

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Manny Cruz and Lindsay N. Sabadosa

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>1/15/2025</i>

HOUSE No.

[Pin Slip]

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:-

3 Section 35UUU. (a) There shall be established and set up on the books of the
4 commonwealth a separate fund known as the Midwifery Workforce Development Fund. The
5 fund shall be administered by the secretary of the executive office of health and human services
6 in consultation with the advisory committee established pursuant to subsection (d); provided, that
7 the secretary may delegate administration of part or all of the fund to an organization
8 representing certified professional midwives. There shall be credited to the fund: (i) revenue
9 from appropriations or other money authorized by the general court and specifically designated
10 to be credited to the fund; (ii) federal grants and other federal funds designated for maternal
11 health; (iii) interest earned on such revenues; and (iv) all other funds from public and private
12 sources credited or transferred into the fund, including gifts, public or private grants, settlements
13 and donations. Any unexpended balance in the fund at the end of a fiscal year shall not revert to

14 the General Fund and shall remain available for expenditure in subsequent fiscal years. No
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 17W the following sections:-

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

79 transfer to another facility, shall be no less than the payment rate for the same services if
80 performed at a hospital, regardless of the site of services, or length of stay. Such payment shall
81 include a reasonable facility fee to be negotiated between the birth center and the commission;
82 provided, that the facility fee shall be no less than a minimum fee amount determined by the
83 department of public health in consultation with the center for health information and analysis,
84 the health policy commission, and operators and prospective operators of birth centers in the
85 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 after
101 section 47YY the following sections:-

102 Section 47ZZ. (a) A policy, contract, agreement, plan or certificate of insurance issued,
103 delivered or renewed within or without the commonwealth shall provide that the rate of payment
104 for services rendered by a certified nurse-midwife authorized to engage in the practice of nurse-
105 midwifery by the board of registration in nursing pursuant to section 80C of chapter 112 that is
106 within the scope of the certified nurse-midwife's authorization to practice shall be no less than
107 the payment rate for the same service if performed by a physician, regardless of the site of
108 services, or length of stay.

109

110 (b) A policy, contract, agreement, plan or certificate of insurance issued, delivered or
111 renewed within or without the commonwealth shall provide that the rate of payment for services
112 rendered by a licensed certified professional midwife authorized to engage in the practice of
113 midwifery by the board of registration in midwifery pursuant to section 110 of chapter 13 that is
114 within the scope of the licensed certified professional midwife's authorization to practice shall be
115 no less than the payment rate for the same service if performed by a physician, regardless of the
116 site of services, or length of stay.

117 Section 47AAA. A policy, contract, agreement, plan or certificate of insurance issued,
118 delivered or renewed within or without the commonwealth shall provide that the rate of payment
119 for services rendered by or within a licensed freestanding birth center regulated under section
120 51M of chapter 111, including newborn care and care provided prior to an intrapartum transfer to
121 another facility, shall be no less than the payment rate for the same services if performed at a
122 hospital, regardless of the site of services, or length of stay. Such payment shall include a
123 reasonable facility fee to be negotiated between the birth center and the payer; provided, that the

124 facility fee shall be no less than a minimum fee amount determined by the department of public
125 health in consultation with the center for health information and analysis, the health policy
126 commission, and operators and prospective operators of birth centers in the commonwealth.

127 SECTION 5. Chapter 176A of the General Laws is hereby amended by inserting after
128 section 8ZZ the following sections:-

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

136

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

144 Section 8BBB. A contract between a subscriber and the corporation under an individual
145 or group hospital service plan that is issued, delivered or renewed within or without the

146 commonwealth shall provide that the rate of payment for services rendered by or within a
147 licensed freestanding birth center regulated under section 51M of chapter 111, including
148 newborn care and care provided prior to an intrapartum transfer to another facility, shall be no
149 less than the payment rate for the same services if performed at a hospital, regardless of the site
150 of services, or length of stay. Such payment shall include a reasonable facility fee to be
151 negotiated between the birth center and the payer; provided, that the facility fee shall be no less
152 than a minimum fee amount determined by the department of public health in consultation with
153 the center for health information and analysis, the health policy commission, and operators and
154 prospective operators of birth centers in the commonwealth.

155 SECTION 6. Chapter 176B of the General Laws is hereby amended by inserting after
156 section 4ZZ the following sections:-

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

164

165 (b) Any subscription certificate under an individual or group medical service agreement
166 that is delivered, issued or renewed within the commonwealth shall provide that the rate of
167 payment for services rendered by a licensed certified professional midwife authorized to engage

168 in the practice of midwifery by the board of registration in midwifery pursuant to section 110 of
169 chapter 13 that is within the scope of the licensed certified professional midwife's authorization
170 to practice shall be no less than the payment rate for the same service if performed by a
171 physician, regardless of the site of services, or length of stay.

172 Section 4BBB. Any subscription certificate under an individual or group medical service
173 agreement that is issued, delivered or renewed within or without the commonwealth shall
174 provide that the rate of payment for services rendered by or within a licensed freestanding birth
175 center regulated under section 51M of chapter 111, including newborn care and care provided
176 prior to an intrapartum transfer to another facility, shall be no less than the payment rate for the
177 same services if performed at a hospital, regardless of the site of services, or length of stay. Such
178 payment shall include a reasonable facility fee to be negotiated between the birth center and the
179 payer; provided, that the facility fee shall be no less than a minimum fee amount determined by
180 the department of public health in consultation with the center for health information and
181 analysis, the health policy commission, and operators and prospective operators of birth centers
182 in the commonwealth.

183 SECTION 7. Chapter 176G of the General Laws is hereby amended by inserting after
184 section 4RR the following sections:-

185 Section 4SS. (a) Any individual or group health maintenance contract that is issued or
186 renewed within or without the commonwealth shall provide that the rate of payment for services
187 rendered by a certified nurse-midwife authorized to engage in the practice of nurse-midwifery by
188 the board of registration in nursing pursuant to section 80C of chapter 112 that is within the
189 scope of the certified nurse-midwife's authorization to practice shall be no less than the payment

190 rate for the same service if performed by a physician, regardless of the site of services, or length
191 of stay.

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

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

209 SECTION 8. (a) No later than 12 months after the effective date of this act, the
210 department of public health shall establish licensing requirements, plan review checklists and
211 facility guidelines specific for birth centers that reflect the particular needs of birth centers and

212 low-risk childbearing people. The requirements and guidelines shall be developed in consultation
213 with operators of birth centers in the commonwealth, people involved with the development of
214 prospective birth centers in the commonwealth, and groups concerned with improving birth
215 outcomes, midwifery and birth centers, including, but not limited to, the American College of
216 Nurse-Midwives, the National Association of Certified Professional Midwives, the American
217 Association of Birth Centers, and the Commission for the Accreditation of Birth Centers.

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

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

233 Aggregate data as defined by the Board of Registration in Midwifery and as collected by
234 the registry shall be made available to the Department of Public Health Vital Records Division,
235 and shall be included in reports on births and birth outcomes reported by the department.
236 Researchers who meet reasonable standards and who have passed an appropriate ethics review
237 established by the department may have access to data collected by the registry. Confidential
238 birth data involving identifiable individuals shall under no circumstances be used to determine
239 whether a person is eligible for a license, privilege, right, grant, or benefit, or whether such
240 should be revoked. No individual or entity may query the dataset for purposes of investigation or
241 discipline.

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

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