

1 AN ACT relating to freestanding birthing centers.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section, "freestanding birthing center" means any health facility,*
6 *place, or institution that is not a hospital, is not in a hospital or a private*
7 *residence, and is established to provide care for labor, delivery, and the*
8 *immediate postpartum period.*

9 *(2) Notwithstanding any other provision of the law to the contrary, a freestanding*
10 *birthing center applying for a certificate of need:*

11 *(a) In a medically underserved area as determined by the United States*
12 *Department of Health and Human Services shall have satisfied the need*
13 *requirement. A certificate of need shall not be denied to such centers based*
14 *on need; and*

15 *(b) In a non-medically underserved area shall satisfy the need requirement if it*
16 *demonstrates that there is sufficient need in the area for freestanding*
17 *birthing center services to allow its financial viability over time.*

18 *(3) The cabinet shall promulgate administrative regulations establishing licensure*
19 *standards for freestanding birthing centers by December 1, 2022. The*
20 *administrative regulations shall:*

21 *(a) Require accreditation by the Commission for the Accreditation of Birth*
22 *Centers; and*

23 *(b) Be consistent with the American Association of Birth Centers (AABC)*
24 *Standards for Birth Centers.*

25 *(4) Nothing in this section is intended to expand or limit liability of a health care*
26 *provider or a freestanding birthing center. In the event of an action for injury or*
27 *death due to any act or omission of a health care provider rendering services at a*

1 freestanding birthing center where an injured patient is transferred to any other
2 health care provider or health care facility, the liability of the subsequent health
3 care provider or health care facility shall be limited to their own negligent acts
4 and omissions that violate their professional standards of care, unless the
5 subsequent health care provider or health care facility owns, operates, or
6 provided care at the freestanding birthing center, and under those circumstances
7 the health care provider or health care facility shall be liable for acts or
8 omissions that violate their professional standards of care and that occur at a
9 freestanding birthing center that the health care provider or health care facility
10 owns or operates.