

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

INTRODUCED

LLS NO. 23-0840.01 Christy Chase x2008

SENATE BILL 23-167

SENATE SPONSORSHIP

Winter F. and Will,

HOUSE SPONSORSHIP

Gonzales-Gutierrez,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF CERTIFIED MIDWIVES BY THE STATE**
102 **BOARD OF NURSING.**

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>.)

Starting July 1, 2024, the bill authorizes individuals who have a midwife certification from the American Midwifery Certification Board, pay the required fee, and submit to a criminal history record check to obtain a license from the state board of nursing (board) to practice as a certified midwife in the state. A certified midwife licensed by the board may apply for and obtain provisional and full prescriptive authority upon

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

satisfying the requirements specified in the bill. Certified midwives are subject to regulation by the board to the same extent that the board regulates the practice of nursing, including grounds for discipline and disciplinary actions.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-255-102, **amend**
3 (1) as follows:

4 **12-255-102. Legislative declaration.** (1) The general assembly
5 hereby declares it to be the policy of this state that, in order to safeguard
6 the life, health, property, and public welfare of the people of this state and
7 in order to protect the people of this state from the unauthorized,
8 unqualified, and improper application of services by individuals in the
9 practice of nursing AND THE PRACTICE AS A CERTIFIED MIDWIFE, it is
10 necessary that a proper regulatory authority be established. The general
11 assembly further declares it to be the policy of this state to regulate the
12 practice of nursing AND THE PRACTICE AS A CERTIFIED MIDWIFE through
13 a state agency with the power to enforce this article 255.

14 **SECTION 2.** In Colorado Revised Statutes, 12-255-104, **amend**
15 (4.5) and (13); and **add** (3.2) and (7.5) as follows:

16 **12-255-104. Definitions.** As used in this article 255, unless the
17 context otherwise requires:

18 (3.2) "CERTIFIED MIDWIFE" MEANS AN INDIVIDUAL WHO MEETS
19 THE QUALIFICATIONS FOR PRACTICE AS A CERTIFIED MIDWIFE, AS SPECIFIED
20 IN THIS PART 1 AND BY THE AMERICAN MIDWIFERY CERTIFICATION
21 BOARD, OR ITS SUCCESSOR ENTITY, AND WHO IS CURRENTLY LICENSED BY
22 THE BOARD. ONLY AN INDIVIDUAL WHO HOLDS A LICENSE TO PRACTICE AS
23 A CERTIFIED MIDWIFE IN THIS STATE PURSUANT TO THIS PART 1 HAS THE

1 RIGHT TO USE THE TITLE "CERTIFIED MIDWIFE" AND ITS ABBREVIATION
2 "C.M."

3 (4.5) (a) "Delegation of patient care" means aspects of patient care
4 that are consistent with a plan of patient care prescribed by a licensed
5 health care provider within the scope of the provider's practice and that
6 may be delegated to a registered nurse or licensed practical nurse within
7 the scope of the nurse's practice. "Delegation of patient care" includes
8 aspects of patient care that may be delegated by a licensed health care
9 provider within the scope of the provider's practice and within the
10 provider's professional judgment to a licensed or an unlicensed health
11 care provider within the scope of that provider's practice. Nothing in this
12 subsection (4.5) limits or expands the scope of practice of any nurse OR
13 CERTIFIED MIDWIFE licensed pursuant to this article 255.

14 (b) ~~For purposes of AS USED IN~~ this subsection (4.5), "plan of
15 patient care" means a written plan, verbal order, standing order, or
16 protocol, whether patient specific or not, that authorizes specific or
17 discretionary nursing OR CERTIFIED MIDWIFE action and that may include
18 the administration of medication.

19 (7.5) "PRACTICE AS A CERTIFIED MIDWIFE" MEANS THE
20 PERFORMANCE OF SERVICES REQUIRING THE EDUCATION, TRAINING, AND
21 SKILLS SPECIFIED BY THE AMERICAN MIDWIFERY CERTIFICATION BOARD,
22 OR ITS SUCCESSOR ENTITY, FOR MIDWIFE CERTIFICATION FROM THAT
23 ENTITY.

24 (13) "Unauthorized practice", for purposes of this part 1, means:

25 (a) The practice of practical nursing or the practice of professional
26 nursing by any ~~person~~ INDIVIDUAL:

27 (a) (I) Who has not been issued a license under this part 1;

1 **(b)** (II) Who is not practicing in this state pursuant to section
2 24-60-3802; or

3 **(c)** (III) Whose license has been suspended or revoked or has
4 expired; OR

5 (b) THE PRACTICE AS A CERTIFIED MIDWIFE BY ANY INDIVIDUAL
6 WHO HAS NOT BEEN ISSUED A LICENSE UNDER THIS PART 1 OR WHOSE
7 LICENSE HAS BEEN SUSPENDED OR REVOKED OR HAS EXPIRED.

8 **SECTION 3.** In Colorado Revised Statutes, 12-255-105, **amend**
9 (1)(a) introductory portion, (1)(a)(II) introductory portion, and
10 (1)(a)(II)(D); and **add** (1)(a)(II.5) as follows:

11 **12-255-105. State board of nursing created - removal of board**
12 **members - meetings of board.** (1) (a) There is created the state board
13 of nursing in the division, which is a **type 1** entity, as defined in section
14 24-1-105. The board consists of ~~eleven~~ TWELVE members who are
15 residents of this state, appointed by the governor as follows:

16 (II) Seven members of the board ~~shall be~~ WHO ARE licensed
17 professional nurses, who are actively employed in their respective nursing
18 professions, ~~and~~ WHO ARE licensed in this state, ~~The professional nurse~~
19 ~~members shall~~ AND WHO have been employed for at least three years in
20 their respective categories. Members shall be as follows:

21 (D) One member ~~shall be~~ WHO IS registered as an advanced
22 practice registered nurse pursuant to section 12-255-111; EXCEPT THAT
23 THE MEMBER APPOINTED PURSUANT TO THIS SUBSECTION (1)(a)(II)(D)
24 MUST NOT BE A CERTIFIED NURSE MIDWIFE;

25 (II.5) ONE MEMBER OF THE BOARD WHO IS A CERTIFIED MIDWIFE
26 OR AN ADVANCED PRACTICE REGISTERED NURSE WHO IS A CERTIFIED
27 NURSE MIDWIFE;

1 **SECTION 4.** In Colorado Revised Statutes, 12-255-107, **amend**
2 (1)(b)(I)(A), (1)(b)(I)(B), and (1)(h) as follows:

3 **12-255-107. Powers and duties of the board - rules - definition.**

4 (1) The board has the following powers and duties:

5 (b) (I) (A) To examine, license, certify, reactivate, and renew
6 licenses or certifications of qualified applicants, and to grant to the
7 applicants temporary licenses and permits, to engage in the practice of
8 practical nursing and professional nursing, THE PRACTICE AS A CERTIFIED
9 MIDWIFE, or the practice of a nurse aide, as applicable, in this state within
10 the limitations imposed by this article 255. Licenses and certifications
11 issued pursuant to this article 255 are subject to the renewal, expiration,
12 reinstatement, and delinquency fee provisions specified in section
13 12-20-202 (1) and (2).

14 (B) The director may increase fees to obtain or renew a
15 professional nurse license, ~~or~~ AN advanced practice registered nurse
16 authority, OR A CERTIFIED MIDWIFE LICENSE under this part 1 consistent
17 with section 12-30-105 (4) to fund the division's costs in administering
18 and staffing the nurse-physician advisory task force for Colorado health
19 care created in section 12-30-105 (1).

20 (h) To investigate and conduct hearings upon charges for the
21 discipline of nurses, CERTIFIED MIDWIVES, and nurse aides in accordance
22 with article 4 of title 24 and section 12-20-403 and to impose disciplinary
23 sanctions as provided in this article 255 and section 12-20-404;

24 **SECTION 5.** In Colorado Revised Statutes, **add** 12-255-111.5 as
25 follows:

26 **12-255-111.5. Requirements for certified midwife licensure -**
27 **license by endorsement - questionnaire - fees.** (1) ON AND AFTER JULY

1 1, 2024, THE BOARD SHALL ISSUE A LICENSE TO ENGAGE IN THE PRACTICE
2 AS A CERTIFIED MIDWIFE TO ANY APPLICANT WHO:

3 (a) SUBMITS AN APPLICATION CONTAINING INFORMATION THE
4 BOARD MAY PRESCRIBE;

5 (b) SUBMITS PROOF SATISFACTORY TO THE BOARD, IN THE MANNER
6 AND UPON THE FORMS THE BOARD MAY REQUIRE, TO SHOW THAT THE
7 APPLICANT HAS OBTAINED AND MAINTAINS IN GOOD STANDING A MIDWIFE
8 CERTIFICATION FROM THE AMERICAN MIDWIFERY CERTIFICATION BOARD
9 OR ITS SUCCESSOR ENTITY;

10 (c) PAYS THE REQUIRED FEE; AND

11 (d) SUBMITS TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM
12 AND MANNER AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

13 (2) (a) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1) OF
14 THIS SECTION, EACH APPLICANT MUST HAVE THE APPLICANT'S
15 FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR ANY
16 THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION
17 FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY
18 RECORD CHECK. IF AN APPROVED THIRD PARTY TAKES THE APPLICANT'S
19 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
20 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN
21 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S
22 INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO
23 BY THE APPLICANT. THE APPLICANT SHALL SUBMIT PAYMENT BY CERTIFIED
24 CHECK OR MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL
25 COSTS OF THE RECORD CHECK AT THE TIME THE FINGERPRINTS ARE
26 SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT
27 OF FINGERPRINTS AND RECEIPT OF THE PAYMENT FOR COSTS, THE

1 COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND
2 NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
3 UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND
4 THE FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE
5 RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE DIRECTOR.

6 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
7 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
8 SUBSECTION (2) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,
9 THE BOARD SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A
10 NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3
11 (6)(d).

12 (3) THE BOARD MAY ISSUE A LICENSE BY ENDORSEMENT TO
13 ENGAGE IN THE PRACTICE AS A CERTIFIED MIDWIFE IN THIS STATE TO AN
14 APPLICANT WHO SATISFIES THE REQUIREMENTS OF THE OCCUPATIONAL
15 CREDENTIAL PORTABILITY PROGRAM.

16 (4) (a) (I) THE BOARD SHALL DESIGN A QUESTIONNAIRE TO BE SENT
17 TO ALL LICENSEES WHO APPLY FOR LICENSE RENEWAL. EACH APPLICANT
18 FOR LICENSE RENEWAL SHALL COMPLETE THE BOARD-DESIGNED
19 QUESTIONNAIRE. THE PURPOSE OF THE QUESTIONNAIRE IS TO DETERMINE
20 WHETHER A LICENSEE HAS ACTED IN VIOLATION OF THIS PART 1 OR HAS
21 BEEN DISCIPLINED FOR ANY ACTION THAT MIGHT BE CONSIDERED A
22 VIOLATION OF THIS PART 1 OR THAT MIGHT MAKE THE LICENSEE UNFIT TO
23 PRACTICE AS A CERTIFIED MIDWIFE WITH REASONABLE CARE AND SAFETY.
24 THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION
25 REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION
26 12-30-111 AND IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a).

27 (II) IF AN APPLICANT FAILS TO ANSWER THE QUESTIONNAIRE

1 ACCURATELY, THE FAILURE CONSTITUTES GROUNDS FOR DISCIPLINE UNDER
2 SECTION 12-255-120 (1)(v).

3 (III) THE BOARD MAY INCLUDE THE COST OF DEVELOPING AND
4 REVIEWING THE QUESTIONNAIRE IN THE FEE PAID UNDER SUBSECTION
5 (1)(c) OF THIS SECTION.

6 (IV) THE BOARD MAY DENY AN APPLICATION FOR LICENSE
7 RENEWAL THAT DOES NOT ACCOMPANY AN ACCURATELY COMPLETED
8 QUESTIONNAIRE.

9 (b) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF
10 A LICENSE, EACH LICENSEE SHALL ATTEST THAT THE LICENSEE IS IN
11 COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE LICENSEE IS
12 AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

13 (5) A CERTIFIED MIDWIFE WHO SATISFIES THE REQUIREMENTS OF
14 SECTION 12-255-112 MAY BE GRANTED PRESCRIPTIVE AUTHORITY AS A
15 FUNCTION IN ADDITION TO THOSE FUNCTIONS DESCRIBED IN SECTION
16 12-255-104 (7.5).

17 **SECTION 6.** In Colorado Revised Statutes, 12-255-112, **amend**
18 (1), (3), (4)(b) introductory portion, (4)(b)(I)(A), (4)(b)(I)(D),
19 (4)(b)(I)(E), (4)(b)(III), (4)(b)(IV), (4)(d), (5), (6), (7), (9), (10), (11), and
20 (12); **repeal** (4)(f); and **add** (4)(a.5) and (4)(b)(V) as follows:

21 **12-255-112. Prescriptive authority - advanced practice**
22 **registered nurses - certified midwives - limits on prescriptions - rules**
23 **- financial benefit for prescribing prohibited.** (1) The board may
24 authorize THE FOLLOWING LICENSEES TO PRESCRIBE CONTROLLED
25 SUBSTANCES OR PRESCRIPTION DRUGS, AS THOSE TERMS ARE DEFINED IN
26 SECTION 12-280-103:

27 (a) An advanced practice registered nurse who is listed on the

1 advanced practice registry, WHO has a license in good standing without
2 disciplinary sanctions issued pursuant to section 12-255-110, and WHO
3 has fulfilled THE REQUIREMENTS OF THIS SECTION AND requirements
4 established by the board pursuant to this section; ~~to prescribe controlled~~
5 ~~substances or prescription drugs as defined in section 12-280-103.~~ OR

6 (b) A CERTIFIED MIDWIFE WHO HAS A LICENSE ISSUED PURSUANT
7 TO SECTION 12-255-111.5 THAT IS IN GOOD STANDING WITHOUT
8 DISCIPLINARY SANCTIONS AND WHO HAS FULFILLED THE REQUIREMENTS
9 OF THIS SECTION AND REQUIREMENTS ESTABLISHED BY THE BOARD
10 PURSUANT TO THIS SECTION.

11 (3) (a) An advanced practice registered nurse OR A CERTIFIED
12 MIDWIFE may be granted authority to prescribe prescription drugs and
13 controlled substances to provide treatment to clients within the role and
14 population focus of the advanced practice registered nurse OR CERTIFIED
15 MIDWIFE, AS APPLICABLE.

16 (b) (I) An advanced practice registered nurse OR A CERTIFIED
17 MIDWIFE who has been granted authority to prescribe prescription drugs
18 and controlled substances under this part 1 may advise the nurse's OR
19 CERTIFIED MIDWIFE'S patients of their option to have the symptom or
20 purpose for which a prescription is being issued included on the
21 prescription order.

22 (II) A nurse's OR CERTIFIED MIDWIFE'S failure to advise a patient
23 under subsection (3)(b)(I) of this section is neither:

24 (A) Grounds for any disciplinary action against the nurse's OR
25 CERTIFIED MIDWIFE'S professional license issued under this part 1; nor

26 (B) Grounds for any civil action against a nurse OR CERTIFIED
27 MIDWIFE in a negligence or tort action; nor

1 (C) Evidence in any civil action against a nurse OR CERTIFIED
2 MIDWIFE.

3 (4) (a.5) A CERTIFIED MIDWIFE APPLYING FOR PRESCRIPTIVE
4 AUTHORITY SHALL PROVIDE EVIDENCE TO THE BOARD THAT THE CERTIFIED
5 MIDWIFE HAS OBTAINED AND MAINTAINS:

6 (I) A MIDWIFE CERTIFICATION IN GOOD STANDING FROM THE
7 AMERICAN MIDWIFERY CERTIFICATION BOARD OR ITS SUCCESSOR ENTITY;
8 AND

9 (II) PROFESSIONAL LIABILITY INSURANCE AS REQUIRED BY SECTION
10 12-255-113.

