

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0367.01 Yelana Love x2295

SENATE BILL 21-101

SENATE SPONSORSHIP

Fields and Story, Ginal, Buckner, Fenberg, Gonzales, Hansen, Lee, Moreno, Winter

HOUSE SPONSORSHIP

Caraveo and Williams,

Senate Committees

Health & Human Services
Appropriations

House Committees

Public & Behavioral Health & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGISTRATION OF**
102 **DIRECT-ENTRY MIDWIVES, AND, IN CONNECTION THEREWITH,**
103 **IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE**
104 **2020 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY**
105 **AGENCIES AND MAKING AN APPROPRIATION.**

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/>.)

Sunset Process - Senate Health and Human Services Committee. The bill implements the recommendations of the department

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.

HOUSE
Amended 2nd Reading
May 12, 2021

SENATE
3rd Reading Unamended
April 26, 2021

SENATE
Amended 2nd Reading
April 23, 2021

of regulatory agencies' sunset review and report on the registration of direct-entry midwives by:

- Continuing the registration requirements for 7 years, until September 1, 2028 (**sections 1 and 2** of the bill);
- Authorizing direct-entry midwives to administer group B streptococcus (GBS) prophylaxis (**section 5**);
- Adding licensed birth centers to the locations where a direct-entry midwife may practice (**section 3**); and
- Requiring the director of the division of professions and occupations to develop policies regarding direct-entry midwives in training (**section 6**).

The bill also:

- Specifies that a direct-entry midwife who is granted additional authority is not required to apply for renewal of that authority or pay any renewal fees for the authority (**section 5**); and
- Removes the requirement that a direct-entry midwife report certain data at the time of registration renewal (**section 4**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (21)(a)(VII); and **add** (29)(a)(XIII) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (21) (a) The following agencies, functions, or both,
7 will repeal on September 1, 2021:

8 ~~(VII) The registration of direct-entry midwives by the division of~~
9 ~~professions and occupations in accordance with article 225 of title 12;~~

10 (29) (a) The following agencies, functions, or both, are scheduled
11 for repeal on September 1, 2028:

12 (XIII) THE REGISTRATION OF DIRECT-ENTRY MIDWIVES BY THE
13 DIVISION OF PROFESSIONS AND OCCUPATIONS IN ACCORDANCE WITH
14 ARTICLE 225 OF TITLE 12.

15 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-225-114

1 as follows:

2 **12-225-114. Repeal of article - subject to review.** This article
3 225 is repealed, effective September 1, 2021 2028. Before the repeal, the
4 registering of direct-entry midwives by the division is scheduled for
5 review in accordance with section 24-34-104.

6 **SECTION 3.** In Colorado Revised Statutes, 12-225-103, **amend**
7 (1) and (3); and **add** (1.5) as follows:

8 **12-225-103. Definitions.** As used in this article 225, unless the
9 context otherwise requires:

10 (1) ~~"Client" means a pregnant woman for whom a direct-entry~~
11 ~~midwife performs services. For purposes of perinatal or postpartum care,~~
12 ~~"client" includes the woman's newborn.~~ "BIRTH CENTER" MEANS A
13 FREESTANDING FACILITY LICENSED BY THE DEPARTMENT OF PUBLIC
14 HEALTH AND ENVIRONMENT THAT:

15 (a) IS NOT A HOSPITAL, ATTACHED TO A HOSPITAL, OR LOCATED IN
16 A HOSPITAL;

17 (b) PROVIDES PRENATAL, LABOR, DELIVERY, AND POSTPARTUM
18 CARE TO LOW-RISK PREGNANT PERSONS AND NEWBORNS; AND

19 (c) PROVIDES CARE DURING DELIVERY AND IMMEDIATELY AFTER
20 DELIVERY THAT IS GENERALLY LESS THAN TWENTY-FOUR HOURS IN
21 DURATION.

