



Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000
Governor Asa Hutchinson
José R. Romero, MD, Secretary of Health

PROPOSED REVISIONS TO RULES FOR FREE-STANDING BIRTHING CENTERS IN ARKANSAS

November 23, 2021

PURPOSE

The Arkansas Department of Health (Department) is seeking Governor Hutchinson's review of proposed amendments to the Rules for Free-Standing Birthing Centers in Arkansas.

BACKGROUND

Pursuant to A.C.A. § 20-9-401 et seq., the Department has authority to promulgate the Rules for Free-Standing Birthing Centers in Arkansas. These rules establish minimum standards for licensure, operation and maintenance Free-Standing Birthing Centers. These standards are not static and are subject to periodic revisions.

KEY POINTS

The proposed rule:

- Adds requirements for genetic testing in newborns.
- Makes Changes to comply with Acts 598 and 607 of 2021.

DISCUSSION

The Rules for Free-Standing Birthing Centers in Arkansas are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas in Ark. Code Ann. § 20-9-401 et seq.

A Free-Standing Birthing Center is any facility that is organized to provide family-centered maternity care in which births are planned to occur in a home-like atmosphere away from the mother's usual residence following a low-risk pregnancy. The facility shall not provide operative obstetrics, including use of forceps, vacuum extractions, Caesarean sections, or tubal ligations. The Free-Standing Birthing Center must be located within thirty (30) minutes of a hospital (via ambulance) which offers obstetric and nursery services, and which maintains an on-call team to provide emergency C-sections and stabilization of infants.

There were 2 legislative acts – Act 598 and Act 607 – which required modification to the Rules for Free-Standing Birthing Centers in Arkansas.

These revisions were:

- Added requirement for Hepatitis C testing/counseling during pregnancy
- Omitted the requirement for physician supervision of a Certified Nurse Midwife
- Added requirements for genetic testing in newborns

RECOMMENDATION

We recommend that the proposed amendments to the Rules for Free-Standing Birthing Centers in Arkansas be approved as proposed by the Department.