11 (b) ~~Upon satisfaction of the requirements set forth in subsection~~
12 ~~(4)(a) of this section,~~ The board may grant provisional prescriptive
13 authority to an advanced practice registered nurse, UPON SATISFACTION OF
14 THE REQUIREMENTS SET FORTH IN SUBSECTION (4)(a) OF THIS SECTION, OR
15 TO A CERTIFIED MIDWIFE, UPON SATISFACTION OF THE REQUIREMENTS SET
16 FORTH IN SUBSECTION (4)(a.5) OF THIS SECTION. The provisional
17 prescriptive authority that is granted is limited to those patients and
18 medications appropriate to the advanced practice registered nurse's OR
19 CERTIFIED MIDWIFE'S role and population focus. In order to retain
20 provisional prescriptive authority and obtain and retain full prescriptive
21 authority pursuant to this subsection (4) for patients and medications
22 appropriate for the advanced practice registered nurse's OR CERTIFIED
23 MIDWIFE'S role and population focus, an advanced practice registered
24 nurse OR A CERTIFIED MIDWIFE shall satisfy the following requirements:

25 (I) (A) Once the provisional prescriptive authority is granted, the
26 advanced practice registered nurse OR CERTIFIED MIDWIFE must obtain
27 seven hundred fifty hours of documented experience in a mutually

1 structured prescribing mentorship either with a physician or with an
2 advanced practice registered nurse OR A CERTIFIED MIDWIFE who has full
3 prescriptive authority and experience in prescribing medications. The
4 mentor must be practicing in Colorado and have education, training,
5 experience, and an active practice that corresponds with the role and
6 population focus of the advanced practice registered nurse OR CERTIFIED
7 MIDWIFE.

8 (D) Upon successful completion of the mentorship period, the
9 mentor shall provide the mentor's signature and attestation to verify that
10 the advanced practice registered nurse OR CERTIFIED MIDWIFE has
11 successfully completed the mentorship within the required period after the
12 provisional prescriptive authority was granted.

13 (E) If an advanced practice registered nurse OR A CERTIFIED
14 MIDWIFE with provisional prescriptive authority fails to complete the
15 mentorship required by this subsection (4)(b)(I) within three years or
16 otherwise fails to demonstrate competence as determined by the board,
17 the advanced practice registered nurse's OR CERTIFIED MIDWIFE'S
18 provisional prescriptive authority expires for failure to comply with the
19 statutory requirements.

20 (III) The advanced practice registered nurse OR CERTIFIED
21 MIDWIFE shall maintain professional liability insurance as required by
22 section 12-255-113.

23 (IV) The advanced practice registered nurse OR CERTIFIED
24 MIDWIFE shall maintain national certification, as specified in subsection
25 (4)(a)(III) OR (4)(a.5)(I) of this section, unless the board grants an
26 exception.

27 (V) THE CERTIFIED MIDWIFE MUST COMPLETE AT LEAST THREE

1 YEARS OF CLINICAL WORK EXPERIENCE AS A CERTIFIED MIDWIFE.

2 (d) In order to obtain provisional prescriptive authority and obtain
3 and retain full prescriptive authority in this state, an advanced practice
4 registered nurse OR A CERTIFIED MIDWIFE from another state must meet
5 the requirements of this section or substantially equivalent requirements,
6 as determined by the board.

7 ~~(f) Once an advanced practice registered nurse obtains full~~
8 ~~prescriptive authority pursuant to this subsection (4), the advanced~~
9 ~~practice registered nurse is not required to maintain or update an~~
10 ~~articulated plan as described in subsection (4)(b)(II) or (4)(c)(I) of this~~
11 ~~section.~~

12 (5) An advanced practice registered nurse OR A CERTIFIED
13 MIDWIFE who obtains prescriptive authority pursuant to this section shall
14 be assigned a specific identifier by the state board of nursing. This
15 identifier shall be available to the Colorado medical board and the state
16 board of pharmacy. The state board of nursing shall establish a
17 mechanism to assure that the prescriptive authority of an advanced
18 practice registered nurse OR A CERTIFIED MIDWIFE may be readily verified.

19 (6) An advanced practice registered nurse OR A CERTIFIED
20 MIDWIFE with prescriptive authority pursuant to this section is subject to
21 the limitations on prescriptions specified in section 12-30-109.

22 (7) (a) The scope of practice for an advanced practice registered
23 nurse OR A CERTIFIED MIDWIFE may be determined by the board in
24 accordance with this part 1.

25 (b) The board may consider information provided by nursing,
26 medical, MIDWIFERY, or other health professional organizations,
27 associations, or regulatory boards.

1 (c) (I) Prescriptive authority by an advanced practice registered
2 nurse ~~shall be~~ OR A CERTIFIED MIDWIFE IS limited to those patients
3 appropriate to the nurse's OR CERTIFIED MIDWIFE'S scope of practice.
4 Prescriptive authority may be limited or withdrawn and the advanced
5 practice registered nurse OR CERTIFIED MIDWIFE may be subject to further
6 disciplinary action in accordance with this part 1 if the nurse OR
7 CERTIFIED MIDWIFE has prescribed outside the nurse's OR CERTIFIED
8 MIDWIFE'S scope of practice or for other than a therapeutic purpose.

9 (II) Nothing in this section shall be construed to require a
10 registered nurse OR CERTIFIED MIDWIFE to obtain prescriptive authority to
11 deliver anesthesia care.

12 (9) Nothing in this section shall be construed to permit dispensing
13 or distribution, as defined in section 12-280-103 (14) and (15), by an
14 advanced practice registered nurse OR A CERTIFIED MIDWIFE, except for
15 samples, under article 280 of this title 12 and the federal "Prescription
16 Drug Marketing Act of 1987", Pub.L. 100-293, as amended.

17 (10) An advanced practice registered nurse registered pursuant to
18 section 12-255-111 OR A CERTIFIED MIDWIFE is not required to apply for
19 or obtain prescriptive authority.

20 (11) Nothing in this section ~~shall limit~~ LIMITS:

21 (a) The practice of nursing by any nurse, including advanced
22 practice registered nurses; OR

23 (b) THE PRACTICE AS A CERTIFIED MIDWIFE BY ANY CERTIFIED
24 MIDWIFE.

25 (12) An advanced practice registered nurse OR A CERTIFIED
26 MIDWIFE shall not accept any direct or indirect benefit from a
27 pharmaceutical manufacturer or pharmaceutical representative for

1 prescribing a specific medication to a patient. For the purposes of this
2 section, a direct or indirect benefit does not include a benefit offered to
3 an advanced practice registered nurse OR CERTIFIED MIDWIFE regardless
4 of whether the specific medication is being prescribed.

5 **SECTION 7.** In Colorado Revised Statutes, **amend** 12-255-113
6 as follows:

7 **12-255-113. Professional liability insurance required -**
8 **advanced practice registered nurses and certified midwives in**
9 **independent practice - rules.** (1) It is unlawful for any advanced
10 practice registered nurse OR CERTIFIED MIDWIFE engaged in an
11 independent practice of professional nursing OR AS A CERTIFIED MIDWIFE
12 to practice within the state of Colorado unless the advanced practice
13 registered nurse OR CERTIFIED MIDWIFE purchases and maintains or is
14 covered by professional liability insurance in an amount not less than five
15 hundred thousand dollars per claim with an aggregate liability for all
16 claims during the year of one million five hundred thousand dollars.

17 (2) Professional liability insurance required by this section ~~shall~~
18 MUST cover all acts within the scope of practice of an advanced practice
19 registered nurse OR CERTIFIED MIDWIFE as ~~defined~~ DESCRIBED in this part
20 1.

21 (3) Notwithstanding the requirements of subsection (1) of this
22 section, the board, by rule, may exempt or establish lesser liability
23 insurance requirements for advanced practice registered nurses OR
24 CERTIFIED MIDWIVES.

25 (4) Nothing in this section shall be construed to confer liability on
26 an employer for the acts of an advanced practice registered nurse OR A
27 CERTIFIED MIDWIFE that are outside the scope of employment or to negate

1 the applicability of the "Colorado Governmental Immunity Act", article
2 10 of title 24.

3 **SECTION 8.** In Colorado Revised Statutes, **amend** 12-255-115
4 as follows:

5 **12-255-115. Volunteer licensure - fees - questionnaire.** (1) The
6 board may issue a license to a volunteer nurse OR CERTIFIED MIDWIFE who
7 meets the requirements set forth in this section.

8 (2) A volunteer nursing OR CERTIFIED MIDWIFE license shall only
9 be issued to an applicant who:

10 (a) Currently holds a license to practice nursing, either as a
11 practical nurse or as a professional nurse, OR TO PRACTICE AS A CERTIFIED
12 MIDWIFE, and the license is due to expire unless renewed; or

13 (b) Is not currently engaged in the practice of nursing OR AS A
14 CERTIFIED MIDWIFE either full-time or part-time and has, prior to ceasing
15 practice, maintained full licensure in good standing in any state or
16 territory of the United States.

17 (3) (a) A volunteer nursing license shall permit the nurse to
18 engage in volunteer nursing tasks within the scope of the nurse's license.

19 (b) A VOLUNTEER CERTIFIED MIDWIFE LICENSE SHALL PERMIT THE
20 CERTIFIED MIDWIFE TO ENGAGE AS A VOLUNTEER IN THE PRACTICE AS A
21 CERTIFIED MIDWIFE WITHIN THE SCOPE OF THE CERTIFIED MIDWIFE'S
22 LICENSE.

23 (4) An applicant for a volunteer nursing OR CERTIFIED MIDWIFE
24 license shall submit to the board an application containing the information
25 the board may prescribe, a copy of the applicant's most recent nursing OR
26 CERTIFIED MIDWIFE license, and a statement signed under penalty of
27 perjury in which the applicant agrees not to receive compensation for any

1 nursing tasks OR TASKS AS A CERTIFIED MIDWIFE that are performed while
2 in possession of the license.

3 (5) A person who possesses a volunteer nursing OR CERTIFIED
4 MIDWIFE license is immune from civil liability for actions performed
5 within the scope of the nursing OR CERTIFIED MIDWIFE license unless it is
6 established that injury or death was caused by gross negligence or the
7 willful and wanton misconduct of the licensee. The immunity provided
8 in this subsection (5) applies only to the licensee and does not affect the
9 liability of any other individual or entity. Nothing in this subsection (5)
10 limits the ability of the board to take disciplinary action against a licensee.

11 (6) The fee for a volunteer nursing OR CERTIFIED MIDWIFE license,
12 including assessments for legal defense, peer assistance, and other
13 programs for which licenses are assessed, must not exceed fifty percent
14 of the license renewal fee, including all assessments, established by the
15 board for an active nursing OR CERTIFIED MIDWIFE license.

16 (7) The board shall design a questionnaire to be sent to all
17 volunteer nurses AND CERTIFIED MIDWIVES who apply for license renewal.
18 Each applicant for license renewal shall complete the board-designed
19 questionnaire. The purpose of the questionnaire is to determine whether
20 a licensee has acted in violation of this part 1 or has been disciplined for
21 any action that might be considered a violation of this part 1 or might
22 make the licensee unfit to practice nursing OR AS A CERTIFIED MIDWIFE
23 with reasonable care and safety. If an applicant fails to answer the
24 questionnaire accurately, the failure constitutes grounds for discipline
25 under section 12-255-120 (1)(v). The board may include the cost of
26 developing and reviewing the questionnaire in the fee paid under
27 subsection (6) of this section. The board may deny an application for

1 license renewal that does not accompany an accurately completed
2 questionnaire.

3 (8) (a) The board shall deny an application for the reactivation of
4 a practical or professional nurse license for a volunteer nurse if the board
5 determines that the nurse requesting reactivation has not actively
6 volunteered as a nurse for the two-year period immediately preceding the
7 filing of the application for license reactivation or has not otherwise
8 demonstrated continued competency to return to the active practice of
9 nursing in a manner approved by the board.

10 (b) THE BOARD SHALL DENY AN APPLICATION FOR THE
11 REACTIVATION OF A CERTIFIED MIDWIFE LICENSE FOR A VOLUNTEER
12 CERTIFIED MIDWIFE IF THE BOARD DETERMINES THAT THE CERTIFIED
13 MIDWIFE REQUESTING REACTIVATION HAS NOT ACTIVELY VOLUNTEERED
14 AS A CERTIFIED MIDWIFE FOR THE TWO-YEAR PERIOD IMMEDIATELY
15 PRECEDING THE FILING OF THE APPLICATION FOR LICENSE REACTIVATION
16 OR HAS NOT OTHERWISE DEMONSTRATED CONTINUED COMPETENCY TO
17 RETURN TO THE ACTIVE PRACTICE AS A CERTIFIED MIDWIFE IN A MANNER
18 APPROVED BY THE BOARD.

19 **SECTION 9.** In Colorado Revised Statutes, 12-255-117, **amend**
20 (5) as follows:

21 **12-255-117. Temporary licenses and permits.** (5) The board
22 shall summarily withdraw a temporary license or permit issued pursuant
23 to this section if the board determines that the TEMPORARY license OR
24 PERMIT holder fails to meet the requirements of this section or section
25 12-255-109, 12-255-110, **12-255-111.5**, or 12-255-114. The holder of a
26 temporary license or permit summarily withdrawn has the right to a
27 hearing that shall be conducted pursuant to article 4 of title 24 and section

1 12-20-403 by the board or by an administrative law judge at the board's
2 discretion.

3 **SECTION 10.** In Colorado Revised Statutes, 12-255-119, **amend**
4 (1)(a), (3)(a)(I) introductory portion, (3)(a)(I)(B), (3)(a)(I)(C), (3)(a)(II),
5 (3)(a)(III), (3)(b), (3)(c)(III), (4)(a), (4)(c)(III), (4)(c)(IV) introductory
6 portion, (4)(c)(IV)(C), (4)(e), (6), (7), (8)(a), (8)(b), (8)(d), and (10) as
7 follows:

8 **12-255-119. Disciplinary procedures of the board - inquiry**
9 **and hearings panels - mental and physical examinations - definitions**
10 **- rules.** (1) (a) The president of the board shall divide the other ten
11 members of the board into two panels of five members each. Members
12 representing the ~~three~~ different categories of membership (licensed
13 practical nurses, professional nurses, CERTIFIED MIDWIVES, and persons
14 not licensed, employed, or in any way connected with, or with any
15 financial interest in, any health-care facility, agency, or insurer) shall be
16 divided between the two panels as equally as possible.

17 (3) (a) (I) ~~For the purposes of AS USED IN this section:~~

18 (B) "License" includes licensure for a practical nurse or
19 professional nurse, LICENSURE FOR A CERTIFIED MIDWIFE, and licensure
20 for a psychiatric technician.

21 (C) "Nurse", "licensee", or "respondent" includes a practical
22 nurse, a professional nurse, A CERTIFIED MIDWIFE, and a psychiatric
23 technician as described in section 12-295-103 (4).

24 (II) Written complaints relating to the conduct of a nurse licensed
25 or authorized to practice nursing in this state OR RELATING TO THE
26 CONDUCT OF A CERTIFIED MIDWIFE LICENSED OR AUTHORIZED TO
27 PRACTICE AS A CERTIFIED MIDWIFE IN THIS STATE may be made by any

1 person or may be initiated by an inquiry panel of the board on its own
2 motion. UNLESS THE BOARD DETERMINES THE COMPLAINT TO BE WITHOUT
3 MERIT OF INVESTIGATION, THE BOARD SHALL GIVE NOTICE OF THE
4 COMPLAINT TO the nurse OR CERTIFIED MIDWIFE complained of, ~~shall be~~
5 ~~given notice, unless the board determines the complaint to be without~~
6 ~~merit of investigation,~~ by first-class mail, and SHALL STATE IN the notice
7 ~~shall state~~ the nature of the complaint and ~~shall state~~ that the failure to
8 respond in a materially factual and timely manner constitutes grounds for
9 discipline. The nurse OR CERTIFIED MIDWIFE complained of shall be given
10 thirty days to answer or explain in writing the matters described in ~~such~~
11 THE complaint. Upon receipt of the nurse's OR CERTIFIED MIDWIFE'S
12 answer or at the conclusion of thirty days, whichever occurs first, the
13 inquiry panel may take further action as set forth in subsection (3)(a)(III)
14 of this section.