22 (1.5) "CLIENT" MEANS A PREGNANT WOMAN FOR WHOM A
23 DIRECT-ENTRY MIDWIFE PERFORMS SERVICES. FOR PURPOSES OF
24 PERINATAL OR POSTPARTUM CARE, "CLIENT" INCLUDES THE WOMAN'S
25 NEWBORN.

26 (3) "Direct-entry midwifery" or "practice of direct-entry
27 midwifery" means the advising, attending, or assisting of a woman during

1 pregnancy, labor and natural childbirth at home OR AT A BIRTH CENTER,
2 and the postpartum period in accordance with this article 225.

3 **SECTION 4.** In Colorado Revised Statutes, 12-225-106, **repeal**
4 (12) as follows:

5 **12-225-106. Prohibited acts - practice standards - informed**
6 **consent - emergency plan - risk assessment - referral - rules.** (12) ~~At~~
7 ~~the time of renewal of a registration, each registrant shall submit the~~
8 ~~following data in the form and manner required by the director:~~

9 ~~(a) The number of women to whom care was provided since the~~
10 ~~previous registration;~~

11 ~~(b) The number of deliveries performed;~~

12 ~~(c) The Apgar scores of delivered infants, in groupings established~~
13 ~~by the director;~~

14 ~~(d) The number of prenatal transfers;~~

15 ~~(e) The number of transfers during labor, delivery, and~~
16 ~~immediately following birth;~~

17 ~~(f) Any perinatal deaths, including the cause of death and a~~
18 ~~description of the circumstances; and~~

19 ~~(g) Other morbidity statistics as required by the director.~~

20 **SECTION 5.** In Colorado Revised Statutes, 12-225-107, **amend**
21 (2)(d), (2)(e), and (6)(b); and **add** (2)(f), (7), and (8) as follows:

22 **12-225-107. Limited use of certain medications - limited use of**
23 **sutures - limited administration of intravenous fluids - emergency**
24 **medical procedures - rules.** (2) Except as otherwise provided in
25 subsection (3) of this section, a registrant may obtain and administer:

26 (d) Eye prophylaxis; ~~and~~

27 (e) Local anesthetics, as specified by the director by rule, to use

1 in accordance with subsection (6) of this section; AND

2 (f) GROUP B STREPTOCOCCUS (GBS) PROPHYLAXIS, SUBJECT TO
3 THE LIMITATIONS IN SUBSECTION (7) OF THIS SECTION.

4 (6) (b) In order to perform sutures of first-degree and
5 second-degree perineal tears, the registrant shall apply to the director, in
6 the form and manner required by the director, and pay any application fee
7 the director may impose, for an authorization to perform sutures of
8 first-degree and second-degree perineal tears. As part of the application,
9 the registrant shall demonstrate to the director that the registrant has
10 received education and training approved by the director on suturing of
11 perineal tears within the year immediately preceding the date of the
12 application or within such other time the director, by rule, determines to
13 be appropriate. The director may grant the authorization to the registrant
14 only if the registrant has complied with the education and training
15 requirement specified in this subsection (6)(b). ~~An authorization issued
16 under this subsection (6)(b) is valid, and need not be renewed, if the
17 direct-entry midwife holds a valid registration under this article 225.~~

18 (7) A REGISTERED DIRECT-ENTRY MIDWIFE WHO WAS INITIALLY
19 REGISTERED PRIOR TO JANUARY 1, 2000, MUST APPLY TO THE DIRECTOR
20 AND PAY ANY APPLICABLE FEES BEFORE OBTAINING OR ADMINISTERING
21 GROUP B STREPTOCOCCUS (GBS) PROPHYLAXIS AS PART OF THE
22 REGISTRANT'S PRACTICE OF DIRECT-ENTRY MIDWIFERY. THE DIRECTOR
23 SHALL VERIFY THE QUALIFICATIONS OF A REGISTRANT APPLYING
24 PURSUANT TO THIS SUBSECTION (7) BEFORE GRANTING THE REGISTRANT
25 THE AUTHORITY TO OBTAIN AND ADMINISTER GROUP B STREPTOCOCCUS
26 (GBS) PROPHYLAXIS.

