 216B.105, KRS 216B.198
  
- (2) Identify the promulgating agency and any other affected state units, parts, or divisions: Office of Inspector General, Division of Health Care
  
- (a) Estimate the following for the first year:
  - Expenditures: There are no anticipated expenditures as a result of the amendment of this administrative regulation.
  - Revenues: There is no anticipated revenue generated by the amendment of this administrative regulation.
  - Cost Savings: No cost savings is expected as a result of the amendment of this administrative regulation.
  
- (b) How will expenditures, revenues, or cost savings differ in subsequent years? There aren't expected to be any differences in expenditures, revenues or cost savings in subsequent years as a result of the amendment to this administrative regulation.
  
- (3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Any person(s) or entities that file for a Freestanding Birthing Center license.
  
- (a) Estimate the following for the first year:
  - Expenditures: There are no anticipated expenditures as a result of the amendment of this administrative regulation.
  - Revenues: There is no anticipated revenue generated by the amendment of this administrative regulation.
  - Cost Savings: No cost savings is expected as a result of the amendment to this administrative regulation.
  
- (b) How will expenditures, revenues, or cost savings differ in subsequent years? There aren't expected to be any differences in expenditures, revenues or cost savings in subsequent years.
  
- (4) Identify additional regulated entities not listed in questions (2) or (3): There are no additional regulated entities.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: There is no additional fiscal impact from this amendment.

(b) Methodology and resources used to determine the fiscal impact: There have been no financial changes made in the amendment to this administrative regulation and therefore there is no fiscal impact.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) There is no economic impact expected from this amendment. There is no anticipated negative or adverse fiscal impact due to the amendment of the Amended After Comments version of the regulation.

(b) The methodology and resources used to reach this conclusion: No additional funds coming in or going out means no fiscal impact.

**Agency Amendment  
Cabinet for Health and Family Services  
Office of Inspector General  
Division of Health Care**

**902 KAR 20:150. Freestanding Birthing Centers.**

Page 3

Section 3(4)(a)2.

Line 22

After "referral linkages with", insert "providers and".

Delete "physician(s),"

Line 22

After "inpatient facilities", delete "and other providers".

Page 5

Section 3(5)(c)

Line 11

After "Two people", insert "certified".

Delete "trained".

Section 3(5)(c)

Line 12

After "which shall include", insert the following:

at minimum two (2) licensed midwives

Delete the following:

two nurse midwives

Section 3(5)(c)

Lines 12-13

After "or a", insert "licensed"

After "and a NRP", insert "certified".

Delete "trained birth".

Page 6

Section 3(5)(c)1.b.

Lines 8-10

After "If the birth center", insert the following:

is unable to fill the vacancy within ninety (90) days, the birth center may submit a written request for an extension to the Inspector General.

After "If the birth center", delete the following:

can document that it has been making a good faith attempt to fill the medical director vacancy, an extension may be given to the facility by the Inspector General on a case by case basis.

After "medical director vacancy", insert the following:

The Inspector General may grant an extension of up to ninety (90) days after considering all relevant factors, included those listed in Section 8(5). The birth center may file an appeal pursuant to Section 5(1)(b)3.b.

Section 3(5)(c)2.

Line 19

After "shall be written", insert the following:

policies of the birthing center

Delete "protocols".

Line 20-21

After "These", insert "policies".

Delete "protocols".

Page 14

Section 4(2)(a)

Line 4

After "the center. A", insert the following:

member of the center's clinical staff

Delete "registered nurse".

Line 5

After "the center. The", insert "clinical staff member".

Delete "registered nurse".

Page 17

Section 7(1)

Delete in its entirety.

Re-number accordingly.

Page 18

Section 7(2)

Line 5

After "(2)", insert "Patient".

Delete "Birthing".

Section 7(2)

Line 5

After "Birthing rooms.", insert the following:

Each patient room shall be private,

Delete the following:

There shall be at least two (2) birthing rooms each

Section 7(3)

Line 8

After "(3) Each", insert "private patient".

Delete "birthing."

Section 7(4)(b)

Line 20

After "(b)", insert the following:

A lavatory or a sink for handwashing shall be included in every patient's room.

Delete the following:

Adequate access to sinks for handwashing should be available

Section 7(4)(c)

Line 22

After "(c) A", Insert the following:

separate and enclosed area dedicated only

Delete "clean holding room".

Page 19

Section 7(4)(d)

Line 1

After "(d) A", insert the following:

separate and enclosed area dedicated for only

Delete the following:

soiled holding room as part of a system

Page 20

Section 7(5)(e)2.

Line 17

After "stored in", insert "a separate and enclosed.".

Section 7(5)(e)3.

Line 20

After "stored in", insert "a separate and enclosed.".

Delete "an".

Page 21

Section 8(2)

Line 10

After "ten (10)", insert "business".

Delete "calendar".

Section 8(3)(a)

Lines 13-15

Delete (a)1. and 2. in their entirety.

Re-letter accordingly.

Section 8(3)(d)

Line 19

After "necessary by the", insert "provider".

Delete "physician".

Page 22

Section 8(3)(e)2.

Lines 1-3

After "transfer of a patient", delete the following:

and receive confirmation of the availability of appropriate facilities, services, and staff necessary for the care of the patient

Page 23

Section 8(4)(a)1.

Line 2

After "same", insert "or contiguous".

Section 8(5)

Line 23

After "comply with the", delete "transfer".

Page 24

Section 8(5)

Line 1

Delete "or transport".

Section 8(5)(a)2.

Line 6

After "obtain", insert "an".

Delete "a transfer or transport".

Line 7

After "ninety (90)", insert "business".

Delete "calendar".

Section 8(5)(b).

Lines 9-10

After "extension of time, the", insert "Inspector General".

Delete "inspector general".

After "all the factors the", insert "Inspector General".

Delete "inspector general".

Section 8(5)(c)

Line 20

After "ninety (90)" insert "business".

Delete "calendar".

Page 25

Section 8(5)(f)

Line 4

After "(f)", insert the following:

If at the end of the ninety (90) day extension, the center is unable to secure an agreement with a hospital or ambulance provider, the Inspector General shall determine if a waiver will be granted by considering all relevant factors including those listed in Section 8(5).

Existing subsection (f) shall be re-lettered "(g)".

Section 8(5)(f)

Line 4

After "an extension", insert "or waiver".

Line 5

After "ten (10)", insert "business".

Delete "calendar".