15 (III) Upon receipt of the nurse's OR CERTIFIED MIDWIFE'S answer
16 or the conclusion of thirty days, the inquiry panel may conduct a further
17 investigation that may be made by one or more members of the inquiry
18 panel; IN THE CASE OF A COMPLAINT AGAINST A NURSE, one or more
19 nurses who are not members of the board; IN THE CASE OF A COMPLAINT
20 AGAINST A CERTIFIED MIDWIFE, ONE OR MORE CERTIFIED MIDWIVES OR
21 CERTIFIED NURSE MIDWIVES WHO ARE NOT MEMBERS OF THE BOARD; a
22 member of the staff of the board; a professional investigator; or any other
23 person or organization as the inquiry panel directs. The investigation ~~shall~~
24 MUST be entirely informal.

25 (b) The board shall cause an investigation to be made when the
26 board is informed of:

27 (I) Disciplinary action taken by an employer of a nurse OR

1 CERTIFIED MIDWIFE against the nurse OR CERTIFIED MIDWIFE or
2 resignation in lieu of a disciplinary action for conduct that constitutes
3 grounds for discipline under section 12-255-120 or 12-295-111. The
4 employer shall report the disciplinary action or resignation to the board.

5 (II) An instance of a malpractice settlement or judgment against
6 a nurse OR CERTIFIED MIDWIFE;

7 (III) A nurse OR CERTIFIED MIDWIFE who has not timely renewed
8 ~~his or her~~ THE NURSE'S OR CERTIFIED MIDWIFE'S license and the nurse OR
9 CERTIFIED MIDWIFE is actively engaged in the practice of nursing OR AS
10 A CERTIFIED MIDWIFE.

11 (c) On completion of an investigation, the inquiry panel shall
12 make a finding that:

13 (III) An instance of conduct occurred that does not warrant formal
14 action by the board and that should be dismissed, but that indications of
15 possible conduct by the nurse OR CERTIFIED MIDWIFE were noted that
16 could lead to serious consequences if not corrected. In such a case, the
17 board shall send a confidential letter of concern in accordance with
18 section 12-20-404 (5) to the nurse OR CERTIFIED MIDWIFE against whom
19 the complaint was made.

20 (4) (a) All formal complaints shall be heard and determined in
21 accordance with subsection (4)(b) of this section and section 24-4-105.
22 Except as provided in subsection (1) of this section, all formal hearings
23 shall be conducted by the hearings panel. The nurse OR CERTIFIED
24 MIDWIFE may be present in person or represented by counsel, or both, if
25 so desired, to offer evidence and be heard in the nurse's OR CERTIFIED
26 MIDWIFE'S own defense. At formal hearings, the witnesses shall be sworn
27 and a complete record shall be made of all proceedings and testimony.

1 (c) (III) If the hearings panel finds the charges proven and orders
2 that discipline be imposed, it shall also determine the extent of the
3 discipline, which may be in the form of a letter of admonition regarding
4 a license or suspension for a definite or indefinite period, revocation, or
5 nonrenewal of a license to practice. In addition to any other discipline that
6 may be imposed pursuant to this section, the hearings panel may impose
7 a fine of no less than two hundred fifty dollars but no more than one
8 thousand dollars per violation on any nurse OR CERTIFIED MIDWIFE who
9 violates this part 1 or any rule adopted pursuant to this part 1. The board
10 shall adopt rules establishing a fine structure and the circumstances under
11 which fines may be imposed.

12 (IV) In determining appropriate disciplinary action, the hearings
13 panel shall first consider sanctions that are necessary to protect the public.
14 Only after the panel has considered such sanctions shall it consider and
15 order requirements designed to rehabilitate the nurse OR CERTIFIED
16 MIDWIFE. If discipline other than revocation of a license to practice is
17 imposed, the hearings panel may also order that the nurse OR CERTIFIED
18 MIDWIFE be granted probation and allowed to continue to practice during
19 the period of the probation. The hearings panel may also include in any
20 disciplinary order that allows the nurse OR CERTIFIED MIDWIFE to continue
21 to practice such conditions as the panel may deem appropriate to assure
22 that the nurse OR CERTIFIED MIDWIFE is physically, mentally, and
23 otherwise qualified to practice nursing OR AS A CERTIFIED MIDWIFE in
24 accordance with generally accepted standards of practice, including any
25 of the following:

26 (C) The review or supervision of the respondent's practice of
27 nursing OR AS A CERTIFIED MIDWIFE as may be necessary to determine the

1 quality of the respondent's practice of nursing OR AS A CERTIFIED MIDWIFE
2 and to correct deficiencies ~~therein~~ IN THE RESPONDENT'S PRACTICE; or

3 (e) The two-year waiting period specified in section 12-20-404 (3)
4 applies to any person whose license to practice nursing, PRACTICE AS A
5 CERTIFIED MIDWIFE, or PRACTICE any other health-care occupation is
6 revoked by any other legally qualified board.

7 (6) Upon the expiration of any term of suspension, the license
8 shall be reinstated by the board if the board is furnished with evidence
9 that the nurse OR CERTIFIED MIDWIFE has complied with all terms of the
10 suspension. If the evidence shows the nurse OR CERTIFIED MIDWIFE has
11 not complied with all terms of the suspension, the board may revoke or
12 continue the suspension of the license at a hearing, notice of which and
13 the procedure at which shall be as provided in this section.

14 (7) In case any nurse OR CERTIFIED MIDWIFE is determined to be
15 mentally incompetent or insane by a court of competent jurisdiction and
16 a court enters, pursuant to part 3 or 4 of article 14 of title 15 or section
17 27-65-110 (4) or 27-65-127, an order specifically finding that the mental
18 incompetency or insanity is of such a degree that the nurse OR CERTIFIED
19 MIDWIFE is incapable of continuing the practice of nursing OR AS A
20 CERTIFIED MIDWIFE, the board shall automatically suspend the nurse's OR
21 CERTIFIED MIDWIFE'S license, and, notwithstanding any provision of this
22 part 1 to the contrary, the suspension must continue until the nurse OR
23 CERTIFIED MIDWIFE is found by the court to be competent to continue the
24 practice of nursing OR THE PRACTICE AS A CERTIFIED MIDWIFE, AS
25 APPLICABLE.

26 (8) (a) If the board has reasonable cause to believe that a nurse is
27 unable to practice nursing, OR A CERTIFIED MIDWIFE IS UNABLE TO

1 PRACTICE AS A CERTIFIED MIDWIFE, with reasonable skill and safety to
2 patients because of a condition described in section 12-255-120 (1)(i) or
3 (1)(j) or section 12-295-111 (1)(i) or (1)(j), ~~it~~ THE BOARD may require the
4 nurse OR CERTIFIED MIDWIFE to submit to mental or physical examinations
5 by a physician or other licensed health-care professional designated by the
6 board. If a nurse OR CERTIFIED MIDWIFE fails to submit to the mental or
7 physical examinations, the board may suspend the nurse's OR CERTIFIED
8 MIDWIFE'S license until the required examinations are conducted.

9 (b) (I) Every nurse OR CERTIFIED MIDWIFE shall be deemed, by so
10 practicing or by applying for renewal registration of the nurse's OR
11 CERTIFIED MIDWIFE'S license, to have consented to submit to mental or
12 physical examinations when directed in writing by the board. Further, the
13 nurse OR CERTIFIED MIDWIFE shall be deemed to have waived all
14 objections to the admissibility of the examining physician's or other
15 licensed health-care professional's testimony or examination reports on
16 the ground of privileged communication. Subject to applicable federal
17 law, the nurse OR CERTIFIED MIDWIFE shall be deemed to have waived all
18 objections to the production of medical records to the board from
19 health-care providers that may be necessary for the evaluations described
20 in subsection (8)(a) of this section.

21 (II) Nothing in this section ~~shall prevent the~~ PREVENTS A nurse OR
22 CERTIFIED MIDWIFE from submitting to the board testimony or
23 examination reports of a physician or other licensed health-care
24 professional designated by the nurse OR CERTIFIED MIDWIFE to a condition
25 described in subsection (8)(a) of this section that may be considered by
26 the board in conjunction with, but not in lieu of, testimony and
27 examination reports of the physician or licensed health-care professional

1 designated by the board.

2 (d) The board may require that a nurse OR CERTIFIED MIDWIFE
3 submit medical records for review in conjunction with an examination
4 made pursuant to subsection (8)(a) of this section; except that the records
5 ~~shall~~ remain confidential, and ~~shall be reviewed by~~ the board MAY
6 REVIEW THE RECORDS only to the extent necessary to conduct an
7 investigation.

8 (10) A physician or other licensed health-care professional who,
9 at the request of the board, examines a nurse ~~shall be~~ OR CERTIFIED
10 MIDWIFE IS immune from suit for damages by the nurse OR CERTIFIED
11 MIDWIFE examined if the examining physician or examining licensed
12 health-care professional conducted the examination and made findings or
13 a diagnosis in good faith.

14 **SECTION 11.** In Colorado Revised Statutes, 12-255-120, **amend**
15 (1)(d), (1)(f), (1)(g), (1)(j)(I), (1)(j)(II), (1)(l), (1)(n), (1)(v), (1)(w),
16 (1)(x), (1)(y), (1)(dd), (1)(ee), and (1)(ff) as follows:

17 **12-255-120. Grounds for discipline - definitions.** (1) "Grounds
18 for discipline", as used in this part 1, means any action by any person
19 who:

20 (d) Has had a license to practice nursing, PRACTICE AS A CERTIFIED
21 MIDWIFE, or PRACTICE any other health-care occupation suspended or
22 revoked in any jurisdiction. A certified copy of the order of suspension or
23 revocation ~~shall be~~ IS prima facie evidence of the suspension or
24 revocation.

25 (f) Has practiced nursing OR AS A CERTIFIED MIDWIFE in a manner
26 that fails to meet generally accepted standards for the ~~nursing~~ practice OF
27 NURSING OR AS A CERTIFIED MIDWIFE, AS APPLICABLE;

1 (g) Has violated any order or rule of the board pertaining to
2 nursing practice, PRACTICE AS A CERTIFIED MIDWIFE, or licensure;

3 (j) Has failed to:

4 (I) Notify the board, as required by section 12-30-108 (1), of a
5 physical illness, physical condition, or behavioral health, mental health,
6 or substance use disorder that affects the person's ability to practice
7 nursing OR AS A CERTIFIED MIDWIFE with reasonable skill and safety to
8 patients or that may endanger the health or safety of individuals under the
9 person's care;

10 (II) Act within the limitations created by a physical illness,
11 physical condition, or behavioral health, mental health, or substance use
12 disorder that renders the person unable to practice nursing OR AS A
13 CERTIFIEDMIDWIFE with reasonable skill and safety to patients or that may
14 endanger the health or safety of individuals under the person's care; or

15 (l) Has engaged in any conduct that would constitute a crime as
16 defined in title 18 and that relates to the person's employment as a
17 practical or professional nurse OR AS A CERTIFIEDMIDWIFE. In conjunction
18 with any disciplinary proceeding pertaining to this subsection (1)(l), the
19 board shall be governed by the provisions of sections 12-20-202 (5) and
20 24-5-101.

21 (n) Has engaged in any of the following activities and practices:

22 (I) Willful and repeated ordering or performance, without clinical
23 justification, of demonstrably unnecessary laboratory tests or studies;

24 (II) The administration, without clinical justification, of treatment
25 that is demonstrably unnecessary;

26 (III) The failure to obtain consultations or perform referrals when
27 failing to do so is not consistent with the standard of care for the

1 profession; or

2 (IV) Ordering or performing, without clinical justification, any
3 service, X ray, or treatment that is contrary to recognized standards of the
4 practice of nursing OR AS A CERTIFIED MIDWIFE as interpreted by the
5 board;

6 (v) Has failed to accurately complete and submit to the board the
7 designated questionnaire upon renewal of a license pursuant to section
8 12-255-110 (3), *12-255-111.5 (4)*, 12-255-114 (3), or 12-255-115 (7);

9 (w) (I) Represents ~~himself or herself~~ ONESELF to an individual or
10 to the general public by use of any word or abbreviation to indicate or
11 induce others to believe that he or she is a licensed practical or
12 professional nurse unless the person is actually licensed as a practical
13 nurse or professional nurse, respectively; ~~or~~

14 (II) Uses the title "nurse", "registered nurse", "R.N.", "practical
15 nurse", "trained practical nurse", "licensed vocational nurse", "licensed
16 practical nurse", or "L.P.N." unless the person is licensed by the board AS
17 A PROFESSIONAL OR PRACTICAL NURSE, AS APPLICABLE;

18 (III) REPRESENTS ONESELF TO AN INDIVIDUAL OR TO THE GENERAL
19 PUBLIC BY USE OF ANY WORD OR ABBREVIATION TO INDICATE OR INDUCE
20 OTHERS TO BELIEVE THAT THE PERSON IS A CERTIFIED MIDWIFE UNLESS
21 THE PERSON IS ACTUALLY LICENSED AS A CERTIFIED MIDWIFE; OR

22 (IV) USES THE TITLE "CERTIFIED MIDWIFE" OR THE ABBREVIATION
23 "C.M." UNLESS THE PERSON IS LICENSED BY THE BOARD AS A CERTIFIED
24 MIDWIFE;

25 (x) Practices as a practical or professional nurse OR AS A
26 CERTIFIED MIDWIFE during a period when the person's license has been
27 suspended, revoked, or placed on inactive status pursuant to section

1 12-255-122;

2 (y) Sells or fraudulently obtains or furnishes a license to practice
3 as a nurse OR CERTIFIED MIDWIFE or aids or abets ~~therein~~ IN SUCH ACT;

4 (dd) Has failed to notify the board, in writing and within thirty
5 days after a judgment or settlement is entered, of a final judgment by a
6 court of competent jurisdiction against the licensee for malpractice of
7 nursing OR AS A CERTIFIED MIDWIFE or a settlement by the licensee in
8 response to charges or allegations of malpractice of nursing OR AS A
9 CERTIFIED MIDWIFE and, in the case of a judgment, has failed to include
10 in the notice the name of the court, the case number, and the names of all
11 parties to the action;

12 (ee) Fails to report to the board, within thirty days after an adverse
13 action, that an adverse action has been taken against the person by another
14 licensing agency in another state or jurisdiction, a peer review body, a
15 health-care institution, a professional, ~~or~~ nursing, OR CERTIFIED MIDWIFE
16 society or association, a governmental agency, a law enforcement agency,
17 or a court for acts or conduct that would constitute grounds for
18 disciplinary or adverse action as described in this article 255;

19 (ff) Fails to report to the board, within thirty days, the surrender
20 of a license or other authorization to practice nursing OR AS A CERTIFIED
21 MIDWIFE in another state or jurisdiction or the surrender of membership
22 on any nursing OR CERTIFIED MIDWIFE staff or in any nursing, CERTIFIED
23 MIDWIFE, or professional association or society while under investigation
24 by any of those authorities or bodies for acts or conduct similar to acts or
25 conduct that would constitute grounds for action as described in this
26 article 255;

27 **SECTION 12.** In Colorado Revised Statutes, 12-255-121, **amend**

1 (1)(a), (1)(b)(I), (2), and (6)(a) as follows:

2 **12-255-121. Withholding or denial of license - hearing -**
3 **definitions.** (1) (a) The board is empowered to determine summarily
4 whether:

5 (I) An applicant for a license or a temporary license to practice as
6 a nurse OR AS A CERTIFIED MIDWIFE possesses the qualifications required
7 by this part 1; ~~whether~~

8 (II) There is probable cause to believe that an applicant for a
9 license or temporary license has done any of the acts set forth in section
10 12-255-120 as grounds for discipline; or ~~whether~~

11 (III) The applicant for a license or temporary license has had a
12 license to practice nursing, PRACTICE AS A CERTIFIED MIDWIFE, or
13 PRACTICE any other health-care occupation revoked by any legally
14 authorized board.

15 (b) As used in this section:

16 (I) "Applicant" includes a nurse OR CERTIFIED MIDWIFE seeking
17 reinstatement or reactivation of a license pursuant to section 12-255-122,
18 but does not include a renewal applicant.

