
EMERGENCY RULE

TITLE 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30 – Division of Regulation and Licensure Chapter 30 – Ambulatory Surgical Centers and Abortion Facilities

EMERGENCY AMENDMENT

19 CSR 30-30.100 General Design and New Construction Standards for Birthing Centers The Department of Health and Senior Services is amending subsections (1)(A) and (1)(B).

PURPOSE: This emergency amendment removes the requirement that the Department of Health and Senior Services review and approve birthing center construction and renovation plans submitted to it.

EMERGENCY STATEMENT: This emergency amendment removes the requirement that the Department review and approve birthing center construction and renovation plans. The Fiscal Year 2027 budget reduces funding for the Department's Division of Regulation and Licensure (DHSS DRL). As a result, the Department is reducing activities that are not statutorily required, including the review and approval of plans for certain types of healthcare facilities. The Department's existing rules, which carry the force of law, currently mandate that the DHSS DRL Engineering Consulting Unit review and approve birthing center construction and renovation plans, which is one of the activities being eliminated. This creates an irresolvable legal conflict for both the Department and its stakeholders operating under these rules because the review and approval process will no longer be conducted. This conflict becomes operative July 1, 2026 – a date certain. The standard rulemaking process under section 536.021, RSMo cannot be completed before that date, leaving every healthcare facility with an active or planned construction project without a coherent, lawful regulatory framework. This emergency amendment satisfies both bases for emergency rulemaking under section 536.025, RSMo. First, leaving the existing rules intact after July 1, 2026 creates regulatory uncertainty for facilities, architects, engineers, and contractors operating under those rules – directly implicating public health and safety for facilities serving vulnerable patient populations. Second, there is a compelling governmental interest in maintaining a consistent regulatory framework that does not violate the Department's own binding rules. This amendment does not alter substantive birthing center facility obligations; it conforms the Department's procedural role to its operational capacity. As a result, the department finds a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, will be published in the September 1, 2026, issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The department believes this emergency amendment is fair to all interested persons and parties under the circumstances. Emergency amendment was filed July 23, 2026, becomes effective August 6, 2026, and expires February 1, 2027.

(1) Planning and Construction Procedures.

(A) Any birthing center constructed or renovated after the date of the adoption of this rule shall have plans and specifications prepared by an architect registered in Missouri. These plans and specifications shall be submitted to the department **[for review and approval]** prior to beginning of construction. The design and construction of birthing centers

shall conform to the most stringent requirements of this rule and the local governing building code.

(B) The Department of Health shall be notified in writing within five (5) days after construction begins. If construction of the project is not started within one (1) year **[after the date of the approval of the plans and specifications]**, the plans and specifications shall be resubmitted to the Department of Health **[for its approval]** and shall be amended, if necessary, to comply with the then current rules before construction work begins.

AUTHORITY: section 197.225, RSMo 1994. Emergency rule filed May 1, 1995, effective May 10, 1995, expired Sept. 7, 1995. Original rule filed May 1, 1995, effective Nov. 30, 1995. Emergency amendment filed June 19, 1998, effective July 1, 1998, expired Feb. 25, 1999. Amended: Filed June 19, 1998, effective Jan. 30, 1999. Emergency filed July 23, 2026, effective Aug. 6, 2026, expires Feb. 1, 2027. An emergency and proposed amendment covering the same material will be published in the September 1, 2026, of the **Missouri Register**.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency amendment is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency amendment is effective