



Certificate of Need (CON) Assures Quality Care for Mothers and Babies

RETAIN CON for Freestanding Birthing Centers

- OPPOSE HB 92 -

- The Kentucky CON program has minimal, but important, standards for entities seeking to establish freestanding birthing centers.
- Birthing center CON applications qualify for non-substantive review – an expedited process – where the applicant is required to demonstrate a need in the community for the facility; however, the process gives a presumption of need to these applications. Therefore, unless there is substantial evidence the facility is not needed, the application would be approved.
- The demonstration of service need is vitally important to keeping Kentucky's health care costs low, since two of every three births in the state are covered by Medicaid, which is 100% funded by federal and state tax dollars.
- The Kentucky CON program has been effective at keeping costs low for Kentuckians, as multiple studies and data sources show Kentucky's inpatient and outpatient hospital costs are one of the lowest in the nation.
- The CON program also assures adequate geographic and financial access of services to Kentuckians. Kentucky hospitals treat all patients, including those covered by Medicaid (which pays below cost) and the uninsured; CON helps assure that same access is afforded by services seeking to compete with hospitals.
- The CON program protects the health of mothers and babies. Today, more babies are born to older women, making those deliveries higher risk where hospital resources may be needed at a moment's notice and one in every 43 babies born in Kentucky have neonatal abstinence syndrome, where most experience withdrawal that requires intensive monitoring and care in a hospital. Kentucky has one of the highest rates of NAS (23.3/1000 births) in the nation. Birthing centers are not equipped to provide these services.
- Licensing standards for birthing centers have been in place for many years; however, HB 92 would establish a committee of midwives – including non-nurse midwives (certified professional midwives licensed in 2019 who are not supervised by physicians) to re-write the standards, presumably to permit birthing centers to be established by these midwives, who had argued for home births.
- Other states, with weak oversight of birthing centers, have reported infant deaths in freestanding birthing centers that are independent of hospitals. Kentucky should not loosen its oversight by repealing CON or re-writing its licensure standards for birthing centers.