19 (2) (a) (I) If the board determines that an applicant does not
20 possess the qualifications for licensure required by this part 1, that
21 probable cause exists to believe that an applicant for a license or
22 temporary license has done any of the acts set forth in section
23 12-255-120, or that an applicant for a license or temporary license has had
24 a nursing, CERTIFIED MIDWIFE, or other health-care occupation license
25 revoked by another legally authorized board, the board may withhold or
26 deny the applicant a license under this part 1.

27 (II) The board may deny a license or temporary license to practice

1 as a nurse OR AS A CERTIFIED MIDWIFE to any applicant during the time the
2 applicant's license is under suspension in another state.

3 (III) The board may deny a license or may grant a license subject
4 to terms of probation if the board determines that an applicant for a
5 license has not actively practiced practical or professional nursing, HAS
6 NOT ACTIVELY PRACTICED AS A CERTIFIED MIDWIFE, or has not otherwise
7 maintained continued competency, as determined by the board, during the
8 two years immediately preceding the application for licensure under this
9 part 1.

10 (b) If the board denies a license to an applicant pursuant to
11 subsection (2)(a) of this section, the provisions of section 24-4-104 (9)
12 apply. Upon the denial, the board shall provide the applicant with a
13 statement in writing setting forth the following:

14 (I) The basis of the board's determination that the applicant:

15 (A) Does not possess the qualifications required by this part 1;

16 (B) Has had a nursing, CERTIFIED MIDWIFE, or other health-care
17 occupation license revoked or suspended by another legally authorized
18 board; or

19 (C) Has not actively practiced practical or professional nursing,
20 HAS NOT ACTIVELY PRACTICED AS A CERTIFIED MIDWIFE, or has not
21 maintained continued competency during the previous two years; or

22 (II) The factual basis for probable cause that the applicant has
23 done any of the acts set forth in section 12-255-120.

24 (c) (I) If the board denies a NURSING license to an applicant on the
25 grounds that the applicant's nursing or other health-care occupation
26 license was revoked by another legally authorized board, the board may
27 require the applicant to pass a written examination as provided in section

1 12-255-109 as a prerequisite to licensure. The applicant shall not be
2 allowed to take the written examination until at least two years after the
3 revocation of the nursing or other health-care occupation license.

4 (II) IF THE BOARD DENIES A CERTIFIED MIDWIFE LICENSE TO AN
5 APPLICANT ON THE GROUNDS THAT THE APPLICANT'S CERTIFIED MIDWIFE
6 LICENSE WAS REVOKED BY ANOTHER LEGALLY AUTHORIZED BOARD, THE
7 BOARD MAY REQUIRE THE APPLICANT TO OBTAIN RECERTIFICATION FROM
8 THE AMERICAN MIDWIFERY CERTIFICATION BOARD, OR ITS SUCCESSOR
9 ENTITY, AS A PREREQUISITE TO LICENSURE. THE APPLICANT SHALL NOT BE
10 ALLOWED TO OBTAIN LICENSURE PURSUANT TO THIS SUBSECTION (2)(c)(II)
11 UNTIL AT LEAST TWO YEARS AFTER THE APPLICANT'S CERTIFIED MIDWIFE
12 LICENSE WAS REVOKED.

13 (6) (a) At the hearing, the applicant ~~shall have~~ HAS the burden of
14 proof to show that:

15 (I) The applicant possesses the qualifications required for
16 licensure under this part 1;

17 (II) The applicant's nursing, CERTIFIED MIDWIFE, or other
18 health-care occupation license was not revoked by another legally
19 authorized board; or

20 (III) The applicant has actively practiced practical or professional
21 nursing, HAS ACTIVELY PRACTICED AS A CERTIFIED MIDWIFE, or has
22 maintained continued competency during the two years prior to
23 application for a license under this part 1.

24 **SECTION 13.** In Colorado Revised Statutes, 12-255-122, **amend**
25 (1), (2), (3), (5), (6)(a), and (6)(b)(II) as follows:

26 **12-255-122. Inactive license status - reactivation.** (1) A nurse
27 OR CERTIFIED MIDWIFE licensed pursuant to section 12-255-110,

1 *12-255-111.5*, or 12-255-114 may request that the board place ~~his or her~~
2 THE NURSE'S OR CERTIFIED MIDWIFE'S license on inactive status. The
3 request shall be made in the form and manner designated by the board.

4 (2) A nurse OR CERTIFIED MIDWIFE requesting inactive license
5 status shall provide an affidavit or other document required by the board
6 certifying that, immediately upon the conferral of inactive status, the
7 nurse ~~shall~~ WILL not practice nursing, OR THE CERTIFIED MIDWIFE WILL
8 NOT PRACTICE AS A CERTIFIED MIDWIFE, in the state unless ~~and until~~ the
9 nurse's OR CERTIFIED MIDWIFE'S license is reactivated pursuant to
10 subsection (6) of this section.

11 (3) Upon receiving the documentation pursuant to subsection (2)
12 of this section, the board shall approve a request for inactive license
13 status. However, the board may deny the request if the board has probable
14 cause to believe that the requesting nurse OR CERTIFIED MIDWIFE has
15 committed any of the acts set forth in section 12-255-120.

16 (5) A nurse OR CERTIFIED MIDWIFE with a license on inactive
17 status is not authorized to practice nursing OR AS A CERTIFIED MIDWIFE,
18 AS APPLICABLE, in Colorado. Any nurse practicing nursing while ~~his or~~
19 ~~her~~ THE NURSE'S license is inactive, ~~shall be~~ AND ANY CERTIFIED MIDWIFE
20 PRACTICING AS A CERTIFIED MIDWIFE WHILE THE CERTIFIED MIDWIFE'S
21 LICENSE IS INACTIVE, IS subject to disciplinary action pursuant to section
22 12-255-119 and criminal penalties pursuant to section 12-255-125.

23 (6) (a) A nurse OR CERTIFIED MIDWIFE with a license on inactive
24 status who wishes to resume the practice of nursing OR AS A CERTIFIED
25 MIDWIFE, AS APPLICABLE, shall file an application in the form and manner
26 designated by the board and pay the license reactivation fees established
27 pursuant to section 12-255-107. The board shall reactivate such license

1 unless subsection (6)(b) of this section applies.

2 (b) The board shall deny an application for reactivation of an
3 inactive license:

4 (II) If the board determines that the nurse OR CERTIFIED MIDWIFE
5 requesting reactivation has not actively practiced nursing OR AS A
6 CERTIFIED MIDWIFE in another state for the two-year period immediately
7 preceding the filing of the request for reactivation or has not otherwise
8 demonstrated continued competency to return to the active practice of
9 nursing OR AS A CERTIFIED MIDWIFE in a manner approved by the board.

10 **SECTION 14.** In Colorado Revised Statutes, 12-255-124, **amend**
11 (1), (3), and (4) as follows:

12 **12-255-124. Surrender of license.** (1) Prior to the initiation of
13 an investigation or hearing, any licensee or temporary license holder may
14 surrender ~~his or her~~ THE INDIVIDUAL'S license to practice nursing OR AS
15 A CERTIFIED MIDWIFE.

16 (3) The board shall not issue a license or temporary license or
17 permit to a former licensee or temporary license or permit holder whose
18 license has been surrendered unless the licensee meets all of the
19 requirements of this part 1 for a new applicant, including, FOR
20 APPLICANTS FOR A LICENSE, TEMPORARY LICENSE, OR PERMIT TO PRACTICE
21 NURSING, the passing of an examination.

22 (4) The surrender of a license in accordance with this section
23 removes all rights and privileges to practice nursing OR AS A CERTIFIED
24 MIDWIFE, AS APPLICABLE, including renewal of a license.

25 **SECTION 15.** In Colorado Revised Statutes, **amend** 12-255-125
26 as follows:

27 **12-255-125. Unauthorized practice - penalties.** (1) It is

1 unlawful for any person to practice as a practical or professional nurse OR
2 AS A CERTIFIED MIDWIFE unless licensed to practice that profession.

3 (2) Any person who practices or offers or attempts to practice
4 practical or professional nursing OR AS A CERTIFIED MIDWIFE without an
5 active license issued under this part 1 is subject to penalties pursuant to
6 section 12-20-407 (1)(a).

7 **SECTION 16.** In Colorado Revised Statutes, **amend** 12-255-126
8 as follows:

9 **12-255-126. Injunctive proceedings.** The board may seek
10 injunctive relief in accordance with section 12-20-406, but only to enjoin
11 any person who does not possess a currently valid or active practical or
12 professional nurse license, CERTIFIED MIDWIFE LICENSE, or nurse aide
13 certification from committing any act declared to be unlawful or
14 prohibited by this article 255.

15 **SECTION 17.** In Colorado Revised Statutes, 12-255-127, **amend**
16 (1)(b), (1)(c), (1)(d), (1)(e), (1)(f), (1)(g), (1)(p), (1)(q), (2), and (3) as
17 follows:

18 **12-255-127. Exclusions.** (1) This part 1 does not prohibit:

19 (b) Domestic administration of family remedies or care of the sick
20 by domestic servants, housekeepers, companions, or household aides of
21 any type, whether employed regularly or because of an emergency of
22 illness, but who shall not in any way assume to practice practical or
23 professional nursing OR AS A CERTIFIED MIDWIFE;

24 (c) Nursing OR MIDWIFERY assistance in the case of an emergency;

25 (d) The practice of nursing OR AS A CERTIFIED MIDWIFE in this
26 state by any legally qualified nurse OR CERTIFIED MIDWIFE of another state
27 whose engagement requires the nurse OR CERTIFIED MIDWIFE to

1 accompany and care for a patient temporarily residing in this state, during
2 the period of one engagement, not to exceed six months in length, if the
3 person does not represent or hold himself or herself out as a practical or
4 professional nurse OR CERTIFIED MIDWIFE licensed to practice in this state;

5 (e) The practice of any nurse OR CERTIFIED MIDWIFE licensed in
6 this state or another state or a territory of the United States who is
7 employed by the United States government or any bureau, division, or
8 agency ~~thereof~~ OF THE UNITED STATES GOVERNMENT while in the
9 discharge of official duties;

10 (f) The practice of nursing OR MIDWIFERY by students enrolled in
11 an ~~educational~~ APPROVED EDUCATION program ~~approved by the board~~ OR
12 MIDWIFERY EDUCATION PROGRAM when the practice is performed as part
13 of an ~~educational~~ THE APPROVED EDUCATION program OR MIDWIFERY
14 EDUCATION PROGRAM prior to the graduation of the student;

15 (g) The practice of nursing OR AS A CERTIFIED MIDWIFE by any
16 nurse OR MIDWIFE WHO IS licensed in any other state, ~~or~~ any territory of
17 the United States, or any other country AND IS enrolled in a baccalaureate
18 or graduate program, ~~when~~ IF the practice is performed as a part of the
19 program;

20 (p) The administration of medical marijuana in a nonsmokeable
21 form by a ~~licensee~~ LICENSED NURSE in a public school or nonpublic
22 school pursuant to a policy adopted pursuant to section 22-1-119.3
23 (3)(d.5);

24 (q) The training by a ~~licensee~~ LICENSED NURSE of school
25 personnel or volunteers on the administration of medical marijuana in a
26 nonsmokeable form in a public school or nonpublic school to a student
27 with a valid medical marijuana recommendation pursuant to a policy

1 adopted pursuant to section 22-1-119.3 (3)(d.5).

2 (2) This part 1 shall not be construed as applying to a person who
3 nurses or cares for the sick in accordance with the practice or tenets of
4 any church or religious denomination that teaches reliance upon spiritual
5 means through prayer for healing, and who does not hold himself or
6 herself out to the public to be a licensed practical or professional nurse OR
7 A CERTIFIED MIDWIFE.

8 (3) Nothing in this part 1:

9 (a) Prohibits any licensee from practicing practical or professional
10 nursing OR AS A CERTIFIED MIDWIFE independently for compensation upon
11 a fee for services basis;

12 (b) Prohibits or requires the direct reimbursement for nursing OR
13 CERTIFIED MIDWIFE services and care through qualified governmental and
14 insurance programs to persons duly licensed in accordance with this part
15 1; or

16 (c) Conveys to the practice of nursing OR THE PRACTICE AS A
17 CERTIFIED MIDWIFE the performance of medical practice as regulated by
18 article 240 of this title 12, OTHER THAN AS PERMITTED UNDER SECTION
19 12-240-107 (1)(f)(I).

20 **SECTION 18.** In Colorado Revised Statutes, **amend** 12-255-128
21 as follows:

22 **12-255-128. Prescribing opiate antagonists.** An advanced
23 practice registered nurse OR CERTIFIED MIDWIFE with prescriptive
24 authority pursuant to section 12-255-112 may prescribe or dispense an
25 opiate antagonist in accordance with section 12-30-110.

26 **SECTION 19.** In Colorado Revised Statutes, 12-255-130, **amend**
27 (1), (2)(b), (3)(a) introductory portion, (3)(c), (4), and (6) as follows:

1 **12-255-130. Peer health assistance or alternative to discipline**

2 **program - fund - rules.** (1) As a condition of licensure and for the
3 purpose of supporting a ~~nursing~~ peer health assistance program FOR
4 NURSES OR CERTIFIED MIDWIVES or ~~a nurse~~ AN alternative to discipline
5 program FOR NURSES OR CERTIFIED MIDWIVES, every applicant for an
6 initial license or to reinstate a license and any person renewing a license
7 issued pursuant to this part 1 shall pay to the administering entity
8 designated pursuant to subsection (3)(c) of this section a fee in an amount
9 set by the board, not to exceed twenty-five dollars per year; except that
10 the board may adjust the amount each January 1 to reflect changes in the
11 United States department of labor's bureau of labor statistics consumer
12 price index, or its successor index, for Denver-Aurora-Lakewood for
13 goods paid by urban consumers.

14 (2) (b) Money in the fund shall be used to support a ~~nursing~~ peer
15 health assistance program FOR NURSES AND CERTIFIED MIDWIVES or ~~nurse~~
16 AN alternative to discipline program FOR NURSES AND CERTIFIED
17 MIDWIVES in providing assistance to licensees needing help in dealing
18 with physical, emotional, psychiatric, or psychological problems or
19 behavioral, mental health, or substance use disorders that may be
20 detrimental to their ability to practice nursing OR TO PRACTICE AS A
21 CERTIFIED MIDWIFE.

22 (3) (a) The board shall select one or more recognized peer health
23 assistance organizations or ~~nurse~~ alternative to discipline programs as
24 designated providers. For purposes of selecting designated providers, the
25 board shall use a competitive bidding process that encourages
26 participation from interested vendors. To be eligible for designation by
27 the board pursuant to this section, a peer health assistance organization or

1 nurse alternative to discipline program shall:

2 (c) The board shall designate an administering entity for a
3 program established pursuant to this section. The entity ~~shall~~ MUST be a
4 nonprofit private entity that is qualified under 26 U.S.C. sec. 501 (c)(3)
5 of the federal "Internal Revenue Code of 1986", as amended, and ~~shall~~ be
6 dedicated to providing support for charitable, benevolent, educational, or
7 scientific purposes that are related to nursing OR MIDWIFERY, nursing OR
8 MIDWIFERY education, nursing OR MIDWIFERY research and science, and
9 other nursing OR MIDWIFERY charitable purposes.

10 (4) Notwithstanding sections 12-255-119 and 24-4-104, the board
11 may immediately suspend the license of any licensee who is referred to
12 a peer health assistance program or nurse alternative to discipline
13 program by the board and who fails to attend or to complete the program.
14 If the licensee objects to the suspension, ~~he or she~~ THE LICENSEE may
15 submit a written request to the board for a formal hearing on the
16 suspension within ten days after receiving notice of the suspension, and
17 the board shall grant the request. In the hearing, the licensee shall bear the
18 burden of proving that ~~his or her~~ THE INDIVIDUAL'S license should not be
19 suspended.

