

HOUSE No. 5016

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 5, 2026.

The committee on Financial Services, to whom was referred the petition (accompanied by bill, House, No. 1117) of Manny Cruz, Natalie M. Higgins and others relative to coverage of birth centers and the midwifery workforce, reports recommending that the accompanying bill (House, No. 5016) ought to pass.

For the committee,

JAMES M. MURPHY.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act promoting and enhancing the sustainability of birth centers and the midwifery workforce.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 10 of the General Laws are hereby amended by inserting after
2 section 35TTT the following section:-

15 expenditure made from the fund shall cause the fund to become deficient at any point. Any fiscal
16 year-end balance in the fund that is subject to appropriation shall not be subject to section 5C of
17 chapter 29. The fund shall not be subject to appropriation.

18 (b) Expenditures from the fund shall be used for:

19 (i) providing assistance to students in education and training programs to qualify them to
20 become licensed certified professional midwives, including, but not limited to:

21 (A) program costs, tuition, books and fees related to the cost of education and training for
22 participants in training and educational programs, including distance learning programs and
23 including tuition and other costs related to obtaining a midwifery degree or Midwifery Bridge
24 Certificate;

25 (B) costs related to obtaining an applicable license, including, but not limited to,
26 examination and licensing fees;

27 (C) stipends for program participants; and

28 (D) stipends for childcare and transportation for program participants;

29 (ii) a student loan forgiveness program for certified professional midwives and certified
30 nurse midwives; provided, that the program may require participants to practice in an
31 underserved area or serve marginalized populations, as defined by the secretary in consultation
32 with the advisory committee;

33 (iii) a grant program to fund local initiatives supporting the development of educational
34 programs for certified professional midwives;

35 (iv) retention of practicing midwives, and mental health and psychosocial support for

36 certified professional midwives and certified nurse midwives; and

37 (v) with the approval of the advisory committee, other purposes consistent with the goals

38 of the fund.

39 (c) Annually, not later than December 1, the secretary of health and human services shall

40 report on the activities of the fund to the clerks of the house of representatives and the senate and

41 to the house and senate committees on ways and means and the joint committee on children,

42 families and persons with disabilities. The report shall include: (i) an accounting of expenditures

43 made from the fund with a description of the authorized purpose of each expenditure; (ii) an

44 accounting of amounts credited to the fund; and (iii) any unexpended balance remaining in the

45 fund. The report may also include analysis and recommendations prepared by the advisory

46 committee, which may include recommendations for changes to this section. The report shall be

47 published on the public web site of the executive office of health and human services or the

48 department of public health.

49 (d) There shall be an advisory committee to make recommendations concerning the

50 operation and expenditures of the fund. The advisory committee that shall consist of the

51 following members: a representative of the Massachusetts chapter of the National Association of

52 Certified Professional Midwives, who shall serve as chair, a representative of the American

53 College of Nurse Midwives; a member of the Pregnancy, Infancy and Early Childhood Division

54 of the Department of Public Health; a representative of the Massachusetts League of Community

55 Health Centers; and the following members chosen by the chair: a representative of a midwifery

56 educational program; a representative of a community college; a representative of an

57 organization concerned about reproductive justice and health equity; a representative of a safety-
58 net hospital; and a representative of a free-standing birth center.

59 SECTION 2. Chapter 32A of the General Laws is hereby amended by inserting after
60 section 17Z the following sections:-

61 Section 17AA. (a) The commission shall ensure that the rate of payment for services
62 provided to an active or retired employee of the commonwealth who is insured under the group
63 insurance commission that are rendered by a certified nurse-midwife authorized to engage in the
64 practice of nurse-midwifery by the board of registration in nursing pursuant to section 80C of
65 chapter 112 that is within the scope of the certified nurse-midwife's authorization to practice
66 shall be no less than the payment rate for the same service if performed by a physician,
67 regardless of the site of services, or length of stay.

68 (b) The commission shall ensure that the rate of payment for services for services
69 provided to an active or retired employee of the commonwealth who is insured under the group
70 insurance that are rendered by a licensed certified professional midwife authorized to engage in
71 the practice of midwifery by the board of registration in midwifery pursuant to section 110 of
72 chapter 13 that is within the scope of the licensed certified professional midwife's authorization
73 to practice shall be no less than the payment rate for the same service if performed by a
74 physician, regardless of the site of services, or length of stay.

