



Commonwealth of Massachusetts
Department of Public Health

Helping People Lead Healthy Lives In Healthy Communities

Proposed Rescission of 105 CMR 142.000: *Operation and Maintenance of Birth Centers*

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**Public Health Council
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- As part of regulatory review, as mandated by Executive Order 562, the Bureau of Health Care Safety and Quality (BHCSQ) proposes rescinding 105 CMR 142.000, *Operation and Maintenance of Birth Centers*, having determined that:
 - Relevant provisions should be incorporated into more appropriate sections of the Code of Massachusetts Regulations, 105 CMR 130.000, *Hospital Licensure*, and 105 CMR 140.000, *Licensure of Clinics*, which will be presented in more detail next.



Incorporation with 105 CMR 130, 105 CMR 140

- Birth centers are either licensed as a hospital service or a clinic. As such, hospitals and clinics must comply with all applicable regulations in 105 CMR 130.000 or 105 CMR 140.000 and 105 CMR 142.000.
- Rescission will provide greater clarity for regulated parties (hospitals and clinics) and help ensure the development and implementation of policies by the appropriate entity.
- Incorporation of birth center regulations in 105 CMR 130.000 and 105 CMR 140.000 include the necessary protocols for health and safety policies, staffing requirements, necessary specialized equipment and specialized requirements for medical records, off-hour coverage and a referral system for necessary transfers to hospitals.



Next Steps

- The Department will conduct the public comment hearing and return to the PHC to report on testimony and any recommended changes to this proposal.
- Following final action by the PHC, the Department will be able to file the final rescission with the Secretary of the Commonwealth.



Contact Information

- Thank you for the opportunity to present this information today.
- For more information on 105 CMR 142.000, *Operation and Maintenance of Birth Centers*, please find the relevant statutory language (sections 3, and 51 through 56 of chapter 111 of the General Laws) and the full current regulation here:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111>

<http://www.mass.gov/courts/docs/lawlib/104-105cmr/105cmr142.pdf>