20 (6) Nothing in this section shall be construed to create any liability
21 of the board, members of the board, or the state of Colorado for the
22 actions of the board in making awards to peer health assistance
23 organizations or nurse alternative to discipline programs or in designating
24 licensees to participate in the programs of such organizations. No civil
25 action may be brought or maintained against the board, its members, or
26 the state for an injury alleged to have been the result of an act or omission
27 of a licensee participating in or referred to a program provided by a peer

1 health assistance organization or to a ~~nurse~~ AN alternative to discipline
2 program. However, the state ~~shall remain~~ REMAINS liable under the
3 provisions of the "Colorado Governmental Immunity Act", article 10 of
4 title 24, if an injury alleged to have been the result of an act or omission
5 of a licensee participating in or referred to a peer health assistance
6 program or ~~nurse~~ alternative to discipline program occurred while such
7 licensee was performing duties as an employee of the state.

8 **SECTION 20.** In Colorado Revised Statutes, **amend** 12-255-131
9 as follows:

10 **12-255-131. Delegation of nursing or midwifery tasks - rules.**

11 (1) Any licensed practical nurse, registered nurse, ~~or~~ advanced practice
12 registered nurse, OR CERTIFIED MIDWIFE may delegate any task included
13 in the nurse's OR CERTIFIED MIDWIFE'S licensed scope of practice, subject
14 to the requirements of this section. A licensed practical nurse, registered
15 nurse, ~~or~~ advanced practice registered nurse, OR CERTIFIED MIDWIFE may
16 delegate nursing OR CERTIFIED MIDWIFE tasks to licensed, certified,
17 registered, or unlicensed or unregulated assistive personnel. In no event
18 may a registered nurse OR CERTIFIED MIDWIFE delegate to another person
19 the authority to select medications if the person is not, independent of the
20 delegation, authorized by law to select medications.

21 (2) Delegated tasks ~~shall~~ MUST be within the area of responsibility
22 of the delegating nurse OR CERTIFIED MIDWIFE and ~~shall~~ MUST not require
23 any delegatee to exercise the judgment required of a nurse OR CERTIFIED
24 MIDWIFE.

25 (3) No delegation shall be made without the delegating nurse OR
26 CERTIFIED MIDWIFE making a determination that, in ~~his or her~~ THE
27 LICENSEE'S professional judgment, the delegated task can be properly and

1 safely performed by the delegatee and that the delegation is
2 commensurate with the patient's safety and welfare.

3 (4) The delegating nurse ~~shall be~~ OR CERTIFIED MIDWIFE IS solely
4 responsible for determining the required degree of supervision the
5 delegatee will need, after an evaluation of the appropriate factors, which
6 ~~shall~~ include but ARE not ~~be~~ limited to the following:

7 (a) The stability of the condition of the patient;

8 (b) The training and ability of the delegatee;

9 (c) The nature of the nursing OR CERTIFIED MIDWIFE task being
10 delegated; and

11 (d) Whether the delegated task has a predictable outcome.

12 (5) An employer of a nurse OR CERTIFIED MIDWIFE may establish
13 policies, procedures, protocols, or standards of care that limit or prohibit
14 delegations by nurses OR CERTIFIED MIDWIVES in specified circumstances.

15 (6) The board may promulgate rules pursuant to this section,
16 including but not limited to standards on the assessment of the proficiency
17 of the delegatee to perform delegated tasks, and standards for
18 accountability of any nurse OR CERTIFIED MIDWIFE who delegates nursing
19 OF CERTIFIED MIDWIFE tasks. The rules shall be consistent with the
20 provisions of part 3 of article 1.5 of title 25, section 25.5-10-204 (2)(j),
21 and section 27-10.5-103 (2)(i).

22 **SECTION 21.** In Colorado Revised Statutes, 12-255-135, **amend**
23 (2) as follows:

24 **12-255-135. Confidential agreement to limit practice.** (2) This
25 section and section 12-30-108 do not apply to a nurse OR CERTIFIED
26 MIDWIFE subject to discipline under section 12-255-120 (1)(i).

27 **SECTION 22.** In Colorado Revised Statutes, 12-20-404, **amend**

1 (1)(d)(II)(J.5) and (3)(a)(II)(J) as follows:

2 **12-20-404. Disciplinary actions - regulator powers -**
3 **disposition of fines - mistreatment of at-risk adult. (1) General**
4 **disciplinary authority.** If a regulator determines that an applicant,
5 licensee, certificate holder, or registrant has committed an act or engaged
6 in conduct that constitutes grounds for discipline or unprofessional
7 conduct under a part or article of this title 12 governing the particular
8 profession or occupation, the regulator may:

9 (d) (II) A regulator is not authorized under this subsection (1)(d)
10 to refuse to renew the license, certification, or registration of a licensee,
11 certificate holder, or registrant regulated under the following:

12 (J.5) Article 255 of this title 12 concerning nurses AND CERTIFIED
13 MIDWIVES;

14 (3) **Waiting period after revocation or surrender.** (a) (II) In
15 addition, the waiting period specified in subsection (3)(a)(I) of this
16 section applies when a person regulated under any of the following
17 articles surrenders a license, certification, or registration to avoid
18 discipline:

19 (J) Article 255 of this title 12 concerning nurses, CERTIFIED
20 MIDWIVES, and nurse aides;

21 **SECTION 23.** In Colorado Revised Statutes, 12-20-406, **amend**
22 (2)(b)(IX) as follows:

23 **12-20-406. Injunctive relief.** (2) (b) Subsection (2)(a) of this
24 section does not apply to the following:

25 (IX) Article 255 of this title 12 concerning nurses, CERTIFIED
26 MIDWIVES, and nurse aides;

27 **SECTION 24.** In Colorado Revised Statutes, 12-20-407, **amend**

1 (1)(a)(V)(O), (1)(e) introductory portion, and (1)(e)(VII) as follows:

2 **12-20-407. Unauthorized practice of profession or occupation**

3 **- penalties - exclusions.** (1) (a) A person commits a class 2 misdemeanor
4 and shall be punished as provided in section 18-1.3-501 if the person:

5 (V) Practices or offers or attempts to practice any of the following
6 professions or occupations without an active license, certification, or
7 registration issued under the part or article of this title 12 governing the
8 particular profession or occupation:

9 (O) Practical or professional nursing OR PRACTICE AS A CERTIFIED
10 MIDWIFE, as regulated under article 255 of this title 12;

11 (e) A person commits a class 6 felony and shall be punished as
12 provided in section 18-1.3-401 if the person practices or offers or
13 attempts to practice any of the following professions or occupations and
14 intentionally and fraudulently represents oneself as a licensed, certified,
15 or registered professional or practitioner issued pursuant to a part or
16 article of this title 12 governing the particular profession or occupation:

17 (VII) Professional nursing OR PRACTICE AS A CERTIFIED MIDWIFE,
18 as regulated pursuant to article 255 of this title 12;

19 **SECTION 25.** In Colorado Revised Statutes, 12-30-102, **amend**
20 (3)(a)(XI) as follows:

21 **12-30-102. Medical transparency act of 2010 - disclosure of**
22 **information about health-care providers - fines - rules - short title -**
23 **legislative declaration - review of functions - repeal.** (3) (a) As used

24 in this section, "applicant" means a person applying for a new, active
25 license, certification, or registration or to renew, reinstate, or reactivate
26 an active license, certification, or registration to practice:

27 (XI) Practical nursing, professional nursing, ~~or~~ advanced practice

1 registered nursing, OR AS A CERTIFIED MIDWIFE pursuant to article 255 of
2 this title 12;

3 **SECTION 26.** In Colorado Revised Statutes, 12-30-105, **amend**
4 (1) introductory portion, (1)(b), (4), (5)(i), and (5)(j) as follows:

5 **12-30-105. Nurse-physician advisory task force for Colorado**
6 **health care - creation - duties - definition - repeal.** (1) There is hereby
7 created, within the division, the nurse-physician advisory task force for
8 Colorado health care, referred to in this section as "NPATCH". The
9 purpose of the NPATCH is to promote public safety and improve health
10 care in Colorado by supporting collaboration and communication between
11 the ~~practices~~ PRACTICE of nursing, THE PRACTICE AS A CERTIFIED
12 MIDWIFE, and THE PRACTICE OF medicine. The NPATCH shall:

13 (b) Address issues of mutual concern at the interface of the
14 ~~practices~~ PRACTICE of nursing, THE PRACTICE AS A CERTIFIED MIDWIFE,
15 and THE PRACTICE OF medicine;

16 (4) The division shall staff the NPATCH. The division's costs for
17 administering and staffing the NPATCH shall be funded by an increase
18 in fees for professional and advanced practice registered nursing,
19 CERTIFIED MIDWIFE, and medical license renewal fees, as authorized in
20 sections 12-240-130 and 12-255-107 (1)(b)(I), with fifty percent of the
21 funding derived from the physician license renewal fees and fifty percent
22 derived from the professional and advanced practice registered nursing
23 AND CERTIFIED MIDWIFE LICENSE RENEWAL fees.

24 (5) The NPATCH shall prioritize consideration of and make
25 recommendations on the following topics:

26 (i) Physician standards, ~~process~~ PROCESSES, and metrics to ensure
27 appropriate consultation, collaboration, and referral regarding advanced

1 practice registered nurse AND CERTIFIED MIDWIFE prescriptive authority;

2 (j) Prescribing issues regarding providers other than physicians,
3 and advanced practice registered nurses, AND CERTIFIED MIDWIVES;

4 **SECTION 27.** In Colorado Revised Statutes, 12-30-106, **amend**
5 (1) as follows:

6 **12-30-106. Health-care work force data collection.** (1) The
7 director of the division shall implement a system to collect health-care
8 work force data from health-care professionals who are eligible for the
9 Colorado health service corps pursuant to part 5 of article 1.5 of title 25,
10 from practical and professional nurses AND CERTIFIED MIDWIVES licensed
11 pursuant to part 1 of article 255 of this title 12, and from pharmacists
12 licensed pursuant to article 280 of this title 12, collectively referred to in
13 this section as "health-care professionals". Each health-care professional
14 shall submit the data as part of the initial licensure process and upon the
15 renewal of the health-care professional's license. Neither an executive
16 department nor a board in an executive department is responsible for
17 verifying the data or disciplining a health-care professional for
18 noncompliance with this section.

19 **SECTION 28.** In Colorado Revised Statutes, 12-30-109, **amend**
20 (4)(c) as follows:

21 **12-30-109. Prescriptions - limitations - definition - rules.**

22 (4) As used in this section, "prescriber" means:

23 (c) An advanced practice registered nurse OR CERTIFIED MIDWIFE
24 with prescriptive authority pursuant to section 12-255-112;

25 **SECTION 29.** In Colorado Revised Statutes, 12-30-110, **amend**
26 (7)(h)(II) as follows:

27 **12-30-110. Prescribing or dispensing opiate antagonists -**

1 **authorized recipients - definitions.** (7) As used in this section:

2 (h) "Prescriber" means:

3 (II) An advanced practice registered nurse, as defined in section
4 12-255-104 (1), OR A CERTIFIED MIDWIFE, AS DEFINED IN SECTION
5 12-255-104 (3.2), with prescriptive authority pursuant to section
6 12-255-112; or

7 **SECTION 30.** In Colorado Revised Statutes, 12-30-111, **amend**
8 (4)(a)(III) as follows:

9 **12-30-111. Electronic prescribing of controlled substances -**
10 **exceptions - rules - definitions.** (4) As used in this section:

11 (a) "Prescriber" means:

12 (III) An advanced practice registered nurse OR CERTIFIED MIDWIFE
13 with prescriptive authority pursuant to section 12-255-112;

14 **SECTION 31.** In Colorado Revised Statutes, 12-30-114, **amend**
15 (2) as follows:

16 **12-30-114. Demonstrated competency - opiate prescribers -**
17 **rules - definition.** (2) For the purposes of this section, "licensed
18 health-care provider" includes ANY OF THE FOLLOWING PROVIDERS WHO
19 ARE LICENSED PURSUANT TO THIS TITLE 12:

20 (a) A physician;

21 (b) A physician assistant;

22 (c) A podiatrist;

23 (d) A dentist;

24 (e) AN advanced practice registered nurse OR CERTIFIED MIDWIFE
25 with prescriptive authority;

26 (f) AN optometrist; and

27 (g) A veterinarian. ~~licensed pursuant to this title 12.~~

1 **SECTION 32.** In Colorado Revised Statutes, 12-30-201, **amend**
2 (1) introductory portion, (2)(b), and (3) as follows:

3 **12-30-201. Legislative declaration.** (1) The general assembly
4 hereby finds, determines, and declares that the Colorado medical board
5 created in article 240 of this title 12 and the state board of nursing created
6 in article 255 of this title 12 act for the state in their sovereign capacity to
7 govern licensure, discipline, and professional review of persons licensed
8 to practice medicine, persons licensed as physician assistants, ~~and~~
9 advanced practice registered nurses, AND CERTIFIED MIDWIVES,
10 respectively, in this state. The general assembly further finds, determines,
11 and declares that:

12 (2) The general assembly recognizes that:

13 (b) Many patients lack the knowledge, experience, or education
14 to properly evaluate the quality of medical, ~~or~~ nursing, OR CERTIFIED
15 MIDWIFE practice or the professional conduct of persons licensed to
16 practice medicine, persons licensed as physician assistants, ~~and~~ advanced
17 practice registered nurses, AND CERTIFIED MIDWIVES; and

18 (3) The general assembly recognizes that, in the proper exercise
19 of their authority and responsibilities under this part 2, the Colorado
20 medical board and the state board of nursing must, to some extent, replace
21 competition with regulation, and that the replacement of competition by
22 regulation, particularly with regard to persons licensed under article 240
23 of this title 12, ~~or~~ to advanced practice registered nurses, OR TO CERTIFIED
24 MIDWIVES, is related to a legitimate state interest in the protection of the
25 health, safety, and welfare of the people of this state.

26 **SECTION 33.** In Colorado Revised Statutes, 12-30-202, **amend**
27 (7); and **add** (2.5) as follows:

1 **12-30-202. Definitions.** As used in this part 2, unless the context
2 otherwise requires:

3 (2.5) "CERTIFIED MIDWIFE" HAS THE SAME MEANING AS SET FORTH
4 IN SECTION 12-255-104 (3.2).

5 (7) "Professional review committee" means any committee
6 authorized under this part 2 to review and evaluate the competence of,
7 professional conduct of, or the quality and appropriateness of patient care
8 provided by any person licensed under article 240 of this title 12, ~~or~~ an
9 advanced practice registered nurse, OR A CERTIFIED MIDWIFE.
10 "Professional review committee" includes a governing board, a hearing
11 panel appointed by a governing board to conduct a hearing under section
12 12-30-204 (8)(a), and an independent third party designated by a
13 governing board under section 12-30-204 (9)(b).

14 **SECTION 34.** In Colorado Revised Statutes, 12-30-203, **amend**
15 (1)(a) and (2) as follows:

16 **12-30-203. Use of professional review committees.** (1) (a) The
17 general assembly recognizes that:

18 (I) The medical board and the nursing board, while assuming and
19 retaining ultimate authority for licensure and discipline in accordance
20 with article 240 of this title 12 and part 1 of article 255 of this title 12,
21 respectively, and in accordance with this part 2, cannot practically and
22 economically assume responsibility over every single allegation or
23 instance of purported deviation from the standards of quality for the
24 practice of medicine, ~~or~~ THE PRACTICE OF nursing, OR THE PRACTICE AS
25 A CERTIFIED MIDWIFE; from the standards of professional conduct; or from
26 the standards of appropriate care; and

27 (II) An attempt to exercise this oversight would result in

1 extraordinary delays in the determination of the legitimacy of the
2 allegations and would result in the inappropriate and unequal exercise of
3 their authority to license and discipline persons licensed under article 240
4 of this title 12, ~~or~~ advanced practice registered nurses, OR CERTIFIED
5 MIDWIVES.

6 (2) Persons licensed under article 240 of this title 12, ~~and~~
7 advanced practice registered nurses, AND CERTIFIED MIDWIVES are
8 encouraged to serve upon professional review committees when called to
9 do so and to study and review in an objectively reasonable manner the
10 professional conduct of persons licensed under article 240 of this title 12,
11 ~~or~~ advanced practice registered nurses, OR CERTIFIED MIDWIVES, including
12 the competence of, professional conduct of, or the quality and
13 appropriateness of patient care provided by those persons.