75 Section 17BB. The commission shall ensure that the rate of payment for services
76 provided to an active or retired employee of the commonwealth who is insured under the group
77 insurance commission that are rendered by or within a licensed freestanding birth center
78 regulated under section 51M of chapter 111, including newborn care and care provided prior to

79 an intrapartum transfer to another facility, shall be no less than the payment rate for the same
80 services if performed at a hospital, regardless of the site of services, or length of stay. Such
81 payment shall include a reasonable facility fee to be negotiated between the birth center and the
82 commission; provided, that the facility fee shall be no less than a minimum fee amount
83 determined by the department of public health in consultation with the center for health
84 information and analysis, the health policy commission, and operators and prospective operators
85 of birth centers in the commonwealth.

86 SECTION 3. The third paragraph of section 10A of chapter 118E of the General Laws, as
87 inserted by section 40 of chapter 186 of the acts of 2024, is hereby amended by adding the
88 following sentences:- The payment rate for a service provided by a licensed certified
89 professional midwife that is within the scope of the licensed certified professional midwife's
90 authorization to practice shall be no less than the payment rate for the same service if performed
91 by a physician, regardless of the site of services. The payment rate for services provided by or
92 within a licensed freestanding birth center regulated under section 51M of chapter 111, including
93 newborn care and care provided prior to an intrapartum transfer to another facility, shall be no
94 less than the payment rate for the same services if performed at a hospital, regardless of site of
95 services or length of stay. Such payment shall include a reasonable facility fee to be negotiated
96 between the birth center and the division; provided, that the facility fee shall be no less than a
97 minimum fee amount determined by the department of public health in consultation with the
98 center for health information and analysis, the health policy commission, and operators and
99 prospective operators of birth centers in the commonwealth.

100 SECTION 4. Chapter 175 of the General Laws is hereby amended by inserting before
101 section 47CCC the following sections:-

102 Section 47AAA. (a) Any blanket or general policy of insurance described in subdivision
103 (A), (C), or (D) of section one hundred and ten which is issued or subsequently renewed by
104 agreement between the insurer and the policyholder, within or without the commonwealth,
105 during the period within which this premium is effective, or any policy of accident or sickness
106 insurance as described in section one hundred and eight which provides hospital expense and
107 surgical expense insurance and which is delivered or issued for delivery or subsequently renewed
108 by agreement between the insurer and the policyholder in the commonwealth, during the period
109 within which this provision is effective, or any employers' health and welfare fund which
110 provides hospital expense and surgical expense benefits and which is issued or renewed to any
111 person or group of persons in the commonwealth, during the period within which this provision
112 is effective, shall provide that the rate of payment for services rendered by a certified nurse-
113 midwife authorized to engage in the practice of nurse-midwifery by the board of registration in
114 nursing pursuant to section 80C of chapter 112 that is within the scope of the certified nurse-
115 midwife's authorization to practice shall be no less than the payment rate for the same service if
116 performed by a physician, regardless of the site of services, or length of stay.

117 (b) Any blanket or general policy of insurance described in subdivision (A), (C), or (D)
118 of section one hundred and ten which is issued or subsequently renewed by agreement between
119 the insurer and the policyholder, within or without the commonwealth, during the period within
120 which this premium is effective, or any policy of accident or sickness insurance as described in
121 section one hundred and eight which provides hospital expense and surgical expense insurance
122 and which is delivered or issued for delivery or subsequently renewed by agreement between the
123 insurer and the policyholder in the commonwealth, during the period within which this provision
124 is effective, or any employers' health and welfare fund which provides hospital expense and

125 surgical expense benefits and which is issued or renewed to any person or group of persons in
126 the commonwealth, during the period within which this provision is effective, shall provide that
127 the rate of payment for services rendered by a licensed certified professional midwife authorized
128 to engage in the practice of midwifery by the board of registration in midwifery pursuant to
129 section 110 of chapter 13 that is within the scope of the licensed certified professional midwife's
130 authorization to practice shall be no less than the payment rate for the same service if performed
131 by a physician, regardless of the site of services, or length of stay.

132 Section 47BBB. Any blanket or general policy of insurance described in subdivision (A),
133 (C), or (D) of section one hundred and ten which is issued or subsequently renewed by
134 agreement between the insurer and the policyholder, within or without the commonwealth,
135 during the period within which this premium is effective, or any policy of accident or sickness
136 insurance as described in section one hundred and eight which provides hospital expense and
137 surgical expense insurance and which is delivered or issued for delivery or subsequently renewed
138 by agreement between the insurer and the policyholder in the commonwealth, during the period
139 within which this provision is effective, or any employers' health and welfare fund which
140 provides hospital expense and surgical expense benefits and which is issued or renewed to any
141 person or group of persons in the commonwealth, during the period within which this provision
142 is effective, shall provide that the rate of payment for services rendered by or within a licensed
143 freestanding birth center regulated under section 51M of chapter 111, including newborn care
144 and care provided prior to an intrapartum transfer to another facility, shall be no less than the
145 payment rate for the same services if performed at a hospital, regardless of the site of services, or
146 length of stay. Such payment shall include a reasonable facility fee to be negotiated between the
147 birth center and the payer; provided, that the facility fee shall be no less than a minimum fee

148 amount determined by the department of public health in consultation with the center for health
149 information and analysis, the health policy commission, and operators and prospective operators
150 of birth centers in the commonwealth.

