

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0786.01 Yelana Love x2295

SENATE BILL 21-194

SENATE SPONSORSHIP

Buckner,

HOUSE SPONSORSHIP

Herod,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING MATERNAL HEALTH.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill:

- Requires a carrier offering a health benefit plan in the state, and the department of health care policy and financing when administering the "Colorado Medical Assistance Act", to reimburse health-care providers that provide health-care services related to labor and delivery in a way that promotes high-quality, cost-effective care, prevents risk in subsequent pregnancy, and does not discriminate

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- based on the type of provider or facility;
- Requires each health-care provider licensed by the state to provide health-care services related to labor and delivery to implement best practices for interprofessional collaboration and the transfer of a pregnant person from home or a birthing center to a health facility;
- Requires the health equity commission in the department of public health and environment to study the use of research evidence in policies related to the perinatal period in Colorado and report findings to the general assembly;
- Requires the department of public health and environment to make recommendations to improve numerous topics related to maternal health; and
- Requires the department of health care policy and financing to seek an amendment to the state medical assistance plan to provide 12 months of postpartum medical benefits to persons who qualified for benefits while pregnant.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-104, **add**
 3 (3)(d) as follows:

4 **10-16-104. Mandatory coverage provisions - rules -**
 5 **definitions. (3) Maternity coverage.** (d) A CARRIER OFFERING A
 6 HEALTH BENEFIT PLAN IN THE STATE SHALL REIMBURSE PROVIDERS THAT
 7 PROVIDE HEALTH-CARE SERVICES RELATED TO LABOR AND DELIVERY IN A
 8 MANNER THAT:

9 (I) PROMOTES HIGH-QUALITY, COST-EFFECTIVE CARE AND
 10 PREVENTS RISK IN SUBSEQUENT PREGNANCIES; AND

11 (II) DOES NOT DISCRIMINATE BASED ON THE TYPE OF PROVIDER OR
 12 FACILITY.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 12-30-116 as
 14 follows:

15 **12-30-116. Acceptance of transfers from home and birthing**
 16 **centers.** (1) A PERSON LICENSED UNDER THIS TITLE 12 TO PROVIDE

1 HEALTH-CARE SERVICES RELATED TO LABOR AND DELIVERY SHALL
2 IMPLEMENT BEST PRACTICES FOR INTERPROFESSIONAL COLLABORATION
3 AND THE TRANSFER OF A PREGNANT PERSON FROM HOME OR A BIRTHING
4 CENTER TO A HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION
5 25-1.5-103 (1).

6 (2) A HEALTH-CARE PROVIDER DESCRIBED IN SUBSECTION (1) OF
7 THIS SECTION SHALL ACCEPT A TRANSFER OF A PREGNANT PERSON FROM
8 HOME OR A BIRTHING CENTER WITHOUT DISCRIMINATION BASED ON:

9 (a) THE PERSON'S AGE, CITIZENSHIP STATUS, COLOR, DISABILITY,
10 GENDER, GENDER EXPRESSION, GENDER IDENTITY, GENETIC INFORMATION,
11 HEALTH STATUS, NATIONAL ORIGIN, RACE, RELIGION, SEX, OR SEXUAL
12 ORIENTATION; OR

13 (b) WHETHER THE PERSON WAS SEEKING CARE OUTSIDE OF THE
14 HOSPITAL SETTING WHEN THE PERSON BEGAN EXPERIENCING SYMPTOMS
15 THAT REQUIRE IMMEDIATE CARE AT A HOSPITAL.

16 (3) THIS SECTION DOES NOT PROHIBIT HEALTH-CARE PROVIDERS
17 FROM BILLING FOR HEALTH-CARE SERVICES RENDERED.

18 (4) THE ACCEPTANCE OF A TRANSFERRED PREGNANT PERSON DOES
19 NOT ESTABLISH AN EMPLOYMENT OR CONSULTATION RELATIONSHIP
20 BETWEEN THE ACCEPTING HEALTH-CARE PROVIDER AND THE
21 TRANSFERRING HEALTH-CARE PROVIDER OR ESTABLISH GROUNDS FOR
22 VICARIOUS LIABILITY.

23 **SECTION 3.** In Colorado Revised Statutes, 25-2-112, **amend** (7)
24 as follows:

25 **25-2-112. Certificates of birth - filing - establishment of**
26 **paternity - notice to collegeinvest.** (7) (a) The state registrar shall revise
27 the birth certificate worksheet form used for the preparation of a

1 certificate of live birth to include a statement that knowingly and
2 intentionally misrepresenting material information on the worksheet form
3 used for the preparation of a birth certificate is a misdemeanor.

4 (b) THE BIRTH CERTIFICATE WORKSHEET FORM MUST INCLUDE A
5 PLACE TO REPORT WHERE THE PREGNANT PERSON INTENDED TO GIVE BIRTH
6 AT THE ONSET OF THE PERSON'S LABOR.