14 **SECTION 35.** In Colorado Revised Statutes, 12-30-204, **amend**
15 (1), (3), (5)(d), (5)(f), (5)(g), (5)(h), (5)(k), (5)(l), (5)(n), (7)(a), (8)
16 introductory portion, (8)(a)(I), (9)(a), (11)(b)(II), and (11)(b)(VII); and
17 **add** (5)(d.5) as follows:

18 **12-30-204. Establishment of professional review committees**
19 **- function - rules.** (1) A professional review committee may be
20 established pursuant to this section to review and evaluate the competence
21 of, the quality and appropriateness of patient care provided by, or the
22 professional conduct of any person licensed under article 240 of this title
23 12, ~~or~~ any advanced practice registered nurse, OR ANY CERTIFIED
24 MIDWIFE.

25 (3) (a) A professional review committee that is reviewing the
26 competence of, the quality and appropriateness of patient care provided
27 by, or the professional conduct of an advanced practice registered nurse

1 must either:

2 (a) (I) Have, as a voting member, at least one advanced practice
3 registered nurse with a scope of practice similar to that of the person who
4 is the subject of the review; or

5 (b) (II) Engage, to perform an independent review as appropriate,
6 an independent person who is an advanced practice registered nurse with
7 a scope of practice similar to that of the person who is the subject of the
8 review. The person conducting the independent review must be a person
9 who was not previously involved in the review.

10 (b) A PROFESSIONAL REVIEW COMMITTEE THAT IS REVIEWING THE
11 COMPETENCE OF, THE QUALITY AND APPROPRIATENESS OF PATIENT CARE
12 PROVIDED BY, OR THE PROFESSIONAL CONDUCT OF A CERTIFIED MIDWIFE
13 MUST EITHER:

14 (I) HAVE, AS A VOTING MEMBER, AT LEAST ONE CERTIFIED
15 MIDWIFE WITH A SCOPE OF PRACTICE SIMILAR TO THAT OF THE PERSON
16 WHO IS THE SUBJECT OF THE REVIEW; OR

17 (II) ENGAGE, TO PERFORM AN INDEPENDENT REVIEW AS
18 APPROPRIATE, AN INDEPENDENT PERSON WHO IS A CERTIFIED MIDWIFE
19 WITH A SCOPE OF PRACTICE SIMILAR TO THAT OF THE PERSON WHO IS THE
20 SUBJECT OF THE REVIEW. THE PERSON CONDUCTING THE INDEPENDENT
21 REVIEW MUST BE A PERSON WHO WAS NOT PREVIOUSLY INVOLVED IN THE
22 REVIEW.

23 (5) A professional review committee established by any of the
24 following authorized entities is an approved professional review
25 committee under this part 2 if it operates in compliance with written
26 bylaws, policies, or procedures that are in compliance with this part 2 and
27 that have been approved by the authorized entity's governing board and

1 if it is registered with the division in accordance with section 12-30-206:

2 (d) A society or association of advanced practice registered nurses
3 ~~who~~ WHOSE MEMBERS reside in this state, if the advanced practice
4 registered nurse whose services are the subject of the review is a member
5 of the society or association;

6 (d.5) A SOCIETY OR ASSOCIATION OF CERTIFIED MIDWIVES WHOSE
7 MEMBERS RESIDE IN THIS STATE, IF THE CERTIFIED MIDWIFE WHOSE
8 SERVICES ARE THE SUBJECT OF THE REVIEW IS A MEMBER OF THE SOCIETY
9 OR ASSOCIATION;

10 (f) A society or association of advanced practice registered nurses
11 ~~who~~ OR CERTIFIED MIDWIVES WHOSE MEMBERS practice in a specified
12 nursing OR MIDWIFERY role and population focus, as defined by the
13 nursing board, which society or association has been designated by the
14 nursing board as the specific nursing OR MIDWIFERY society or association
15 representative of those advanced practice registered nurses OR CERTIFIED
16 MIDWIVES practicing in that nursing OR MIDWIFERY role and population
17 focus, if the advanced practice registered nurse OR CERTIFIED MIDWIFE
18 whose services are the subject of the review is a member of the
19 designated nursing OR MIDWIFERY society or association;

20 (g) An individual practice association or a preferred provider
21 organization consisting of persons licensed under article 240 of this title
22 12, ~~or~~ of advanced practice registered nurses, OR OF CERTIFIED MIDWIVES
23 or a medical group that predominantly serves members of a health
24 maintenance organization licensed pursuant to parts 1 and 4 of article 16
25 of title 10. A professional review committee established pursuant to this
26 subsection (5)(g) has jurisdiction to review persons licensed under article
27 240 of this title 12, ~~or~~ advanced practice registered nurses, OR CERTIFIED

1 MIDWIVES only if the persons licensed under said article, ~~or~~ the advanced
2 practice registered nurses, OR THE CERTIFIED MIDWIVES are members of
3 the association or organization creating and authorizing that committee;
4 except that the professional review committee may review the care
5 provided to a particular patient referred by a member of the association
6 or organization to another person who is not a member of the association
7 or organization and is licensed under article 240 of this title 12, ~~or~~ is an
8 advanced practice registered nurse, OR IS A CERTIFIED MIDWIFE.

9 (h) A corporation authorized pursuant to article 3 of title 10 to
10 insure persons licensed under article 240 of this title 12, ~~or~~ advanced
11 practice registered nurses, OR CERTIFIED MIDWIVES or any other
12 organization authorized to insure such persons in this state when
13 designated by the medical board or nursing board under subsection (6) of
14 this section;

15 (k) (I) A nonprofit corporation or association consisting of
16 representatives from a statewide professional society and a statewide
17 hospital association. The association must consist of persons licensed
18 under article 240 of this title 12, ~~or~~ advanced practice registered nurses,
19 OR CERTIFIED MIDWIVES, AS APPLICABLE, AND hospital administrators and
20 hospital trustees, ~~with a majority of the representatives being persons~~
21 ~~licensed under article 240 of this title 12~~ SUBJECT TO THE FOLLOWING
22 REQUIREMENTS:

23 (A) When the subject of the investigation is a person licensed
24 under article 240 of this title 12, ~~and~~ A MAJORITY OF THE
25 REPRESENTATIVES MUST BE PERSONS LICENSED UNDER ARTICLE 240 OF
26 THIS TITLE 12;

27 (B) WHEN THE SUBJECT OF THE INVESTIGATION IS AN ADVANCED

1 PRACTICE REGISTERED NURSE, at least one of the representatives ~~being~~
2 MUST BE an advanced practice registered nurse; ~~when the subject of the~~
3 ~~investigation is an advanced practice registered nurse.~~ AND

4 (C) WHEN THE SUBJECT OF THE INVESTIGATION IS A CERTIFIED
5 MIDWIFE, AT LEAST ONE OF THE REPRESENTATIVES MUST BE A CERTIFIED
6 MIDWIFE.

7 (II) The association may establish, or contract for, one or more
8 professional review committees to review the care by hospital staff
9 personnel who are licensed under article 240 of this title 12, ~~or~~ are
10 advanced practice registered nurses, OR ARE CERTIFIED MIDWIVES, with
11 priority given to small rural hospital staffs. These professional review
12 services must be available statewide on a fee-for-service basis to licensed
13 or certified hospitals at the joint request of the governing board and the
14 medical, ~~or~~ nursing, OR CERTIFIED MIDWIFE staff of the hospital or at the
15 sole request of the governing board of the hospital. If a member being
16 reviewed specializes in a generally recognized specialty of medicine, ~~or~~
17 nursing, OR MIDWIFERY, at least one of the health-care providers on the
18 professional review committee must be a person who is licensed under
19 article 240 of this title 12, ~~or~~ is an advanced practice registered nurse, OR
20 IS A CERTIFIED MIDWIFE and who practices such specialty.

21 ~~(H)~~ (III) For purposes of the introductory portion to this
22 subsection (5) and this subsection (5)(k), the bylaws, policies, or
23 procedures must be in compliance with this part 2 and approved by the
24 nonprofit corporation or association.

25 (I) The medical, ~~or~~ nursing, OR CERTIFIED MIDWIFE staff of an
26 ambulatory surgical center licensed pursuant to part 1 of article 3 of title
27 25;

1 (n) A provider network that is organized pursuant to part 3 of
2 article 18 of title 6 and includes persons licensed under article 240 of this
3 title 12, ~~or~~ advanced practice registered nurses, OR CERTIFIED MIDWIVES;

4 (7) (a) A professional review committee acting pursuant to this
5 part 2 may investigate or cause to be investigated:

6 (I) The qualifications and competence of any person licensed
7 under article 240 of this title 12, ~~or~~ any advanced practice registered
8 nurse, OR ANY CERTIFIED MIDWIFE who seeks to subject ~~himself or herself~~
9 THEMSELVES to the authority of any authorized entity; or

10 (II) The quality or appropriateness of patient care rendered by, or
11 the professional conduct of, any person licensed under article 240 of this
12 title 12, ~~or~~ any advanced practice registered nurse, OR ANY CERTIFIED
13 MIDWIFE who is subject to the authority of the authorized entity.

14 (8) The written bylaws, policies, or procedures of any professional
15 review committee for persons licensed under article 240 of this title 12,
16 ~~or~~ advanced practice registered nurses, OR CERTIFIED MIDWIVES must
17 provide for at least the following:

18 (a) (I) Except as provided in subsection (8)(a)(II) of this section,
19 if the findings of any investigation indicate that a person licensed under
20 article 240 of this title 12, ~~or~~ an advanced practice registered nurse, OR A
21 CERTIFIED MIDWIFE who is the subject of the investigation is lacking in
22 qualifications or competency, has provided substandard or inappropriate
23 patient care, or has exhibited inappropriate professional conduct and the
24 professional review committee takes or recommends an action to
25 adversely affect the person's membership, affiliation, or privileges with
26 the authorized entity, the professional review committee shall hold a
27 hearing to consider the findings and recommendations unless the person

1 waives, in writing, the right to a hearing or is given notice of a hearing
2 and fails to appear.

3 (9) (a) All governing boards shall adopt written bylaws, policies,
4 or procedures under which a person who is licensed under article 240 of
5 this title 12, ~~or~~ is an advanced practice registered nurse, OR IS A CERTIFIED
6 MIDWIFE and who is the subject of an adverse recommendation by a
7 professional review committee may appeal to the governing board
8 following a hearing in accordance with subsection (8) of this section. The
9 bylaws, policies, or procedures must provide that the person be given
10 reasonable notice of ~~his or her~~ THE PERSON'S right to appeal and, unless
11 waived by the person, has the right to appear before the governing board,
12 to be represented by legal counsel, and to offer the argument on the
13 record that the person deems appropriate.

14 (11) (b) Subject to subsection (14) of this section, the records are
15 subject to subpoena and available for use:

16 (II) By a person licensed under article 240 of this title 12, ~~or~~ an
17 advanced practice registered nurse, OR A CERTIFIED MIDWIFE in a suit
18 seeking judicial review of an action by the governing board;

19 (VII) By the nursing board within the scope of its authority over
20 advanced practice registered nurses AND CERTIFIED MIDWIVES.

21 **SECTION 36.** In Colorado Revised Statutes, 12-30-205, **amend**
22 (1) as follows:

23 **12-30-205. Hospital professional review committees.** (1) The
24 quality and appropriateness of patient care rendered by persons licensed
25 under article 240 of this title 12, advanced practice registered nurses,
26 CERTIFIED MIDWIVES, and other licensed health-care professionals so
27 influence the total quality of patient care that a review of care provided

1 in a hospital is ineffective without concomitantly reviewing the overall
2 competence of, professional conduct of, or the quality and
3 appropriateness of care rendered by these persons.

4 **SECTION 37.** In Colorado Revised Statutes, 12-30-206, **amend**
5 (1), (2) introductory portion, (2)(b)(II) introductory portion, and (3)(a) as
6 follows:

7 **12-30-206. Governing boards to register with division - annual**
8 **reports - aggregation and publication of data - definition - rules.**

9 (1) As used in this section, "adversely affecting" has the same meaning
10 as set forth in 45 CFR 60.3; except that it does not include a
11 precautionary suspension or any professional review action affecting, for
12 a period of thirty or fewer days, a person licensed under article 240 of this
13 title 12, ~~or~~ an advanced practice registered nurse, OR A CERTIFIED
14 MIDWIFE.

15 (2) Each governing board that establishes or uses one or more
16 professional review committees to review the practice of persons licensed
17 under article 240 of this title 12, ~~or~~ of advanced practice registered
18 nurses, OR OF CERTIFIED MIDWIVES shall:

19 (b) In addition to any other state or federal reporting requirements:

20 (II) Report annually to the nursing board, in a form satisfactory to
21 the nursing board, the number of final professional review actions in each
22 of the following categories relating to advanced practice registered nurses
23 AND CERTIFIED MIDWIVES:

24 (3) (a) The division shall publish the data provided pursuant to
25 subsections (2)(b) and (2)(c) of this section in aggregate form and without
26 individually identifiable information concerning the governing board, the
27 authorized entity, or any person who was subject to review and is licensed

1 under article 240 of this title 12, ~~or~~ is an advanced practice registered
2 nurse, OR IS A CERTIFIED MIDWIFE.

3 **SECTION 38.** In Colorado Revised Statutes, 12-30-207, **amend**
4 (1), (2) introductory portion, and (2)(d) as follows:

5 **12-30-207. Immunity from liability.** (1) A member of a
6 professional review committee, a governing board, or any committee or
7 third party designated by the governing board under section 12-30-204
8 (9)(b); ~~and~~ any person serving on the staff of that committee, board,
9 panel, or third party; a witness or consultant before a professional review
10 committee; and any person who files a complaint or otherwise
11 participates in the professional review process is immune from suit and
12 liability for damages in any civil or criminal action, including antitrust
13 actions, brought by a person licensed under article 240 of this title 12, ~~or~~
14 an advanced practice registered nurse, OR A CERTIFIED MIDWIFE who is the
15 subject of the review by the professional review committee unless, in
16 connection with the professional review process, the person provided
17 false information and knew that the information was false.

18 (2) The governing board and the authorized entity that has
19 established a professional review committee pursuant to section
20 12-30-204 is immune from suit and liability for damages in any civil or
21 criminal action, including antitrust actions, brought by a person licensed
22 under article 240 of this title 12, ~~or~~ an advanced practice registered nurse,
23 OR A CERTIFIED MIDWIFE who is the subject of the review by such
24 professional review committee if the professional review action was taken
25 within the scope of the professional review process and was taken:

26 (d) In accordance with procedures that, under the circumstances,
27 were fair to the person licensed under article 240 of this title 12, ~~or~~ the

1 advanced practice registered nurse, OR THE CERTIFIED MIDWIFE.

2 **SECTION 39.** In Colorado Revised Statutes, 12-30-208, **amend**
3 (3)(b)(I), (3)(c) introductory portion, and (3)(c)(V) as follows:

4 **12-30-208. Conformance with federal law and regulation -**
5 **legislative declaration - rules - limitations on liability - definition.**

6 (3) (b) (I) Notwithstanding subsection (3)(a) of this section, nothing in
7 this section relieves an authorized entity that is a health-care facility
8 licensed or certified pursuant to part 1 of article 3 of title 25 or certified
9 pursuant to section 25-1.5-103 (1)(a)(II) of liability to an injured person
10 or wrongful death claimant for the facility's independent negligence in the
11 credentialing or privileging process for a person licensed under article
12 240 of this title 12, ~~or~~ an advanced practice registered nurse, OR A
13 CERTIFIED MIDWIFE who provided health-care services for the injured or
14 deceased person at the facility. For purposes of this subsection (3), the
15 facility's participation in the credentialing process or the privileging
16 process does not constitute the corporate practice of medicine.