151 SECTION 5. Chapter 176A of the General Laws is hereby amended by inserting after
152 section 8DDD the following sections:-

153 Section 8EEE. (a) A contract between a subscriber and the corporation under an
154 individual or group hospital service plan that is delivered, issued or renewed within or without
155 the commonwealth shall provide that the rate of payment for services rendered by a certified
156 nurse-midwife authorized to engage in the practice of nurse-midwifery by the board of
157 registration in nursing pursuant to section 80C of chapter 112 that is within the scope of the
158 certified nurse-midwife's authorization to practice shall be no less than the payment rate for the
159 same service if performed by a physician, regardless of the site of services.

160 (b) A contract between a subscriber and the corporation under an individual or group
161 hospital service plan that is delivered, issued or renewed within or without the commonwealth
162 shall provide that the rate of payment for services rendered by a licensed certified professional
163 midwife authorized to engage in the practice of midwifery by the board of registration in
164 midwifery pursuant to section 110 of chapter 13 that is within the scope of the licensed certified
165 professional midwife's authorization to practice shall be no less than the payment rate for the
166 same service if performed by a physician, regardless of the site of services, or length of stay.

167 Section 8FFF. A contract between a subscriber and the corporation under an individual or
168 group hospital service plan that is issued, delivered or renewed within or without the
169 commonwealth shall provide that the rate of payment for services rendered by or within a

170 licensed freestanding birth center regulated under section 51M of chapter 111, including
171 newborn care and care provided prior to an intrapartum transfer to another facility, shall be no
172 less than the payment rate for the same services if performed at a hospital, regardless of the site
173 of services, or length of stay. Such payment shall include a reasonable facility fee to be
174 negotiated between the birth center and the payer; provided, that the facility fee shall be no less
175 than a minimum fee amount determined by the department of public health in consultation with
176 the center for health information and analysis, the health policy commission, and operators and
177 prospective operators of birth centers in the commonwealth.

178 SECTION 6. Chapter 176B of the General Laws is hereby amended by inserting after
179 section 4DDD the following sections:-

180 Section 4EEE. (a) Any subscription certificate under an individual or group medical
181 service agreement that is delivered, issued or renewed within the commonwealth shall provide
182 that the rate of payment for services rendered by a certified nurse-midwife authorized to engage
183 in the practice of nurse-midwifery by the board of registration in nursing pursuant to section 80C
184 of chapter 112 that is within the scope of the certified nurse-midwife's authorization to practice
185 shall be no less than the payment rate for the same service if performed by a physician,
186 regardless of the site of services.

187 (b) Any subscription certificate under an individual or group medical service agreement
188 that is delivered, issued or renewed within the commonwealth shall provide that the rate of
189 payment for services rendered by a licensed certified professional midwife authorized to engage
190 in the practice of midwifery by the board of registration in midwifery pursuant to section 110 of
191 chapter 13 that is within the scope of the licensed certified professional midwife's authorization

192 to practice shall be no less than the payment rate for the same service if performed by a
193 physician, regardless of the site of services, or length of stay.

194 Section 4FFF. Any subscription certificate under an individual or group medical service
195 agreement that is issued, delivered or renewed within or without the commonwealth shall
196 provide that the rate of payment for services rendered by or within a licensed freestanding birth
197 center regulated under section 51M of chapter 111, including newborn care and care provided
198 prior to an intrapartum transfer to another facility, shall be no less than the payment rate for the
199 same services if performed at a hospital, regardless of the site of services, or length of stay. Such
200 payment shall include a reasonable facility fee to be negotiated between the birth center and the
201 payer; provided, that the facility fee shall be no less than a minimum fee amount determined by
202 the department of public health in consultation with the center for health information and
203 analysis, the health policy commission, and operators and prospective operators of birth centers
204 in the commonwealth.

