

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Joan B. Lovely*

*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:

*Joan B. Lovely*

DISTRICT/ADDRESS:

*Second Essex*

SENATE . . . . . 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.