17 (c) ~~For the purposes of AS USED IN~~ this subsection (3), unless the
18 context otherwise requires, "professional review action" means an action
19 or recommendation of a professional review committee that is taken or
20 made in the conduct of professional review activity and that is based on
21 the quality and appropriateness of patient care provided by, or the
22 competence or professional conduct of, an individual person licensed
23 under article 240 of this title 12, ~~or~~ an advanced practice registered nurse,
24 OR A CERTIFIED MIDWIFE, which action affects or may affect adversely the
25 person's clinical privileges of or membership in an authorized entity.
26 "Professional review action" includes a formal decision by the
27 professional review committee not to take an action or make a

1 recommendation as provided in this subsection (3)(c) and also includes
2 professional review activities relating to a professional review action. An
3 action is not based upon the competence or professional conduct of a
4 person if the action is primarily based on:

5 (V) Any other matter that does not relate to the quality and
6 appropriateness of patient care provided by, or the competence or
7 professional conduct of, a person licensed under article 240 of this title
8 12, ~~or~~ an advanced practice registered nurse, OR A CERTIFIED MIDWIFE.

9 **SECTION 40.** In Colorado Revised Statutes, 12-225-101, **amend**
10 (1)(b) and (2)(c) as follows:

11 **12-225-101. Scope of article - exemptions - legislative**
12 **declaration.** (1) (b) (I) A person who is a certified nurse-midwife
13 authorized pursuant to section 12-255-111, A CERTIFIED MIDWIFE
14 AUTHORIZED PURSUANT TO SECTION 12-255-111.5, or a physician as
15 provided in article 240 of this title 12 shall not simultaneously be so
16 licensed and also be registered under this article 225. A physician, ~~or~~
17 certified nurse-midwife, OR CERTIFIED MIDWIFE who holds a license in
18 good standing may relinquish the license and subsequently be registered
19 under this article 225.

20 (II) A direct-entry midwife shall not represent ~~himself or herself~~
21 ONESELF as a nurse-midwife, ~~or~~ certified nurse-midwife, OR CERTIFIED
22 MIDWIFE.

23 (III) The fact that a direct-entry midwife may hold a practical or
24 professional nursing OR CERTIFIED MIDWIFE license does not expand the
25 scope of practice of the direct-entry midwife.

26 (IV) The fact that a practical or professional nurse OR CERTIFIED
27 MIDWIFE may be registered as a direct-entry midwife does not expand the

1 scope of practice of the nurse OR CERTIFIED MIDWIFE.

2 (2) Nothing in this article 225 shall be construed to prohibit, or to
3 require registration under this article 225, with regard to:

4 (c) The rendering of services by certified nurse-midwives OR
5 CERTIFIED MIDWIVES properly licensed and practicing in accordance with
6 ~~the provisions of~~ part 1 of article 255 of this title 12; or

7 **SECTION 41.** In Colorado Revised Statutes, 12-225-106, **amend**
8 (5)(a)(III)(C) and (5)(a)(III)(F) as follows:

9 **12-225-106. Prohibited acts - practice standards - informed**
10 **consent - emergency plan - risk assessment - referral - rules.** (5) (a) A
11 direct-entry midwife shall keep appropriate records of midwifery-related
12 activity, including but not limited to the following:

13 (III) Before accepting a client for care, the direct-entry midwife
14 shall obtain the client's informed consent, which shall be evidenced by a
15 written statement in a form prescribed by the director and signed by both
16 the direct-entry midwife and the client. The form shall certify that full
17 disclosure has been made and acknowledged by the client as to each of
18 the following items, with the client's acknowledgment evidenced by a
19 separate signature or initials adjacent to each item in addition to the
20 client's signature at the end of the form:

21 (C) A description of the available alternatives to direct-entry
22 midwifery care, including a statement that the client understands ~~she~~ THE
23 CLIENT is not retaining a certified nurse midwife, ~~or~~ a nurse midwife, OR
24 A CERTIFIED MIDWIFE;

25 (F) A statement informing the client that, if subsequent care is
26 required resulting from the acts or omissions of the direct-entry midwife,
27 any physician, nurse, CERTIFIED MIDWIFE, prehospital emergency

1 personnel, and health-care institution rendering subsequent care ~~shall~~
2 WILL be held only to a standard of gross negligence or willful and wanton
3 conduct;

4 **SECTION 42.** In Colorado Revised Statutes, 12-225-112, **amend**
5 (1) as follows:

6 **12-225-112. Assumption of risk - no vicarious liability -**
7 **professional liability insurance required.** (1) It is the policy of this
8 state that registrants ~~shall be~~ ARE liable for their acts or omissions in the
9 performance of the services that they provide, and that no licensed
10 physician, nurse, CERTIFIED MIDWIFE, prehospital emergency medical
11 personnel, or health-care institution ~~shall be~~ IS liable for any act or
12 omission resulting from the administration of services by any registrant.
13 This subsection (1) does not relieve any physician, nurse, CERTIFIED
14 MIDWIFE, prehospital emergency personnel, or health-care institution from
15 liability for any willful and wanton act or omission or any act or omission
16 constituting gross negligence, or under circumstances where a registrant
17 has a business or supervised relationship with the physician, nurse,
18 CERTIFIED MIDWIFE, prehospital emergency personnel, or health-care
19 institution. A physician, nurse, CERTIFIED MIDWIFE, prehospital
20 emergency personnel, or health-care institution may provide consultation
21 or education to the registrant without establishing a business or
22 supervisory relationship, and is encouraged to accept referrals from
23 registrants pursuant to this article 225.

24 **SECTION 43.** In Colorado Revised Statutes, 12-240-107, **amend**
25 (1) introductory portion, (1)(f)(I), (3)(j), and (3)(s) as follows:

26 **12-240-107. Practice of medicine defined - exemptions from**
27 **licensing requirements - unauthorized practice by physician**

1 **assistants and anesthesiologist assistants - penalties - definitions -**
2 **rules - repeal.** (1) ~~For the purpose of AS USED IN~~ this article 240,

3 "practice of medicine" means:

4 (f) The practice of midwifery, except:

5 (I) Services rendered by certified nurse-midwives OR CERTIFIED
6 MIDWIVES properly licensed and practicing in accordance with ~~the~~
7 ~~provisions of~~ part 1 of article 255 of this title 12; or

8 (3) A person may engage in, and shall not be required to obtain a
9 license or a physician training license under this article 240 with respect
10 to, any of the following acts:

11 (j) The rendering of nursing OR MIDWIFERY services and delegated
12 medical functions by registered or other nurses OR CERTIFIED MIDWIVES
13 in the lawful discharge of their duties;

14 (s) (I) The rendering of prescriptions by an advanced practice
15 registered nurse OR CERTIFIED MIDWIFE pursuant to section 12-255-112.

16 (II) On or after July 1, 2010, a physician who serves as a preceptor
17 or mentor to an advanced practice registered nurse OR CERTIFIED MIDWIFE
18 pursuant to sections 12-240-108 and 12-255-112 (4) shall have a license
19 in good standing without disciplinary sanctions to practice medicine in
20 Colorado and an unrestricted registration by the federal drug enforcement
21 administration for the same schedules as the collaborating advanced
22 practice registered nurse OR CERTIFIED MIDWIFE.

23 (III) It is unlawful and a violation of this article 240 for any
24 person, corporation, or other entity to require payment or employment as
25 a condition of entering into a mentorship relationship with ~~the~~ AN
26 advanced practice registered nurse OR A CERTIFIED MIDWIFE pursuant to
27 sections 12-240-108 and 12-255-112 (4), but the mentor may request

1 reimbursement of reasonable expenses and time spent as a result of the
2 mentorship relationship.

3 **SECTION 44.** In Colorado Revised Statutes, 12-240-108, **amend**
4 (1) as follows:

5 **12-240-108. Collaboration with advanced practice registered**
6 **nurses and certified midwives with prescriptive authority -**
7 **mentorships.** (1) (a) A physician licensed pursuant to this article 240
8 may, and is encouraged to, serve as a mentor to an advanced practice
9 registered nurse OR A CERTIFIED MIDWIFE who is applying for prescriptive
10 authority pursuant to section 12-255-112 (4). A physician who serves as
11 a mentor to an advanced practice registered nurse OR A CERTIFIED
12 MIDWIFE seeking prescriptive authority shall:

13 (I) Be practicing in Colorado and shall have education, training,
14 experience, and active practice that corresponds with the role and
15 population focus of the advanced practice registered nurse OR CERTIFIED
16 MIDWIFE; and

17 (II) Have a license in good standing without disciplinary sanctions
18 to practice medicine in Colorado and an unrestricted registration by the
19 federal drug enforcement administration for the same schedules as the
20 advanced practice registered nurse OR CERTIFIED MIDWIFE.

21 (b) A physician serving as a mentor to an advanced practice
22 registered nurse OR A CERTIFIED MIDWIFE pursuant to section 12-255-112
23 (4) shall not require payment or employment as a condition of entering
24 into the mentorship relationship, but the physician may request
25 reimbursement of reasonable expenses and time spent as a result of the
26 mentorship relationship.

27 (c) Upon successful completion of a mentorship as described in

1 section 12-255-112 (4)(b)(I), the physician shall verify by ~~his or her~~ THE
2 PHYSICIAN'S signature that the advanced practice registered nurse OR
3 CERTIFIED MIDWIFE has successfully completed the mentorship within the
4 required period.

5 **SECTION 45.** In Colorado Revised Statutes, 12-240-121, **amend**
6 (1)(bb) as follows:

7 **12-240-121. Unprofessional conduct - definitions.**

8 (1) "Unprofessional conduct" as used in this article 240 means:

9 (bb) Entering into or continuing in a mentorship relationship with
10 an advanced practice registered nurse OR A CERTIFIED MIDWIFE pursuant
11 to sections 12-240-108 and 12-255-112 (4) that fails to meet generally
12 acceptable standards of medical practice;

13 **SECTION 46.** In Colorado Revised Statutes, 12-240-139, **amend**
14 (1)(b)(I) introductory portion, (1)(b)(I)(B), (1)(b)(I)(C), (1)(b)(II)(B),
15 (1)(b)(III), and (1)(b)(V) introductory portion as follows:

16 **12-240-139. Injuries to be reported - penalty for failure to**
17 **report - immunity from liability - definitions.** (1) (b) (I) When a
18 licensee, ~~or~~ nurse, OR CERTIFIED MIDWIFE performs a medical forensic
19 examination that includes the collection of evidence at the request of a
20 victim of sexual assault, the licensee's, ~~or~~ nurse's, OR CERTIFIED MIDWIFE'S
21 employing medical facility shall, with the consent of the victim of the
22 sexual assault, make one of the following reports to law enforcement:

23 (B) A medical report if a victim wishes to obtain a medical
24 forensic examination with evidence collection but at the time of the
25 medical forensic examination chooses not to participate in the criminal
26 justice system. The licensee, ~~or~~ nurse, OR CERTIFIED MIDWIFE shall collect
27 the evidence and victim-identifying information, and the employing

1 medical facility shall release the evidence and information to law
2 enforcement for testing in accordance with section 24-33.5-113 (1)(b)(III)
3 and storage in accordance with section 18-3-407.5 (3)(c).

4 (C) An anonymous report if a victim wishes to obtain a medical
5 forensic examination with evidence collection but at the time of the
6 medical forensic examination chooses not to have personal identifying
7 information provided to law enforcement or to participate in the criminal
8 justice system. The licensee, ~~or~~ nurse, OR CERTIFIED MIDWIFE shall collect
9 the evidence, and the employing medical facility shall release it to law
10 enforcement for storage in accordance with section 18-3-407.5 (3)(c).
11 Law enforcement shall receive no identifying information for the victim.
12 Law enforcement shall assign a unique identifying number to the
13 evidence, and the licensee, ~~or~~ nurse, OR CERTIFIED MIDWIFE shall record
14 the identifying number in the medical record and notify the victim that the
15 identifying number is recorded. Additionally, the licensee, ~~or~~ nurse, OR
16 CERTIFIED MIDWIFE shall provide the identifying number to the victim.

17 (II) Nothing in this section:

18 (B) Requires a licensee, nurse, CERTIFIED MIDWIFE, or medical
19 facility to make a report to law enforcement concerning an alleged sexual
20 assault if medical forensic evidence is not collected.

21 (III) If the licensee's, NURSE'S, OR CERTIFIED MIDWIFE'S employing
22 medical facility knows where the alleged sexual assault occurred, the
23 facility shall make the report with the law enforcement agency in whose
24 jurisdiction the crime occurred regarding preservation of the evidence. If
25 the medical facility does not know where the alleged sexual assault
26 occurred, the facility shall make the report with its local law enforcement
27 agency regarding preservation of the evidence.

1 (V) A licensee, ~~or~~ nurse, OR CERTIFIED MIDWIFE who performs a
2 medical forensic examination as described in subsection (1)(b)(I) of this
3 section shall inform the victim:

4 **SECTION 47.** In Colorado Revised Statutes, 12-245-220, **amend**
5 (2)(b) as follows:

6 **12-245-220. Disclosure of confidential communications -**
7 **definitions.** (2) Subsection (1) of this section does not apply and a person
8 may disclose confidential information when:

9 (b) A licensee, registrant, or certificate holder was in consultation
10 with a physician, registered professional nurse, CERTIFIED MIDWIFE,
11 licensee, registrant, or certificate holder against whom a suit or complaint
12 was filed based on the case out of which the suit or complaint arises;

13 **SECTION 48.** In Colorado Revised Statutes, 12-250-106, **amend**
14 (7) as follows:

15 **12-250-106. Practice of naturopathic medicine by**
16 **naturopathic doctors - exclusions - protected activities - definition -**
17 **rules.** (7) As used in this section, "licensed pediatric health-care
18 provider" means a licensed physician, ~~or~~ AN advanced practice registered
19 nurse, OR A CERTIFIED MIDWIFE who treats children.

20 **SECTION 49.** In Colorado Revised Statutes, 12-280-123, **amend**
21 (1)(b) as follows:

22 **12-280-123. Prescription required - exception - dispensing**
23 **opiate antagonists - selling nonprescription syringes and needles.**

24 (1) (b) A pharmacist who receives an order for a controlled substance
25 that is included in schedule II, III, or IV from a podiatrist, dentist,
26 physician, physician assistant, advanced practice registered nurse,
27 CERTIFIED MIDWIFE, or optometrist, which order is not transmitted

1 electronically to the pharmacist, is not required to verify the applicability
2 of an exception to electronic prescribing of controlled substances under
3 section 12-30-111 and may dispense the controlled substance pursuant to
4 a written, oral, or facsimile-transmitted order that is otherwise valid and
5 consistent with the requirements of current law.

6 **SECTION 50.** In Colorado Revised Statutes, 12-280-125.7,
7 **amend** (1)(f)(II) as follows:

8 **12-280-125.7. Pharmacists' authority to prescribe and**
9 **dispense HIV infection prevention drugs - definitions - rules.** (1) As
10 used in this section:

11 (f) "Prescriber" means:

12 (II) An advanced practice registered nurse, as defined in section
13 12-255-104 (1), OR A CERTIFIED MIDWIFE, AS DEFINED IN SECTION
14 12-255-104 (3.2), with prescriptive authority pursuant to section
15 12-255-112.

