



FRONTIER NURSING UNIVERSITY®

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Senator John Schickel, Co-Chair
Representative Adam Koenig, Co-Chair
Interim Joint Committee of Licensing, Occupations, and Administrative Regulations

August 19, 2022

Dear Senator John Schickel and Representative Adam Koenig,

This letter is written to express Frontier Nursing University's strong support for a bill that would remove the Certificate Of Need (CON) requirement to open an accredited freestanding birth center. Even though research has shown that freestanding birthing centers (FSBC) are safe and satisfying for low risk birthing women, Kentucky has been unable to pursue the establishment of this important option for birthing women. In fact, a study of the outcomes of FSBC by the Center for Medicare and Medicaid Services (CMMS) found that care provided by midwives to Medicaid participants in FSBC's resulted in significantly lower rates of preterm birth, low birth weight infants and cesarean sections. Additionally there were reduced infant emergency departments and hospitalization utilization in the year following birth. Cost savings were significant with birth center participants having costs that were \$2,010 lower on average from birth through the first year for each mother infant dyad. In Kentucky in 2020, 1 in 9 babies were born premature. The maternal mortality rate in Kentucky is 37.7 per 100,000 births, compared to a national average of 23.8 per 100,000. Why would we not do everything that we possibly can to change these startling numbers including removing barriers to the establishment of FSBC? The major barrier to the establishment of FSBCs in Kentucky is the CON process.

Freestanding birth centers provide evidence-based care to low-risk women and their families with the focus on primary care, extensive patient education, support throughout pregnancy, birth, and the postpartum period. It is important to note that **they develop collaborative relationships with hospitals in order to provide the necessary continuum of care for patients requiring medical management and acute care services.** Further, FSBCs are designated by the American College of Obstetricians-Gynecologists (ACOG) as one of the Levels of Care recognized by that organization. "Accredited birth centers.... are an integral part of many regionalized care systems" (ACOG, Obstetric Care Consensus, Levels of Maternal Care, #9, August 2019)

Frontier Nursing University completed a feasibility study in 2018 to determine if establishing a birth center as a faculty practice on our campus in Versailles, Kentucky, would be possible or advisable. Frontier Nursing University offers the largest nurse-midwifery education program in the United States. The major barrier that was identified was the CON process in Kentucky that has been effective in blocking attempts to open birth centers in the past. This is not a far-fetched concern due to an 8-year FSBC case in Elizabethtown, KY, that involved denial of a CON application and subsequent litigation concluding in 2017 with a State Court of Appeals ruling in favor of a local hospital that opposed a Kentucky certified nurse-midwife's (CNM) attempt to open a freestanding birth center. This result came after personally costing the CNM over \$250,000, resulting in her subsequent departure from the state. It is quite evident that no further attempts will be made to open a freestanding birth center by anyone until this issue is resolved. The CON process has been lengthy and effective at the goal which appears to be to allow hospitals to block the development of FSBCs regardless of the benefits to the women of Kentucky.

Please move quickly to support the removal of FSBCs from the CON requirement. **It is time for Kentucky women and families to have the option of giving birth in an accredited freestanding birth center with current, evidence-based administrative standards.**

Respectfully submitted,

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