



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 21, 2025

The Honorable Joseline A. Peña-Melnyk
Chair, House Health and Government Operations Committee
Room 241, House Office Building
Annapolis, Maryland 21401

RE: House Bill (HB) 1380 - Health Care Facilities - Hospitals and Freestanding Birthing Centers - Perinatal Care Standards – Letter of Support With Amendments

Dear Chair Peña-Melnyk and Committee Members:

The Maryland Department of Health (Department) respectfully submits this letter of support with amendments for House Bill (HB) 1380 - Health Care Facilities - Hospitals and Freestanding Birthing Centers - Perinatal Care Standards. The Department unequivocally supports efforts to provide the highest quality of care for birthing parents, newborns, and their families. The Department understands the critical public health need of addressing maternal and infant mortality while also ensuring adequate and accessible consumer choice. The Department strongly supports efforts to ensure evidence-based care standards while preserving individual choice with the receipt of their health care services.

This bill will require the Department to adopt regulations establishing minimum perinatal care standards that meet or exceed the Maryland Perinatal System Standards (the Standards) for each hospital that provides obstetrical services. Additionally, HB 1380 applies the Standards to Hospitals and Freestanding Birthing Centers as a condition of licensure. The Department presents two amendments to this bill which would require the department to work jointly with MIEMMS on regulations and lengthens the time for implementation to allow the department time to revisit the standards to include birthing centers and to allow the time for promulgation of regulations.

The Standards currently apply to Level I to IV birthing hospitals and this bill would require the department to revisit the Standards to include birthing centers. The Department believes this is a valuable step towards increasing access to safe, high quality, and community-based perinatal services. The revision of the Standards is typically conducted by an ad-hoc committee led by the Chair of the State's Morbidity, Mortality, and Quality Review Committee - because there are currently no Standards for Birthing Centers, this process is expected to take longer to complete. Additionally, the Standards would need to be promulgated in regulation for designation as a Perinatal and Neonatal Referral Center. Currently, Levels III and IV are included in existing

MIEMMS regulations ([COMAR 30.08.02](#)). New regulations would need to be promulgated for Levels I to IV with clarification that these are for the purpose of licensure.

Furthermore, The Office of Health Care Quality (OHCQ) is the designated State survey agency in Maryland and is authorized to conduct certification activities on behalf of the Centers for Medicare & Medicaid Services (CMS). Through State and federal authority, OHCQ conducts surveys to determine compliance with State licensure and/or federal certification regulations, which establish the minimum requirements to remain licensed and/or certified. OHCQ licenses hospitals and birthing centers. Based on the requirements of this bill, OHCQ would incorporate by reference the Maryland Perinatal System Standards into the licensing requirements for hospitals and birthing centers. Requiring compliance with clear evidence-based guidelines for prenatal care, delivery practices, and postpartum management as a condition of licensure will ensure consistent, high-quality care for birthing persons and newborns in licensed Maryland hospitals and birthing centers.

OHCQ is in the final stages of the regulatory process for amendments to regulations for freestanding birthing centers (COMAR 10.05.04). These amendments are the result of significant work by the department and key stakeholders including a lengthy informal public comment period which garnered significant informal comments. The Department intends to present these proposed amendments in the Maryland Register during or shortly after the 2025 Legislative Session. Should this bill pass, the department is prepared to amend these regulations to incorporate the Maryland Perinatal System Standards, once the Standards are updated to include birthing centers.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Herrera Scott".

Laura Herrera Scott, M.D., M.P.H.
Secretary

Amendments enclosed

In the House Health and Government Operations Committee:

AMENDMENTS TO HOUSE BILL 1380

(First Reading File Bill)

On page 2, line 5, after “THE DEPARTMENT” insert “**, IN COORDINATION WITH THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEM,**”

On page 3, line 1, after “That” insert “, on or before October 1, 2026, the Department shall adopt regulations for consistency with this act.”

SECTION 3. AND BE IT FURTHER ENACTED, That”.