7 **SECTION 4.** In Colorado Revised Statutes, 25-4-2206, **add**
8 (3)(e) as follows:

9 **25-4-2206. Health equity commission - creation - repeal.**

10 (3) The commission has the following powers and duties:

11 (e) STUDYING THE USE OF RESEARCH EVIDENCE IN POLICIES
12 RELATED TO THE PERINATAL PERIOD IN COLORADO AND, NO LATER THAN
13 SEPTEMBER 1, 2023, REPORTING TO THE SENATE COMMITTEE ON HEALTH
14 AND HUMAN SERVICES AND THE HOUSE OF REPRESENTATIVES COMMITTEE
15 ON HEALTH AND INSURANCE, OR THEIR SUCCESSOR COMMITTEES, ON THE
16 USE OF RESEARCH EVIDENCE IN POLICIES RELATED TO THE PERINATAL
17 PERIOD IN THE STATE USING THE IMPLEMENTATION SCIENCE FRAMEWORK.

18 **SECTION 5.** In Colorado Revised Statutes, 25-52-103, **amend**
19 (3); and **add** (4.5) as follows:

20 **25-52-103. Definitions.** As used in this article 52, unless the
21 context otherwise requires:

22 (3) "Designated state perinatal care quality collaborative" means
23 a statewide nonprofit network of ~~health-care~~ HEALTH facilities, clinicians,
24 and public health professionals working to improve the quality of care for
25 mothers and babies through continuous quality improvement.

26 (4.5) "HEALTH FACILITY" MEANS A HEALTH FACILITY LICENSED OR
27 CERTIFIED PURSUANT TO SECTION 25-1.5-103 (1).

1 **SECTION 6.** In Colorado Revised Statutes, 25-52-104, **amend**
2 (5), (6)(a) introductory portion, (6)(a)(III), and (6)(a)(IV); and **add**
3 (6)(a)(V) as follows:

4 **25-52-104. Colorado maternal mortality review committee -**
5 **creation - members - duties - report to the general assembly - repeal.**

6 (5) The department shall:

7 (a) Compile reports of aggregated, nonindividually identifiable
8 data on a routine basis for distribution in an effort to further study the
9 causes and problems associated with maternal mortality that may be
10 distributed to policymakers, health-care providers, ~~and~~ HEALTH facilities,
11 behavioral health providers, public health professionals, and others
12 necessary to reduce the maternal mortality rate;

13 (b) Serve as a link with maternal mortality review teams
14 throughout the country and participate in regional or national maternal
15 mortality review team activities; ~~and~~

16 (c) ~~Request~~ INCORPORATE input and feedback from:

17 (I) Interested and affected stakeholders, WITH A FOCUS ON
18 PERSONS WHO ARE PREGNANT OR IN THE POSTPARTUM PERIOD AND THEIR
19 FAMILY MEMBERS;

20 (II) MULTIDISCIPLINARY, NONPROFIT ORGANIZATIONS
21 REPRESENTING PERSONS WHO ARE PREGNANT OR IN THE POSTPARTUM
22 PERIOD, WITH A FOCUS ON PERSONS FROM RACIAL AND ETHNIC MINORITY
23 GROUPS; AND

24 (III) MULTIDISCIPLINARY, COMMUNITY-BASED ORGANIZATIONS
25 THAT PROVIDE SUPPORT OR ADVOCACY FOR PERSONS WHO ARE PREGNANT
26 OR IN THE POSTPARTUM PERIOD, WITH A FOCUS ON PERSONS FROM RACIAL
27 AND ETHNIC MINORITY GROUPS; AND

1 (d) MAKE RECOMMENDATIONS TO IMPROVE THE COLLECTION AND
2 PUBLIC REPORTING OF MATERNAL HEALTH DATA FROM HOSPITALS, HEALTH
3 SYSTEMS, MIDWIFERY PRACTICES, AND BIRTHING CENTERS, INCLUDING:

4 (I) DATA ON RACE AND ETHNICITY CORRELATED WITH CONDITIONS
5 AND OUTCOMES; DISABILITY CORRELATED WITH CONDITIONS AND
6 OUTCOMES; UPTAKE OF TRAININGS ON BIAS, RACISM, OR DISCRIMINATION;
7 AND INCIDENTS OF DISRESPECT OR MISTREATMENT OF A PREGNANT
8 PERSON; AND

9 (II) DATA COLLECTED THROUGH STORIES FROM PREGNANT AND
10 POSTPARTUM PERSONS AND THEIR FAMILY MEMBERS, WITH A FOCUS ON
11 THE EXPERIENCES OF MARGINALIZED GROUPS INCLUDING PERSONS OF
12 RACIAL AND ETHNIC MINORITY GROUPS.

