The Commonwealth of Massachusetts

# MASSACHUSETTS STATE SENATE

**LIZ MIRANDA**

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October 28th, 2024

# RE: Proposed Amendments to 105 CMR 140.000 Licensure of Clinics Regarding Birth Centers

As a proud advocate for maternal health and a recent leader in passing the comprehensive maternal health omnibus bill, I am writing to express my strong support for the Department of Public Health's proposed amendments to the birth center regulations outlined in 105 CMR 140.000. I commend the Department for taking this critical step toward modernizing our birth center regulations, which is essential given the alarming statistics surrounding maternal health in our state and across the nation. Massachusetts has witnessed a rising maternal mortality rate, which disproportionately affects women of color and low-income communities1. These proposed amendments are crucial for addressing the maternal health crisis we face and ensuring equitable access to safe, high-quality care for all birthing individuals.

I wholeheartedly endorse the following proposed changes: allowing Certified Professional Midwives (CPMs) to serve as primary birth attendants and as the Director of Medical Affairs, while removing the requirement for obstetrical privileges at a nearby hospital; lifting the requirement for birth assistants to have labor and delivery experience within the past year; removing the requirement for a transfer incubator; updating clinical record keeping; updating transfer and referral policies and procedures; and adopting gender-inclusive language to foster a welcoming environment for all individuals seeking care.

While these amendments represent significant progress, I urge the Department to consider additional changes that would further align our regulations with national best practices and enhance the operational viability of birth centers:

* Consistently integrate CPMs throughout the regulations as licensed providers and ensure they are acknowledged in all relevant roles, including Administrative Director and Birth Assistant.

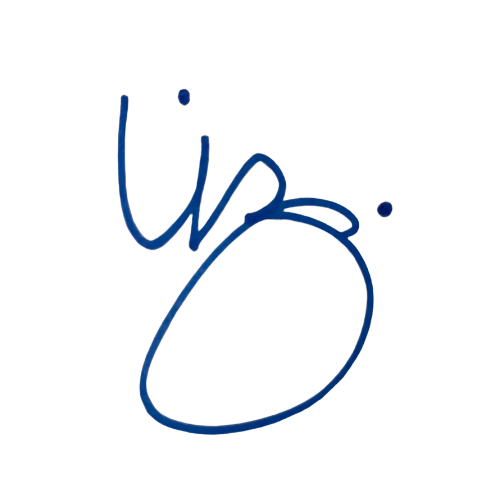
1 Massachusetts Department of Public Health, *Severe Maternal Morbidity in Massachusetts Chartpack*, [n.d.], [https://www.mass.gov/doc/severe-maternal-morbidity-in-massachusetts-chartpack/download#:~:text=The%20Dep](https://www.mass.gov/doc/severe-maternal-morbidity-in-massachusetts-chartpack/download#%3A~%3Atext%3DThe%20Department%20of%20Public%20Health%2CWhite%20non%2D%20Hispanic%20birthing%20people) [artment%20of%20Public%20Health,White%20non%2D%20Hispanic%20birthing%20people](https://www.mass.gov/doc/severe-maternal-morbidity-in-massachusetts-chartpack/download#%3A~%3Atext%3DThe%20Department%20of%20Public%20Health%2CWhite%20non%2D%20Hispanic%20birthing%20people).

* Remove the clinical background requirement for the Administrative Director (105 CMR 140.902 A) to allow qualified administrators with expertise in public health, non-profit management, and business to lead effectively.
* Broaden the definition of a birth assistant beyond solely Registered Nurses with labor and delivery experience (105 CMR 140.902 C-2), thereby increasing the availability of qualified support personnel.
* Update facility regulations to reduce unnecessary burdens and costs associated with opening and operating a birth center, aligning with the needs identified by stakeholders.
* Remove “abortion” from the list of procedures birth centers are precluded from providing (105 CMR 140.906 B-1), thereby honoring reproductive justice and expanding access to essential services.
* Allow for “deemed by accreditation” options that streamline the licensure process for birth centers accredited by the Commission for the Accreditation of Birth Centers (CABC).
* Ensure birth centers are exempt from determination of need restrictions (105 CMR 140.108C), which have historically impeded access to care.
* Allow providers to send clients home with medications as appropriate within their scope of practice (105 CMR 140.906 B-4), ensuring continuity of care post-discharge.

I commend the Department for taking these steps toward modernizing birth center regulations and enhancing maternal health care in our state. I am confident that these proposed amendments, along with the additional changes I recommend, will create a more equitable and effective system for all birthing individuals and their families.

Thank you for your consideration of these critical updates. I look forward to your continued efforts in improving maternal health outcomes and supporting our communities.

Sincerely,



**Senator Liz Miranda** |she/her| Second Suffolk District

*(Roxbury, Dorchester, Mattapan, Hyde Park, Mission Hill, Jamaica Plain, South End, Roslindale, Fenway)*