

March 15, 2023

Public Health & Welfare Committee  
Room S142  
Kansas State Capitol  
300 SW 10<sup>th</sup> St. Topeka, Kansas 66612

Dear Chairwoman Gossage & Members of the Public Welfare Committee,

My name is Kendra Wyatt and I am the CEO of New Birth Company. I am submitting testimony in support of HB2325. New Birth Company Maternity Center is a KDHE licensed and nationally accredited birth center, located in Overland Park providing natural childbirth services to KanCare mothers from 10 Kansas Counties. HB2325 is the result of two years of diligent work with the Healthcare Stabilization Fund in response to the closure of the Kansas City Kansas birth center in July 2021 due to lack of malpractice options. KMS noted the Maternity Center's inclusion consistent with the existing corporate practice of medicine statute. This bill is not a mandate. It allows the other birth centers to operate exactly as they have been operating.

Without passing this technical fix, New Birth Company cannot meet KanCare, Tricare and the VA-CCN Managed Care Malpractice requirements. Last year we were only able to access facility malpractice through a last-minute budget reviso that expires June 30, 2023. Birth Centers are CMS mandated Medicaid services, proven to improve access to prenatal care and birth outcomes for low-risk Moms and Babies. HB2325 ensures vital access to life affirming birth facility services for KanCare Members and Kansas families.

Please support the swift passage of HB2325.

Sincerely,

Kendra Wyatt, Chief Executive Officer  
New Birth Company  
9209 West 110<sup>th</sup> ST #36  
Overland Park, Kansas 66210  
(m) 816-210-8964

\*The term “Maternity Centers” has been used to reflect Kansas statute where as “Birth Centers” is more commonly used in public and healthcare settings. Birth Centers are recognized as a primary American Level of Maternity Care and is a CMS federally mandated Medicaid service.

## Levels of Maternity Care

TABLE 2  
Levels of maternal care by services

Required service	Level of maternal care				
	Birth centers	Level I	Level II	Level III	Level IV
Nursing	Adequate numbers of qualified professionals with competence in level I care criteria	Continuously available RNs with competence in level I care criteria Nursing leadership has expertise in perinatal nursing care	Continuously available RNs with competence in level II care criteria Nursing leadership has formal training and experience in perinatal nursing care and coordinates with respective neonatal care services	Continuously available nursing leaders and RNs with competence in level III care criteria and have special training and experience in the management of women with complex maternal illnesses and obstetric complications	Continuously available RNs with competence in level IV care criteria Nursing leadership has expertise in maternal intensive and critical care
Minimum primary delivery provider to be available	CNMs, CMs, CPMs, and licensed midwives	Obstetric provider with privileges to perform emergency cesarean delivery	Ob-gyns or MFMs	Ob-gyns or MFMs	Ob-gyns or MFMs
Obstetrics surgeon		Available for emergency cesarean delivery	Ob-gyn available at all times	Ob-gyn onsite at all times	Ob-gyn onsite at all times
MFMs			Available for consultation onsite, by phone, or by telemedicine, as needed	Available at all times onsite, by phone, or by telemedicine with inpatient privileges	Available at all times for onsite consultation and management
Director of obstetric services			Board-certified ob-gyn with experience and interest in obstetrics	Board-certified ob-gyn with experience and interest in obstetrics	Board-certified MFM or board-certified ob-gyn with expertise in critical care obstetrics
Anesthesia		Anesthesia services available	Anesthesia services available at all times Board-certified anesthesiologist with special training or experience in obstetrics, available for consultation	Anesthesia services available at all times Board-certified anesthesiologist with special training or experience in obstetrics is in charge of obstetric anesthesia services	Anesthesia services available at all times Board-certified anesthesiologist with special training or experience in obstetrics is in charge of obstetric anesthesia services
Consultants	Established agreement with a receiving hospital for timely transport, including determination of conditions necessitating consultation and referral	Established agreement with a higher-level receiving hospital for timely transport, including determination of conditions necessitating consultation and referral	Medical and surgical consultants available to stabilize	Full complement of subspecialists available for inpatient consultation, including critical care, general surgery, infectious disease, hematology, cardiology, nephrology, neurology, and neonatology	Adult medical and surgical specialty and subspecialty consultants available onsite at all times, including those indicated in level III and advanced neurosurgery, transplant, or cardiac surgery

ACOG. Levels of maternal care. *Am J Obstet Gynecol* 2015. (continued)

After the closure of the badly needed Kansas City Kansas maternity center on July 1, 2021, we provided testimony at the Bob Bethel Oversight Committee that professional facility malpractice coverage is required by KanCare and Commercial Healthcare Insurance companies. Lack of access to affordable professional malpractice is a barrier to providing high value and affordable healthcare services for Kansas families and taxpayers. HB2325 provides access via the Healthcare Stabilization Fund to the required minimum coverage of facility malpractice. Certified Nurse Midwives are already included in the healthcare stabilization fund.