

2015 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 165

BY REPRESENTATIVE HUNTER

HEALTH CARE/FACILITIES: Directs Department of Health and Hospitals to consider requiring by rule that obstetricians be on the premises of or on call for all free-standing birthing centers during the operating hours of those centers

1 A CONCURRENT RESOLUTION

2 To authorize and direct the Department of Health and Hospitals to consider requiring by rule
3 that an obstetrician either be on the premises of each free-standing birthing center
4 during the operating hours of the birthing center or be on call for the center during
5 those times; and that each obstetrician who staffs a free-standing birthing center,
6 whether as an employee or a contractor, shall possess an unrestricted license to
7 practice medicine and active admitting privileges at a hospital that is located not
8 further than thirty miles from the birthing center.

9 WHEREAS, as evidenced by administrative rulemaking undertaken recently by the
10 Department of Health and Hospitals, referred to hereafter as "DHH", Louisiana may soon
11 begin to license a new type of healthcare facility known as a "free-standing birthing center";
12 and

13 WHEREAS, a free-standing birthing center, as defined by DHH, is a facility which
14 has as its primary purpose the performance of low-risk deliveries, and which is not a hospital
15 or licensed as part of a hospital, at which births are planned to occur away from the mother's
16 usual residence following a low-risk pregnancy; and

WHEREAS, in a notice of intent DHH published in accordance with the Administrative Procedure Act in April of 2015 concerning licensure of this type of facility (LR 41:806 (Apr., 2015)), the department proposed that each of these facilities shall have

1 on staff at least one of the following professionals, who shall attend each woman in labor
2 from the time of admission through birth and the immediate postpartum period:

3 (1) A licensed obstetrician.

4 (2) A family practitioner.

5 (3) A certified nurse midwife.

6 (4) A licensed midwife; and

7 WHEREAS, per these proposed rules, having obstetricians attend women who give
8 birth at free-standing birthing centers is an option for each center, not a requirement; and

9 WHEREAS, the rules also stipulate that free-standing birthing centers shall not
10 administer general or epidural anesthesia; and

11 WHEREAS, a low-risk pregnancy is not a guarantee of an uncomplicated delivery,
12 as many women have carried a baby to term with no health issues, only to experience a
13 delivery in which their babies' lives or their own lives were jeopardized suddenly by
14 unexpected problems; and

15 WHEREAS, as physicians who have completed medical residencies and received
16 surgical training, obstetricians are the health practitioners who are best qualified to manage
17 problems that may arise during labor; and

18 WHEREAS, DHH states in its notice of intent on free-standing birthing center
19 licensure that a purpose of the proposed rules is to reduce costs to the state's Medicaid
20 program; and

21 WHEREAS, a far greater priority to this state than cost savings should be protection
22 to the utmost degree of the health of a woman and her baby before, during, and after labor
23 and delivery, regardless of the woman's income level.

24 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
25 authorize and direct the Department of Health and Hospitals to consider requiring by rule
26 that an obstetrician either be on the premises of each free-standing birthing center during the
27 operating hours of the birthing center or be on call for the center during those times; and that
28 each obstetrician who staffs a free-standing birthing center, whether as an employee or a
29 contractor, shall possess an unrestricted license to practice medicine and active admitting
30 privileges at a hospital that is located not further than thirty miles from the birthing center.

1 BE IT FURTHER RESOLVED that the Department of Health and Hospitals is
2 hereby directed to further consider providing by rule that each free-standing birthing center
3 be authorized to administer general and epidural anesthesia.

4 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
5 secretary of the Department of Health and Hospitals.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 165 Engrossed

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Hunter

Directs the Dept. of Health and Hospitals to consider requiring by rule that an obstetrician either be on the premises of each free-standing birthing center during the operating hours of the center or be on call for the center during those times; and that each obstetrician who staffs a free-standing birthing center, whether as an employee or a contractor, possess an unrestricted license to practice medicine and active admitting privileges at a hospital that is located not further than 30 miles from the birthing center.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Revise language directing the Dept. of Health and Hospitals to implement certain requirements for free-standing birthing centers to direct instead that the department consider implementing such requirements.