

November 16, 2021

Good morning, Chairman Kleeb & Healthcare stabilization committee members,

My name is Cathy Gordon. I am a business woman in the Kansas City area. I have started three birth centers, and health clinics in Kansas in both the for-profit and not-for-profit business models.

Over the last several years I have learned that many of the definitions for Kansas birth centers have proven problematic in achieving the goals of the birth center model and best practice initiatives. The definition I am referring to today is **K.S.A 40-3401**. This statute is titled "definitions" of the insurance holding company act. At this time, there is no mention of birth centers as health care providers or facilities in this statute. The statute in brief reads:

K.S.A 40-3401 (f) a "health care provider" means... medical care facility licensed by the state of Kansas and (y) "Health care facility" means a nursing facility, an assisted living facility or a residential health care facility as all such terms are defined in K.S.A. 39-923, and amendments thereto.

You may not be aware that Birth Centers are defined as facilities and health care providers by the Center for Medicare Services, Kansas Medicaid, State Fire Marshall and may more. In addition, you might not realize that birth centers in Kansas are licensed by the secretary of health.

Below are a few definitions of birth centers in Kansas.

- Article 4 – Maternal and child health 28-4-1300 Definitions (m) "Maternity center" has the meaning specified in K.S.A. 65-502, and amendments thereto, and may also be referred to as a "birth center."
- Chapter 65.--PUBLIC HEALTH Article 5.--MATERNITY CENTERS AND CHILD CARE FACILITIES 65-502. Maternity center defined. "Maternity center" means a facility which provides delivery services for normal, uncomplicated pregnancies but does not include a medical care facility as defined by K.S.A. 65-425 and amendments thereto.

I am asking today if the health care stabilization fund committee could please consider a definition update to **K.S.A 40-3401** to include maternity centers, a.k.a birth center.

I am attaching a few other definitions for your information. These may be beneficial to you, in the decision to add birth centers to the statute K.S.A 40-3401.

Thank you for your time, I am available for questions. My email is: relentlesspursuitconsulting@gmail.com, and my phone is 913-707-8578.

Sincerely,

Cathy Gordon, MS, APRN, CNM, FACNM

Birth Center Definitions:

American Association of Birth Centers (AABC)

The birth center is a health care facility for childbirth where care is provided in the midwifery and wellness model. The birth center is freestanding and not a hospital.

Center for Medicare Services (CMS)

The screenshot shows the CMS website interface. At the top, there are two navigation tabs: "Find Your Taxonomy Code | CMS" and "261QB0400X Taxonomy Code - Clinic/Center Birthing". Below the tabs is a list of Level II Taxonomy Codes. The code "261QB0400X" is selected, and its details are displayed in a table on the right. The table includes fields for Classification, Specialization, Grouping, Level, Definition, Notes, and Version. The Definition field contains the text: "A freestanding birth center is a health facility other than a hospital where childbirth is planned to occur away from the pregnant woman's residence, and that provides prenatal, labor and delivery, and postpartum care, as well as other ambulatory services for women and newborns." The Notes field contains the text: "Source: Summarized from Social Security Act [42 U.S.C. 1396d(1)(3)(B)] [1/1/2013: added definition]". The Version field contains the text: "NCCU Provider Taxonomy Version 21.0 - January 2021". Below the table, there is a paragraph of text explaining the code: "The code 261QB0400X is the health care provider taxonomy code for clinic/center grouped under ambulatory health care facilities with a specialization in birthing. NPI records indicate a total of 1,022 registered providers whose primary or secondary taxonomy code is birthing of which 15 are registered as females, 1 registered as males and 1,006 are organizations." Another paragraph explains that the code is a level III taxonomy code used to classify a health care provider that chooses to practice specific services. For instance, the area of specialization of Ambulatory Health Care Facilities providers is determined by the Subspecialty Certificates issued by the different national boards. Taxonomy codes are self-selected by the health care provider. Their specialty is defined based on their education level and training. Taxonomy codes do not specify the actual services rendered by the health care provider.

Kansas State Fire Marshal Permanent Administrative Regulations 22-11-6 Maternity Centers.

Agency 22

State Fire Marshal

Article 11.—Adult Care Homes, Hospitals, Residential Care Facilities and Maternity Centers

[Printable Format](#)

22-11-5. Health care facilities; fire protection. (a) Each health care facility shall have fire protection available from an organized fire department.

(b) Each health care facility which is not located in an area served by a fire department may establish a contract with a nearby fire department to furnish fire protection.

(c) Telephone service to the department furnishing fire protection shall be provided. (Authorized by and implementing K.S.A. 1984 Supp. 31-133, 31-147; effective Jan. 1, 1973; amended May 1, 1985; amended May 1, 1986.)

Kansas Chapter 65: Public Health Article 5: Maternity Centers and Child Care Facilities Statute 65-502: Maternity center defined. "Maternity center" means a facility which provides delivery services for normal, uncomplicated pregnancies but does not include a

medical care facility as defined by K.S.A 65-425 and amendments thereto.

The National Fire Protection Association (NFPA) Life Safety Code 2015

- 3.3.33 Birth Center. A facility in which low-risk births are expected following normal, uncomplicated pregnancies, and in which professional midwifery care is provided to women during pregnancy, birth and postpartum. (SAF-MER)
- A.3.3.33 Birth Center. A birth center is a low-volume service for healthy, childbearing women, and their families, who are capable of ambulation in the event of fire or fire-threatening events. Birth center mothers and babies have minimal analgesia, receive no general or regional anesthesia, and are capable of ambulation, even in second-stage labor.

North American Industry Classification system: 621498 All Other Outpatient Care Centers
This U.S. industry comprises establishments with medical staff primarily engaged in providing general or specialized outpatient care (except family planning centers, outpatient mental health and substance abuse centers, HMO medical centers, kidney dialysis centers, and freestanding ambulatory surgical and emergency centers). Centers or clinics of health practitioners with different degrees from more than one industry practicing within the same establishment (i.e., Doctor of Medicine and Doctor of Dental Medicine) are included in this industry.

Ohio State. Chapter 2. Regulated Healthcare Facilities. (D) “Freestanding birthing center” or “center” means a facility, or part of a facility, which provides care during pregnancy, delivery, and the immediate postpartum period to the low-risk expectant mother. “Freestanding birthing center” does not include a hospital registered under section 3701.07 of the Revised Code, or an entity that is reviewed as part of a hospital accreditation or certification program.

Up to Date

Definition — A birth center is a medical facility that provides a labor and childbirth experience in a family friendly, homelike environment for healthy, low-risk pregnant people. The facility may be freestanding or part of a hospital, such as a specific floor or set of rooms that are separate from the acute care obstetric unit....