

## Proposed Filing - Coversheet

### **Instructions:**

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” ([CVR 04-000-001](#)) adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms and enclosures with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted to the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of Proposed Filing Coversheet will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record. Publication of notices will be charged back to the promulgating agency.

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**PLEASE REMOVE ANY COVERSHEET OR FORM NOT  
REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

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**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

**Birth Center Licensing Rule**

/s/ Kristin L. McClure

, on 06/22/2026

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

**Printed Name and Title:**

Kristin McClure, Deputy Secretary Agency of Human Services

RECEIVED BY: \_\_\_\_\_

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Filing Confirmed

1. TITLE OF RULE FILING:

**Birth Center Licensing Rule**

2. ADOPTING AGENCY:

Agency of Human Services - Vermont Department of Health

3. PRIMARY CONTACT PERSON:

*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: Meg McCarthy, Policy Advisor

Agency: Agency of Human Services - Vermont Department of Health

Mailing Address: 280 State Drive, Waterbury,  
VT 05671

Telephone: 802-904-9319 Fax:

E-Mail: meg.mccarthy@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED - Use CTRL + SHIFT + V to paste a visible hyperlink):*

[http://www.healthvermont.gov/about-us/lawsregulations/  
public-comment](http://www.healthvermont.gov/about-us/lawsregulations/public-comment)

4. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

Name: Jessica Schifano, Policy Director

Agency: Agency of Human Services - Vermont Department of Health

Mailing Address: 280 State Drive, Waterbury,  
VT 05671

Telephone: 802-798-6756 Fax:

E-Mail: jessica.schifano@vermont.gov

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?)* No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

18 V.S.A. § 2359

**7. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:**

18 V.S.A. § 2359 states, "The Department of Health shall adopt rules in accordance with 3 V.S.A. chapter 25 as needed to carry out the purposes of this chapter."

3 V.S.A. §801(b)(11) states "Adopting authority" means, for agencies that are attached to the Agencies of Administration, of Commerce and Community Development, of Natural Resources, of Human Services, and of Transportation, or any of their components, the secretaries of those agencies; for agencies attached to other departments or any of their components, the commissioners of those departments.

**8. CONCISE SUMMARY (150 WORDS OR LESS):**

This rule sets forth the standards that apply to the licensing of birth centers in Vermont.

This rulemaking establishes the process by which a birth center can apply for a license in Vermont.

**9. EXPLANATION OF WHY THE RULE IS NECESSARY:**

This rulemaking is necessary for compliance with 18 V.S.A. § 2359 that requires the Department of Health (Department) to "adopt rules in accordance with 3 V.S.A. chapter 25 as needed to carry out the purposes of this chapter."

**10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY AS DEFINED IN 3 V.S.A. § 801(b)(13)(A):**

The establishment of this rule is not arbitrary because the rule is tailored to comply with the specific requirements of 18 V.S.A. § 2359 that requires the Department to adopt rules to establish the process by which a birth center can apply for a license in Vermont.

**11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:**

Entities establishing, maintaining, or operating birth centers, the Vermont Department of Health, and the Department of Disabilities, Aging, and Independent Living (DAIL).

**12. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):**

This rulemaking establishes a licensing and regulatory program for birth centers within the Department of Health, as required by statute (18 V.S.A. § 2359). There are only minimal economic impacts anticipated for the Agency of Human Services and for the entities establishing, maintaining, or operating birth centers from this Rule.

**13. A HEARING WILL BE SCHEDULED.**

**IF A HEARING WILL NOT BE SCHEDULED, PLEASE EXPLAIN WHY.**

**14. HEARING INFORMATION**

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual (*Use CTRL + SHIFT + V to paste a visible hyperlink*):

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual (*Use CTRL + SHIFT + V to paste a visible hyperlink*):

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual *(Use CTRL + SHIFT + V to paste a visible hyperlink)*:

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual *(Use CTRL + SHIFT + V to paste a visible hyperlink)*:

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**15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):**

**16. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).**

birth center

birth

midwives

license

health care

labor

maternity care

labor

prenatal

postpartum

## Adopting Page

### **Instructions:**

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

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1. TITLE OF RULE FILING:

**Birth Center Licensing Rule**

2. ADOPTING AGENCY:

Agency of Human Services - Vermont Department of Health

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **A NEW RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

## Economic Impact Analysis

### **Instructions:**

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

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### 1. TITLE OF RULE FILING:

**Birth Center Licensing Rule**

### 2. ADOPTING AGENCY:

Agency of Human Services - Vermont Department of Health

### 3. CATEGORY OF AFFECTED PARTIES:

*LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:*

DAIL: There is a small anticipated cost to DAIL from this rulemaking. This rulemaking requires DAIL to inspect birth centers for compliance with birth center regulations and verify ongoing compliance. DAIL will also be required to receive and respond to

complaints and initiate investigations and corrective actions. While the requirements associated with a birth center are new, these responsibilities, generally, are ones familiar to DAHL, as they complete similar responsibilities for other health care facility licensing programs (i.e., Hospitals, Ambulatory Surgical Centers, Psychiatric Residential Treatment Facilities for Youth) currently established in the Department of Health and have the existing staff and infrastructure to carry out these responsibilities.

