

# SENATE BILL 693

J2, J1, J3

3lr2431

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By: **Senators Montgomery, Benson, Colburn, Middleton, and Young**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health – Certified Nurse–Midwives and Freestanding Birthing Centers –**  
3 **Certificate of Need and Practice Privileges**

4 FOR the purpose of exempting certain freestanding birthing centers from the  
5 requirement to have a certificate of need to operate; requiring certain  
6 nurse–midwives to meet certain credentialing requirements under certain  
7 circumstances; authorizing certified nurse–midwives to be granted admission  
8 privileges at hospitals; prohibiting the State Board of Nursing from requiring  
9 certified nurse–midwives to have certain practice protocols for certain purposes  
10 with certain physicians; requiring the Board to post and make available certain  
11 information regarding a certain scope of practice, certain models of care, and the  
12 locations of certain freestanding birthing centers; altering a certain definition;  
13 and generally relating to certified nurse–midwives and freestanding birthing  
14 centers.

15 BY repealing and reenacting, with amendments,  
16 Article – Health – General  
17 Section 19–125 and 19–319(e)  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2012 Supplement)

20 BY adding to  
21 Article – Health – General  
22 Section 19–125.1  
23 Annotated Code of Maryland  
24 (2009 Replacement Volume and 2012 Supplement)

25 BY repealing and reenacting, without amendments,  
26 Article – Health – General  
27 Section 19–3B–01(d)  
28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume and 2012 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Article – Health Occupations  
4 Section 8–602  
5 Annotated Code of Maryland  
6 (2009 Replacement Volume and 2012 Supplement)

7 BY adding to  
8 Article – Health Occupations  
9 Section 8–604  
10 Annotated Code of Maryland  
11 (2009 Replacement Volume and 2012 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Health – General**

15 19–125.

16 **[A] EXCEPT AS PROVIDED IN § 19–125.1 OF THIS SUBTITLE, A certificate of**  
17 **need is required before an ambulatory care facility:**

18 (1) Offers any health service:

19 (i) Through a health care facility;

20 (ii) In space leased from a health care facility; or

21 (iii) In space on land leased from a health care facility;

22 (2) To provide those services, makes an expenditure, if a certificate of  
23 need would be required under § 19–120(k) of this subtitle for the expenditure by or on  
24 behalf of a health care facility; or

25 (3) Does anything else for which the federal act requires a certificate  
26 of need and that the Commission has not exempted from that requirement.

27 **19–125.1.**

28 **NOTWITHSTANDING § 19–125 OF THIS SUBTITLE OR ANY OTHER**  
29 **PROVISION OF LAW, A CERTIFICATE OF NEED IS NOT REQUIRED FOR A**  
30 **FREESTANDING BIRTHING CENTER, AS DEFINED IN § 19–3B–01 OF THIS TITLE.**

31 19–319.

1 (e) (1) In this subsection, “uniform standard credentialing form” means:

2 (i) The form designated by the Secretary through regulation for  
3 credentialing physicians **OR NURSE–MIDWIVES** who seek to be employed by or have  
4 staff privileges at a hospital; or

5 (ii) The uniform credentialing form that the Insurance  
6 Commissioner designates under § 15–112.1 of the Insurance Article.

7 (2) As a condition of licensure, each hospital shall:

8 (i) Establish a credentialing process for the physicians **AND**  
9 **NURSE–MIDWIVES** who are employed by or who have staff privileges at the hospital;  
10 and

11 (ii) Use the uniform standard credentialing form as the initial  
12 application of a physician seeking to be credentialed.

13 (3) Use of the uniform standard credentialing form does not preclude a  
14 hospital from requiring supplemental or additional information as part of the  
15 hospital’s credentialing process.

16 (4) The Secretary shall, by regulation and in consultation with  
17 hospitals, physicians, **NURSE–MIDWIVES**, interested community and advocacy groups,  
18 and representatives of the Maryland Defense Bar and Plaintiffs’ Bar, establish  
19 minimum standards for a credentialing process which shall include:

20 (i) A formal written appointment process documenting the  
21 physician’s **OR NURSE–MIDWIFE’S** education, clinical expertise, licensure history,  
22 insurance history, medical history, claims history, and professional experience.

23 (ii) A requirement that an initial appointment to staff not be  
24 complete until the physician **OR NURSE–MIDWIFE** has successfully completed a  
25 probationary period.

26 (iii) A formal, written reappointment process to be conducted at  
27 least every 2 years. The reappointment process shall document the physician’s **OR**  
28 **NURSE–MIDWIFE’S** pattern of performance by analyzing:

29 1. Claims filed against the physician **OR**  
30 **NURSE–MIDWIFE**;

31 2. Data dealing with utilization, quality, and risk;

32 3. Clinical skills;



1 THAT DESCRIBES THE FUNCTIONS AND SCOPE OF PRACTICE OF THE CERTIFIED  
2 NURSE-MIDWIFE.

3 (C) A CERTIFIED NURSE-MIDWIFE MAY BE GRANTED ADMISSION  
4 PRIVILEGES AT HOSPITALS.

5 8-604.

6 THE BOARD SHALL POST ON ITS WEB SITE AND MAKE AVAILABLE TO THE  
7 PUBLIC ON REQUEST INFORMATION REGARDING:

8 (1) THE SCOPE OF PRACTICE OF CERTIFIED  
9 NURSE-MIDWIVES;

10 (2) THE AVAILABILITY OF COMMUNITY MODELS OF CARE; AND

11 (3) THE LOCATIONS OF FREESTANDING BIRTHING CENTERS AS  
12 DEFINED IN § 19-3B-01 OF THE HEALTH - GENERAL ARTICLE.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2013.