27 (8) A REGISTRANT WHO IS GRANTED AUTHORITY TO ACT PURSUANT

1 TO THIS SECTION IS NOT REQUIRED TO APPLY FOR RENEWAL OF THE
2 AUTHORITY OR PAY ANY RENEWAL FEES PERTAINING TO THE AUTHORITY
3 GRANTED IN THIS SECTION.

4 **SECTION 6.** In Colorado Revised Statutes, 12-225-108, **add**
5 **(1)(g) and (1)(h)** as follows:

6 **12-225-108. Director - powers and duties - rules.** (1) In
7 addition to any other powers and duties conferred on the director by law,
8 the director has the following powers and duties:

9 (g) TO DEVELOP POLICIES AND PROTOCOLS, BY RULE, FOR
10 DIRECT-ENTRY MIDWIVES IN TRAINING THAT REFLECT THE REQUIREMENTS
11 OF THE NORTH AMERICAN REGISTRY OF MIDWIVES, OR ITS SUCCESSOR
12 ORGANIZATION.

13 (h) TO ORDER THE PHYSICAL OR MENTAL EXAMINATION OF A
14 DIRECT-ENTRY MIDWIFE IF THE DIRECTOR HAS REASONABLE CAUSE TO
15 BELIEVE THAT THE DIRECT-ENTRY MIDWIFE IS SUBJECT TO A PHYSICAL OR
16 MENTAL DISABILITY THAT RENDERS THE DIRECT-ENTRY MIDWIFE UNABLE
17 TO TREAT PATIENTS WITH REASONABLE SKILL AND SAFETY OR THAT MAY
18 ENDANGER A PATIENT'S HEALTH OR SAFETY. THE DIRECTOR MAY ORDER
19 A PHYSICAL OR MENTAL EXAMINATION REGARDLESS OF WHETHER THERE
20 IS INJURY TO A PATIENT."

21 **SECTION 7.** In Colorado Revised Statutes, 25-2-112, **amend**
22 **(7)** as follows:

23 **25-2-112. Certificates of birth - filing - establishment of**
24 **paternity - notice to colleinvest.** (7) The state registrar shall revise the
25 birth certificate worksheet form used for the preparation of a certificate
26 of live birth to include:

27 (a) A statement that knowingly and intentionally misrepresenting

1 material information on the worksheet form used for the preparation of
2 a birth certificate is a misdemeanor; AND

3 (b) A REQUIREMENT TO REPORT WHETHER THE LIVE BIRTH
4 OCCURRED AFTER A TRANSFER TO A HOSPITAL BY A DIRECT-ENTRY
5 MIDWIFE REGISTERED PURSUANT TO ARTICLE 225 OF TITLE 12.

6 **SECTION 8. Appropriation.** (1) For the 2021-22 state fiscal
7 year, \$80,080 cash funds is appropriated to the department of public
8 health and environment. This appropriation consists of \$50,080 from the
9 health facilities general licensure cash fund created in section 25-3-103.1
10 (1), C.R.S., and \$30,000 from the vital statistics records cash fund created
11 in section 25-2-121 (2)(b)(I), C.R.S. To implement this act, the
12 department may use this appropriation as follows:

13 (a) \$50,080 from the health facilities general licensure cash fund
14 for use by the health facilities and emergency medical services division
15 for administration and operations, which amounts are based on an
16 assumption that the division will require an additional 0.6 FTE; and

17 (b) \$30,000 from the vital statistics records cash fund for use by
18 the health statistics and vital records subdivision for operating expenses.

19 **SECTION 9. Effective date.** This act takes effect September 1,
20 2021.

21 **SECTION 10. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.