Vermont Department of Health: There is a small anticipated cost to VDH from this rulemaking since it requires the Department to implement the licensing scheme for birth centers.

Entities establishing, maintaining, or operating birth centers: There is an anticipated cost to the entities establishing, maintaining, or operating birth centers, to meet the following requirements of the Rule: 1) completing the application and renewal process and paying the fees to obtain licensure from the Department of Health; 2) maintaining compliance with relevant regulations; 3) establishing a complaint process and annually reporting complaint data to the Department of Health; 4) preparing documents and paying the fees to obtain accreditation from the Commission for the Accreditation of Birth Centers (CABC); and 5) maintaining patient records. The CABC accreditation fees are \$6,000 for initial registration and \$350 per month continuing. The Department of Health licensure fee is \$250 for an initial license, renewal of a license, or a change of ownership, as required by 18 V.S.A. § 2353. However, these are all minimum requirements that are necessary to obtain a license from the Department of Health, as established by statute (18 V.S.A. § 2359).

#### 4. IMPACT ON SCHOOLS:

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:*

There is no anticipated direct impact to schools.

5. **ALTERNATIVES:** *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

Because there is no anticipated direct impact to schools, alternatives to this rule have not been considered.

6. **IMPACT ON SMALL BUSINESSES:**

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):*

There is no anticipated impact to small businesses.

7. **SMALL BUSINESS COMPLIANCE:** *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

Because there is no anticipated impact to small businesses, no evaluation is necessary.

8. **COMPARISON:**

*COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:*

There are no alternatives to this rule, this rulemaking is necessary for compliance with 18 V.S.A. §2359 that requires the Department "to adopt rules pursuant to 3 V.S.A. chapter 25 to carry out the purposes of this section."

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The Department has provided the relevant information above based on the assessment of the potential impacts.

## Environmental Impact Analysis

### **Instructions:**

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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#### 1. TITLE OF RULE FILING:

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#### 2. ADOPTING AGENCY:

Agency of Human Services - Vermont Department of Health

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*  
No anticipated impact.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*  
No anticipated impact.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*  
No anticipated impact.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*  
No anticipated impact.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*  
No anticipated impact.
8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*  
No anticipated impact.
9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*  
The estimate is based on information available to the Department.

## Public Input Maximization Plan

### **Instructions:**

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

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1. TITLE OF RULE FILING:

**Birth Center Licensing Rule**

2. ADOPTING AGENCY:

Agency of Human Services - Vermont Department of Health

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Department has met with and/or sent a draft of the pre-rulemaking rule to the parties listed below, and received comments from them.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

The following have been consulted and included in proposed rule development discussions, and will be notified when the rule is available for public comment. Additionally, a public hearing will be held, and the rule will be posted on the Department of Health website.

The Department of Disabilities, Aging and Independent Living

The Board of Medical Practice

The Office of Professional Regulation

Midwives advisory board and advisory committee

**Public Input**

The Department of Health's Family and Child Health  
Division

The Commission for the Accreditation of Birth Centers  
Vermont Birth Center Coalition

Green Mountain Birth Center

Vermont Medical Society

Vermont Association of Hospitals and Health Systems

## Incorporation by Reference

**THIS FORM IS ONLY REQUIRED WHEN INCORPORATING MATERIALS BY REFERENCE. PLEASE REMOVE PRIOR TO DELIVERY IF IT DOES NOT APPLY TO THIS RULE FILING:**

### **Instructions:**

In completing the incorporation by reference statement, an agency describes any materials that are incorporated into the rule by reference and how to obtain copies.

This form is only required when a rule incorporates materials by referencing another source without reproducing the text within the rule itself (e.g., federal or national standards, or regulations).

Incorporated materials will be maintained and available for inspection by the Agency.

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1. TITLE OF RULE FILING:

**Birth Center Licensing Rule**

2. ADOPTING AGENCY:

Agency of Human Services - Vermont Department of Health

3. DESCRIPTION (*DESCRIBE THE MATERIALS INCORPORATED BY REFERENCE*):

Section 4.1 refers to the American Association of Birth Centers Standards for Birth Centers as published on October 17, 2017.

Section 4.2 refers to the Commission for the Accreditation of Birth Centers (CABC) Indicators for Compliance with Standards for Birth Centers Reference Edition 2.3.

4. FORMAL CITATION OF MATERIALS INCORPORATED BY REFERENCE:

American Association of Birth Centers. (2017).  
Standards for birth centers.

<https://www.birthcenters.org/birth-center-standards>  
Commission for the Accreditation of Birth Centers.  
(2023). CABC indicators of compliance with standards  
for birth centers (Reference Edition

2.3). <https://birthcenteraccreditation.org/go-get-cabc-indicators/>

5. **OBTAINING COPIES:** *(EXPLAIN WHERE THE PUBLIC MAY OBTAIN THE MATERIAL(S) IN WRITTEN OR ELECTRONIC FORM, AND AT WHAT COST):*

These references are all available for free on publicly accessible websites.

6. **MODIFICATIONS** *(PLEASE EXPLAIN ANY MODIFICATION TO THE INCORPORATED MATERIALS E.G., WHETHER ONLY PART OF THE MATERIAL IS ADOPTED AND IF SO, WHICH PART(S) ARE MODIFIED):*

No modifications; these materials are incorporated in their entirety.

Run Spell Check