205 SECTION 7. Chapter 176G of the General Laws is hereby amended by inserting after
206 section 4VV the following sections:-

207 Section 4WW. (a) Any individual or group health maintenance contract that is issued or
208 renewed within or without the commonwealth shall provide that the rate of payment for services
209 rendered by a certified nurse-midwife authorized to engage in the practice of nurse-midwifery by
210 the board of registration in nursing pursuant to section 80C of chapter 112 that is within the
211 scope of the certified nurse-midwife's authorization to practice shall be no less than the payment
212 rate for the same service if performed by a physician, regardless of the site of services, or length
213 of stay.

214 (b) Any subscription certificate under an individual or group medical service agreement
215 that is delivered, issued or renewed within the commonwealth shall provide that the rate of
216 payment for services rendered by a licensed certified professional midwife authorized to engage
217 in the practice of midwifery by the board of registration in midwifery pursuant to section 110 of
218 chapter 13 that is within the scope of the licensed certified professional midwife's authorization
219 to practice shall be no less than the payment rate for the same service if performed by a
220 physician, regardless of the site of services, or length of stay.

221 Section 4XX. Any individual or group health maintenance contract that is issued,
222 delivered or renewed within or without the commonwealth shall provide that the rate of payment
223 for services rendered by or within a licensed freestanding birth center regulated under section
224 51M of chapter 111, including newborn care and care provided prior to an intrapartum transfer to
225 another facility, shall be no less than the payment rate for the same services if performed at a
226 hospital, or length of stay. Such payment shall include a reasonable facility fee to be negotiated
227 between the birth center and the payer; provided, that the facility fee shall be no less than a
228 minimum fee amount determined by the department of public health in consultation with the
229 center for health information and analysis, the health policy commission, and operators and
230 prospective operators of birth centers in the commonwealth.

231 SECTION 8. (a) No later than 12 months after the effective date of this act, the
232 department of public health shall establish licensing requirements, plan review checklists and
233 facility guidelines specific for birth centers that reflect the particular needs of birth centers and
234 low-risk childbearing people. The requirements and guidelines shall be developed in consultation
235 with operators of birth centers in the commonwealth, people involved with the development of
236 prospective birth centers in the commonwealth, and groups concerned with improving birth

237 outcomes, midwifery and birth centers, including, but not limited to, the American College of
238 Nurse-Midwives, the National Association of Certified Professional Midwives, the American
239 Association of Birth Centers, and the Commission for the Accreditation of Birth Centers.

240 (b) No later than 90 days after the effective date of this act, the department of public
241 health shall waive plan review fees for birth centers which demonstrate substantial financial
242 hardship. The department shall issue guidelines and an application process for birth centers
243 seeking a waiver of plan review fees under this subsection; provided, that the guidelines and
244 application process shall be developed in consultation with operators of birth centers in the
245 commonwealth, people involved with the development of prospective birth centers in the
246 commonwealth, and groups concerned with improving birth outcomes, midwifery and birth
247 centers, including, but not limited to, the American College of Nurse-Midwives and the National
248 Association of Certified Professional Midwives.

249 SECTION 9. No later than 18 months after the effective date of this act, the department
250 of public health, or a third party designated by the department, shall participate in the
251 Community Birth Data Registry organized by the Foundation for Health Care Quality, or an
252 equivalent validated national data collection registry, for the purposes of quality improvement
253 and research, and direct all midwives in the commonwealth to record data on community births
254 with the registry.

255 Aggregate data as defined by the Board of Registration in Midwifery and as collected by
256 the registry shall be made available to the Department of Public Health Vital Records Division,
257 and shall be included in reports on births and birth outcomes reported by the department.
258 Researchers who meet reasonable standards and who have passed an appropriate ethics review

259 established by the department may have access to data collected by the registry. Confidential
260 birth data involving identifiable individuals shall under no circumstances be used to determine
261 whether a person is eligible for a license, privilege, right, grant, or benefit, or whether such
262 should be revoked. No individual or entity may query the dataset for purposes of investigation or
263 discipline.

264 No later than 6 months after the effective date of this act, the department of public health
265 shall issue a report on progress towards establishing a community birth data registry in
266 Massachusetts. The report shall identify any barriers identified by the department, how the
267 department intends to overcome the barriers, and the cost to the Commonwealth and midwives
268 and birth centers of participation. The report shall be filed with the house and senate committees
269 on ways and means and the joint committees on public health and children, families and persons
270 with disabilities, and published on the web site of the department.

271 For the purposes of this section, the term “community births” shall mean a birth that is
272 planned to occur in a home, birth center, or other location other than a hospital, and including
273 those that involve or include transfer to a hospital.