

# HOUSE BILL NO. 5172

October 17, 2023, Introduced by Reps. Glanville, Scott, Rheingans, Brenda Carter, Arbit, Tsernoglou, Brabec, Edwards, Price, Brixie, Young, Stone, Farhat, Steckloff, Byrnes, Wilson and Fitzgerald and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 9129.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 9129. (1) Subject to appropriation, the department shall,  
2 by rule, establish and implement a program to register a perinatal  
3 facility as a level I, II, III, or IV maternal care facility. The  
4 department shall establish the criteria for a perinatal facility to  
5 attest to the facility's designation as a level I, II, III, or IV

1 maternal care facility, with level I providing basic care to a  
2 pregnant individual or fetus and level IV providing the most  
3 advanced care to a pregnant individual or fetus with 1 or more of  
4 the most complex maternal conditions. The criteria must require a  
5 facility to use tools and self-assessments determined appropriate  
6 by the department to attest to the facility's designation. The  
7 criteria may include, but are not limited to, data collection and  
8 reporting, patient volume, patient transportation, practice  
9 guidelines, coordinating with and the referral of a patient to and  
10 from another facility, implementing safety bundles, and inspections  
11 of a perinatal facility.

12 (2) A perinatal facility seeking registration as a level I,  
13 II, III, or IV maternal care facility under the program shall apply  
14 to the department on a form and in a manner required by the  
15 department. The department shall register a perinatal facility as a  
16 level I, II, III, or IV maternal care facility if the perinatal  
17 facility demonstrates to the satisfaction of the department that it  
18 meets the applicable criteria for the facility level established  
19 under the program. The department shall publish and annually update  
20 on its website a list of each perinatal facility that is registered  
21 as a level I, II, III, or IV maternal care facility.

22 (3) If the department determines that the perinatal facility  
23 no longer meets the criteria established pursuant to rules  
24 promulgated under this section for the registration as a level I,  
25 II, III, or IV maternal care facility, as applicable, the  
26 department may remove the facility from the list described in  
27 subsection (2).

28 (4) This section does not require a perinatal facility to seek  
29 a registration as a level I, II, III, or IV maternal care facility

1 under the program to provide maternal care. However, a perinatal  
2 facility that does not hold a registration as a level I, II, III,  
3 or IV maternal care facility under the program shall not advertise  
4 or otherwise hold itself out to the public as providing level I,  
5 II, III, or IV maternal care or as holding a registration as a  
6 level I, II, III, or IV maternal care facility.

7 (5) In promulgating rules for purposes of the program, the  
8 department shall consult with recognized entities that are involved  
9 in providing services in a perinatal facility, including, but not  
10 limited to, the Michigan Perinatal Quality Collaborative, the  
11 Michigan Health and Hospital Association, the American College of  
12 Obstetricians and Gynecologists, and the American College of Nurse  
13 Midwives. In establishing criteria for recognizing a perinatal  
14 facility as a level I, II, III, or IV maternal care facility, the  
15 department shall consider the maternal levels of care verification  
16 program established by the Joint Commission and the maternal care  
17 obstetric care consensus established by the American College of  
18 Obstetricians and Gynecologists.

19 (6) As used in this section:

20 (a) "Perinatal facility" means a hospital licensed under  
21 article 17 that provides maternal care.

22 (b) "Program" means the program described in subsection (1).