13 (6) (a) No later than July 1, 2020, and July 1 every three years
14 thereafter, the department shall submit a report to the house of
15 representatives committees on public AND BEHAVIORAL health care and
16 human services and health and insurance and the senate committee on
17 health and human services, or their successor committees. The report
18 must include:

19 (III) A prioritization of a limited number of causes of maternal
20 mortality that are identified as having the greatest impact on the pregnant
21 and postpartum population in Colorado and as most preventable; and

22 (IV) In consultation with the designated state perinatal care
23 quality collaborative, recommendations for clinical quality improvement
24 approaches that could reduce the incidence of pregnancy-related deaths
25 or maternal mortality or morbidity in prenatal, perinatal, and postnatal
26 clinical settings and recommendations for how to spread best practices to
27 clinical settings across the state; AND

1 (V) (A) FOR THE REPORT SUBMITTED NO LATER THAN JULY 1,
2 2023, INFORMATION STUDIED PURSUANT TO SUBSECTIONS (5)(c) AND
3 (5)(d) OF THIS SECTION.

4 (B) THIS SUBSECTION (6)(a)(V) IS REPEALED, EFFECTIVE
5 SEPTEMBER 1, 2024.

6 **SECTION 7.** In Colorado Revised Statutes, **add** 25.5-4-424 as
7 follows:

8 **25.5-4-424. Providers - health-care services related to labor**
9 **and delivery - reimbursement.** (1) THE STATE DEPARTMENT SHALL
10 REIMBURSE ALL ELIGIBLE PROVIDERS THAT PROVIDE HEALTH-CARE
11 SERVICES RELATED TO LABOR AND DELIVERY IN A MANNER THAT:

12 (a) PROMOTES HIGH-QUALITY, COST-EFFECTIVE CARE AND
13 PREVENTS RISK IN SUBSEQUENT PREGNANCIES; AND

14 (b) DOES NOT DISCRIMINATE BASED ON THE TYPE OF PROVIDER OR
15 FACILITY.

16 **SECTION 8.** In Colorado Revised Statutes, 25.5-5-201, **add** (4.5)
17 as follows:

18 **25.5-5-201. Optional provisions - optional groups.**

19 (4.5) (a) SUBJECT TO AVAILABLE APPROPRIATIONS AND THE RECEIPT OF
20 FEDERAL FINANCIAL PARTICIPATION, A PERSON WHO WAS ELIGIBLE FOR
21 ALL PREGNANCY-RELATED AND POSTPARTUM SERVICES UNDER THE
22 MEDICAL ASSISTANCE PROGRAM FOR THE SIXTY DAYS FOLLOWING THE
23 PREGNANCY REMAINS CONTINUOUSLY ELIGIBLE FOR ALL SERVICES UNDER
24 THE MEDICAL ASSISTANCE PROGRAM FOR THE TWELVE-MONTH
25 POSTPARTUM PERIOD.

26 (b) THE STATE DEPARTMENT SHALL SEEK ANY FEDERAL WAIVER OR
27 PLAN AMENDMENT NECESSARY TO IMPLEMENT A TWELVE-MONTH

1 POSTPARTUM BENEFIT PURSUANT TO THIS SUBSECTION (4.5) AND SHALL
2 IMPLEMENT THE BENEFIT ONLY UPON RECEIPT OF FEDERAL
3 AUTHORIZATION AND FINANCIAL PARTICIPATION.

4 **SECTION 9.** In Colorado Revised Statutes, 25.5-8-109, **add** (5.5)
5 as follows:

6 **25.5-8-109. Eligibility - children - pregnant women.**

7 (5.5) (a) SUBJECT TO AVAILABLE APPROPRIATIONS AND THE RECEIPT OF
8 FEDERAL FINANCIAL PARTICIPATION, A PERSON WHO WAS ELIGIBLE FOR
9 THE PLAN WHILE PREGNANT AND WHO REMAINS ELIGIBLE FOR ALL
10 PREGNANCY-RELATED AND POSTPARTUM SERVICES UNDER THE PLAN FOR
11 THE SIXTY DAYS FOLLOWING THE PREGNANCY REMAINS CONTINUOUSLY
12 ELIGIBLE FOR ALL SERVICES UNDER THE PLAN FOR THE TWELVE-MONTH
13 POSTPARTUM PERIOD.

14 (b) THE DEPARTMENT SHALL SEEK ANY FEDERAL WAIVER OR PLAN
15 AMENDMENT NECESSARY TO IMPLEMENT A TWELVE-MONTH POSTPARTUM
16 BENEFIT PURSUANT TO THIS SUBSECTION (5.5) AND SHALL IMPLEMENT THE
17 BENEFIT ONLY UPON RECEIPT OF FEDERAL AUTHORIZATION AND FINANCIAL
18 PARTICIPATION.

19 **SECTION 10. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2022 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.