COMMITTEE REPORT

March 31, 2021

**S. 379**

Introduced by Senators Cash and Kimbrell

S. Printed 3/31/21--S.

Read the first time January 12, 2021.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (S. 379) to amend Chapter 89, Title 44 of the 1976 Code, relating to the Birthing Center Licensure Act, by adding Article 3, to provide that the Department of Health, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the title and inserting:

/Whereas, collaboration among health professionals can improve safety and quality, particularly when care is transferred from low-resource to high-resource settings; and

Whereas, poor coordination of care across providers and birth settings has been associated with adverse maternal‑newborn outcomes; and

Whereas, South Carolina has a Midwifery Integration Score of thirty-four out of one hundred according to a 2018 study “Mapping integration of midwives across the United States: Impact on access, equity, and outcomes” by Vedam S, Stoll K, MacDorman M, Declercq E, Cramer R, Cheyney M, et al. In this study, lower scores were correlated with lower rates of physiologic birth, more obstetric interventions, and more adverse neonatal outcomes; and

Whereas, midwives in a community setting should be afforded access to the initiation of smooth transitions for mothers who encounter complications during childbirth; and

Whereas, the ability of midwives to function autonomously to their full scope of practice in community settings, in collaboration with other members of the health system, can enhance the cost‑effectiveness and accessibility of maternity care, particularly in rural or impoverished communities. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be known and cited as the “Perinatal Integration Act of 2021”.

SECTION 2. Chapter 89, Title 44 of the 1976 Code is amended by adding:

“Section 44‑89‑110. (A) For the purposes of this section:

(1) ‘Integrate’ means to facilitate the full exercise of a scope of practice, autonomy, self‑regulation, collaboration, and a smooth transition between midwives and hospitals that provide perinatal services. ‘Integrate’ does not mean to supervise midwives.

(2) ‘Perinatal levels of care’ means the regulatory implementation of perinatal services.

(B) The department shall promulgate regulations that recognize midwives within the definition of facilities and integrate midwives into the organization of perinatal levels of care. These regulations must include, but are not limited to:

(1) access to physician‑to‑provider consultation available twenty‑four hours a day;

(2) transfer methods and protocols from a midwife to a hospital within a fifty‑mile radius that provides level one or higher perinatal services;

(3) access to professional continuing education relating to safe transfers and the escalation of care; and

(4) the collection of data on transfer outcomes to evaluate the effectiveness and safety of the transfer of care from a midwife to a hospital.

(C) Nothing in this section may be construed to:

(1) allow or require the department or hospitals to promulgate regulations or requirements that restrict the scope of practice, change existing licensure requirements, or impose any other regulation or requirement on midwives, other than methods and protocols for the transfer of a patient to a hospital; or

(2) require hospitals to give midwives hospital-admitting privileges.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

DANIEL B. VERDIN III for Committee.

**A** **BILL**

TO AMEND CHAPTER 89, TITLE 44 OF THE 1976 CODE, RELATING TO THE BIRTHING CENTER LICENSURE ACT, BY ADDING ARTICLE 3, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROMULGATE REGULATIONS TO INTEGRATE BIRTHING CENTERS AND LICENSED MIDWIVES INTO PERINATAL CARE SERVICES, AND TO DEFINE NECESSARY TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 89, Title 44 of the 1976 Code is amended by adding:

“ARTICLE 3

Perinatal Integration

Section 44‑89‑300. For the purposes of this article:

(1) ‘Integrate’ means to facilitate the full exercise of scope of practice, autonomy, self-regulation, collaboration, and a smooth transition between licensed midwives or birthing centers and hospitals that provide perinatal services. ‘Integrate’ does not mean to supervise licensed midwives or birthing centers.

(2) ‘Licensed midwife’ means an individual licensed by the department who provides services for the purpose of giving primary assistance in the birthing process.

(3) ‘Perinatal care services’ means services offered pursuant to Regulation 61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries, Section 1300.

Section 44‑89‑310. The department shall promulgate regulations to integrate birthing centers and licensed midwives into perinatal care services. At a minimum, the department shall address the following:

(1) access to physician‑to‑provider consultation;

(2) policies and protocols concerning the transfer of a pregnant woman from a licensed midwife or birthing center to a hospital within a fifty-mile radius that has an inpatient perinatal care services designation, pursuant to Regulation 61-16, Section 1306;

(3) access to professional continuing education relating to safe transfers and the escalation of care; and

(4) the collection of data on transfer outcomes to evaluate the effectiveness and safety of transfers of care from a licensed midwife or birthing center to a hospital.

Section 44‑89‑320. Nothing in this article shall be construed to require:

(1) the department to promulgate regulations to restrict the scope of practice permitted under current licenses issued by the department, or change existing licensure requirements; or

(2) a hospital or birthing center to change the way that it creates or maintains credentialing and admitting privileges.”

SECTION 2. This act takes effect upon approval by the Governor.

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