16 **SECTION 51.** In Colorado Revised Statutes, 12-300-104, **amend**
17 (3)(c), (3)(d)(II), and (3)(e) as follows:

18 **12-300-104. Definitions.** As used in this article 300, unless the
19 context otherwise requires:

20 (3) "Respiratory therapy" means providing therapy, management,
21 rehabilitation, support services for diagnostic evaluation, and care of
22 patients with deficiencies and abnormalities that affect the pulmonary
23 system under the overall direction of a medical director. Respiratory
24 therapy includes the following:

25 (c) Direct and indirect respiratory care services, including ~~but not~~
26 ~~limited to~~ the administration of pharmacological, diagnostic, and
27 therapeutic agents related to respiratory care procedures necessary to

1 implement a treatment, disease prevention, and pulmonary rehabilitative
2 or diagnostic regimen prescribed by a physician, or AN advanced practice
3 registered nurse, OR A CERTIFIED MIDWIFE;

4 (d) Observation and monitoring of signs, symptoms, reactions,
5 general behavior, and general physical response to respiratory care
6 treatment and diagnostic testing for:

7 (II) The implementation based on observed abnormalities of
8 appropriate reporting, referral, or respiratory care protocols or changes in
9 treatment regimen pursuant to a prescription by a physician, or AN
10 advanced practice registered nurse, OR A CERTIFIED MIDWIFE or the
11 initiation of emergency procedures;

12 (e) The diagnostic and therapeutic use of the following in
13 accordance with the prescription of a physician, or AN advanced practice
14 registered nurse, OR A CERTIFIED MIDWIFE: Administration of medical
15 gases, exclusive of general anesthesia; aerosols; humidification;
16 environmental control systems and biomedical therapy; pharmacologic
17 agents related to respiratory care procedures; mechanical or physiological
18 ventilatory support; bronchopulmonary hygiene; respiratory protocol and
19 evaluation; cardiopulmonary resuscitation; maintenance of the natural
20 airways; insertion and maintenance of artificial airways; diagnostic and
21 testing techniques required for implementation of respiratory care
22 protocols; collection of specimens from the respiratory tract; or analysis
23 of blood gases and respiratory secretions and participation in
24 cardiopulmonary research; and

25 **SECTION 52.** In Colorado Revised Statutes, 10-16-139, **amend**
26 (1) as follows:

27 **10-16-139. Access to care - rules - definitions.** (1) **Access to**

1 **obstetricians and gynecologists.** A health benefit plan that is delivered,
2 issued, renewed, or reinstated in this state on or after January 1, 2014, that
3 provides coverage for reproductive health or gynecological care shall not
4 be delivered, issued, renewed, or reinstated unless the plan provides a
5 woman covered by the plan direct access to an obstetrician, a
6 gynecologist, a physician assistant authorized under section 12-240-107
7 (6), ~~or~~ an advanced practice registered nurse who is a certified nurse
8 midwife pursuant to section 12-255-111, OR A CERTIFIED MIDWIFE
9 LICENSED PURSUANT TO SECTION 12-255-111.5, participating and
10 available under the plan for her reproductive health care or gynecological
11 care.

12 **SECTION 53.** In Colorado Revised Statutes, 13-21-108.7,
13 **amend** (2)(b)(I)(A) as follows:

14 **13-21-108.7. Persons rendering emergency assistance through**
15 **the administration of an opiate antagonist - limited immunity -**
16 **legislative declaration - definitions. (2) Definitions.** As used in this
17 section, unless the context otherwise requires:

18 (b) (I) "Health-care provider" means:

19 (A) A licensed physician, AN advanced practice registered nurse,
20 OR A CERTIFIED MIDWIFE who has prescriptive authority pursuant to
21 section 12-255-112; A physician assistant; or A pharmacist; or

22 **SECTION 54.** In Colorado Revised Statutes, 13-21-115.5, **add**
23 (3)(c)(II)(E.5) as follows:

24 **13-21-115.5. Volunteer service act - immunity - exception for**
25 **operation of motor vehicles - short title - legislative declaration -**
26 **definitions. (3)** As used in this section, unless the context otherwise
27 requires:

1 (c) (II) "Volunteer" includes:

2 (E.5) A CERTIFIED MIDWIFE GOVERNED BY THE "NURSE AND
3 NURSE AIDE PRACTICE ACT", ARTICLE 255 OF TITLE 12, PERFORMING
4 CERTIFIED MIDWIFE TASKS WITHIN THE SCOPE OF THE PERSON'S CERTIFIED
5 MIDWIFE LICENSE AND PERFORMING PRACTICE AS A CERTIFIED MIDWIFE
6 UNDER AUTHORITY GRANTED BY THE STATE BOARD OF NURSING PURSUANT
7 TO SECTIONS 12-255-111.5 AND 12-255-112 AS A VOLUNTEER FOR A
8 NONPROFIT ORGANIZATION, A NONPROFIT CORPORATION, A
9 GOVERNMENTAL ENTITY, OR A HOSPITAL;

10 **SECTION 55.** In Colorado Revised Statutes, 25-1-802, **amend**
11 (1)(a) and (1)(b)(II) as follows:

12 **25-1-802. Patient records in custody of individual health-care**
13 **providers.** (1) (a) Every patient record in the custody of a podiatrist,
14 chiropractor, dentist, doctor of medicine, doctor of osteopathy, nurse,
15 CERTIFIED MIDWIFE, optometrist, occupational therapist, audiologist,
16 acupuncturist, direct-entry midwife, or physical therapist required to be
17 licensed under title 12; a naturopathic doctor required to be registered
18 pursuant to article 250 of title 12; or a person practicing psychotherapy
19 under article 245 of title 12, except records withheld in accordance with
20 45 CFR 164.524 (a), must be available to the patient or the patient's
21 personal representative upon submission of a valid authorization for
22 inspection of records, dated and signed by the patient, at reasonable times
23 and upon reasonable notice. A summary of records pertaining to a
24 patient's mental health problems may, upon written request accompanied
25 by a signed and dated authorization, be made available to the patient or
26 the patient's personal representative following termination of the
27 treatment program.

1 (b) (II) If a licensed health-care professional determines that a
2 copy of a radiographic study, including an X ray, mammogram, CT scan,
3 MRI, or other film, is not sufficient for diagnostic or other treatment
4 purposes, the podiatrist, chiropractor, dentist, doctor of medicine, doctor
5 of osteopathy, nurse, CERTIFIED MIDWIFE, optometrist, audiologist,
6 acupuncturist, direct-entry midwife, or physical therapist required to be
7 licensed under title 12, or, subject to the provisions of section 25-1-801
8 (1)(a) and subsection (1)(a) of this section, the person practicing
9 psychotherapy under article 245 of title 12, shall make the original of any
10 radiographic study available to the patient, the patient's personal
11 representative, a person authorized by the patient, or another health-care
12 professional or facility as specifically directed by the patient, personal
13 representative, authorized person, or health-care professional or facility
14 pursuant to a HIPAA-compliant authorization and upon the payment of
15 the reasonable fees for the radiographic study. If a practitioner releases an
16 original radiographic study pursuant to this subsection (1)(b)(II), the
17 practitioner is not responsible for any loss, damage, or other
18 consequences as a result of the release. Any original radiographic study
19 made available pursuant to this subsection (1)(b)(II) must be returned
20 upon request to the lending practitioner within thirty days.

21 **SECTION 56.** In Colorado Revised Statutes, 25-1-1202, **amend**
22 (1)(n) and (1)(q) as follows:

23 **25-1-1202. Index of statutory sections regarding medical**
24 **record confidentiality and health information.** (1) Statutory provisions
25 concerning policies, procedures, and references to the release, sharing,
26 and use of medical records and health information include the following:

27 (n) Section 12-30-204, concerning professional review

1 committees for ~~physicians~~ HEALTH-CARE PROVIDERS SPECIFIED IN PART 2
2 OF ARTICLE 30 OF TITLE 12;

3 (q) Section 12-255-119, concerning disciplinary proceedings
4 against a practical nurse, a professional nurse, A CERTIFIED MIDWIFE, or
5 a psychiatric technician;

6 **SECTION 57.** In Colorado Revised Statutes, 25-3.5-207, **amend**
7 (1)(e) as follows:

8 **25-3.5-207. Ability of certified or licensed emergency medical**
9 **service providers to work in clinical settings - restrictions -**
10 **definitions - rules.** (1) As used in this section, unless the context
11 otherwise requires:

12 (e) "Medical supervisor" means a Colorado-licensed physician,
13 physician assistant, advanced practice registered nurse, ~~or~~ registered
14 nurse, OR CERTIFIED MIDWIFE.

15 **SECTION 58.** In Colorado Revised Statutes, 25-4-1709, **amend**
16 (5) as follows:

17 **25-4-1709. Limitations on liability.** (5) A practitioner licensed
18 to practice medicine pursuant to article 240 of title 12 or LICENSED TO
19 PRACTICE nursing OR AS A CERTIFIED MIDWIFE pursuant to part 1 of article
20 255 of title 12 or the health-care clinic, hospital, office of a private
21 practitioner, or county public health clinic at which the immunization was
22 administered that relies on the health history and other information given
23 by a person who has been delegated the authority to consent to the
24 immunization of a minor pursuant to section 25-4-1704 (2.5) is not liable
25 for damages related to an immunization resulting from factual errors in
26 the health history or information given to the practitioner or the
27 health-care clinic, hospital, office of a private practitioner, or county

1 public health clinic at which the immunization was administered by the
2 person when such practitioner or health-care clinic, hospital, office of a
3 private practitioner, or county public health clinic reasonably relies upon
4 the health history information given and exercises reasonable and prudent
5 care in administering the immunization.

6 **SECTION 59.** In Colorado Revised Statutes, 25-4-2403, **amend**
7 (8) as follows:

8 **25-4-2403. Department of public health and environment -**
9 **powers and duties - immunization tracking system - rules -**
10 **definitions.** (8) A person licensed to practice medicine pursuant to article
11 240 of title 12; a person licensed to practice nursing OR AS A CERTIFIED
12 MIDWIFE pursuant to part 1 of article 255 of title 12; any other licensed
13 health-care practitioner as defined in section 25-4-1703; providers of
14 county nursing services; staff members of health-care clinics, hospitals,
15 and offices of private practitioners; county, district, and municipal public
16 health agencies; and all persons and entities listed in subsection (2) of this
17 section are authorized to report to the immunization tracking system and
18 to use the reminder and recall process established by the immunization
19 tracking system.

20 **SECTION 60.** In Colorado Revised Statutes, **amend** 25-6-203 as
21 follows:

22 **25-6-203. Extent of services.** Family planning and birth control
23 services shall include: Interview with trained personnel; distribution of
24 literature; referral to a licensed physician, ~~or~~ AN advanced practice
25 registered nurse, OR A CERTIFIED MIDWIFE for consultation, examination,
26 tests, medical treatment, and prescription; and, to the extent so prescribed,
27 the distribution of rhythm charts, drugs, medical preparations,

1 contraceptive devices, and similar products.

2 **SECTION 61.** In Colorado Revised Statutes, 25-37-102, **amend**
3 the introductory portion and (7) as follows:

4 **25-37-102. Definitions.** As used in this ~~article~~ ARTICLE 37, unless
5 the context otherwise requires:

6 (7) "Health-care provider" means a person licensed or certified in
7 this state to practice medicine, pharmacy, chiropractic, nursing, physical
8 therapy, podiatry, dentistry, optometry, occupational therapy; TO
9 PRACTICE AS A CERTIFIED MIDWIFE; or TO PRACTICE other healing arts.
10 "Health-care provider" also means an ambulatory surgical center, a
11 licensed pharmacy or provider of pharmacy services, and a professional
12 corporation or other corporate entity consisting of licensed health-care
13 providers as permitted by the laws of this state.

14 **SECTION 62.** In Colorado Revised Statutes, 25.5-4-412, **amend**
15 (5) as follows:

16 **25.5-4-412. Family planning services - family-planning-related**
17 **services - rules - definitions.** (5) Any recipient may obtain family
18 planning services or family-planning-related services from any licensed
19 health-care provider, including ~~but not limited to~~ a doctor of medicine,
20 doctor of osteopathy, physician assistant, ~~or~~ advanced practice registered
21 nurse, OR CERTIFIED MIDWIFE who provides such services. The enrollment
22 of a recipient in a managed care organization, or a similar entity, does not
23 restrict a recipient's choice of the licensed provider from whom the
24 recipient may receive those services.

25 **SECTION 63.** In Colorado Revised Statutes, 25.5-10-204,
26 **amend** (2)(j)(III) and (2)(j)(IV) as follows:

27 **25.5-10-204. Duties of the executive director - state board**

1 **rules - definitions - repeal.** (2) The state board shall adopt such rules,
2 in accordance with section 24-4-103, as are necessary to carry out the
3 provisions and purposes of this article 10, including but not limited to the
4 following subjects:

5 (j) (III) A person who is not otherwise authorized by law to
6 administer nutrition and fluids through gastrostomy tubes is allowed to
7 perform the duties only under the supervision of a licensed nurse, A
8 LICENSED CERTIFIED MIDWIFE, or A LICENSED physician. A person who
9 administers nutrition and fluids in compliance with ~~the provisions of this~~
10 subsection (2)(j) is exempt from the licensing requirements of the
11 "Colorado Medical Practice Act", article 240 of title 12, and the "Nurse
12 and Nurse Aide Practice Act", article 255 of title 12. Nothing in this
13 subsection (2)(j) shall be deemed to authorize the administration of
14 medications through gastrostomy tubes. A person administering
15 medications through gastrostomy tubes is subject to the requirements of
16 part 3 of article 1.5 of title 25.

17 (IV) ~~For purposes of this paragraph (j),~~ AS USED IN THIS
18 SUBSECTION (2)(j):

19 (A) "Administration" means assisting a person in the ingestion of
20 nutrition or fluids according to the direction and supervision of a licensed
21 nurse, A LICENSED CERTIFIED MIDWIFE, or A LICENSED physician.

22 (B) "CERTIFIED MIDWIFE" HAS THE SAME MEANING AS SET FORTH
23 IN SECTION 12-255-104 (3.2).

24 **SECTION 64.** In Colorado Revised Statutes, 27-10.5-103,
25 **amend** (2)(i)(III) and (2)(i)(IV) as follows:

26 **27-10.5-103. Duties of the executive director - rules -**
27 **definitions.** (2) In accordance with section 24-4-103, and in coordination

1 with the requirements of article 10 of title 25.5, the department shall
2 adopt such rules as are necessary to carry out the provisions and purposes
3 of this article 10.5, including but not limited to the following:

4 (i) (III) A person who is not otherwise authorized by law to
5 administer nutrition and fluids through gastrostomy tubes is allowed to
6 perform the duties only under the supervision of a licensed nurse, A
7 LICENSED CERTIFIED MIDWIFE, or A LICENSED physician. A person who
8 administers nutrition and fluids in compliance with ~~the provisions of this~~
9 subsection (2)(i) is exempt from the licensing requirements of the
10 "Colorado Medical Practice Act", article 240 of title 12, and the "Nurse
11 and Nurse Aide Practice Act", article 255 of title 12. Nothing in this
12 subsection (2)(i) shall be deemed to authorize the administration of
13 medications through gastrostomy tubes. A person administering
14 medications through gastrostomy tubes is subject to the requirements of
15 part 3 of article 1.5 of title 25.

16 (IV) ~~For purposes of this paragraph (i);~~ AS USED IN THIS
17 SUBSECTION (2)(i):

18 (A) "Administration" means assisting a person in the ingestion of
19 nutrition or fluids according to the direction and supervision of a licensed
20 nurse, A LICENSED CERTIFIED MIDWIFE, or A LICENSED physician.

21 (B) "CERTIFIED MIDWIFE" HAS THE SAME MEANING AS SET FORTH
22 IN SECTION 12-255-104 (3.2).

23 **SECTION 65.** In Colorado Revised Statutes, 27-81-118, **amend**
24 (2)(a)(I)(C) as follows:

25 **27-81-118. Opioid crisis recovery funds advisory committee -**
26 **creation - membership - purpose.** (2) (a) The committee consists of
27 members appointed as follows:

- 1 (I) Thirteen members appointed by the governor, including:
2 (C) One member licensed to practice as a nurse OR AS A CERTIFIED
3 MIDWIFE pursuant to part 1 of article 255 of title 12;

4 **SECTION 66.** In Colorado Revised Statutes, 27-82-202, **amend**
5 (2) as follows:

6 **27-82-202. Definitions.** As used in this part 2, unless the context
7 otherwise requires:

8 (2) "Licensed health-care provider" means a physician or
9 physician assistant licensed pursuant to article 240 of title 12 or a nurse
10 OR CERTIFIED MIDWIFE licensed pursuant to part 1 of article 255 of title
11 12.

12 **SECTION 67.** In Colorado Revised Statutes, 38-12-401, **amend**
13 (4) as follows:

14 **38-12-401. Definitions.** As used in this part 4, unless the context
15 otherwise requires:

16 (4) "Medical professional" means a person licensed to practice
17 medicine pursuant to article 240 of title 12 or TO PRACTICE NURSING OR
18 AS A CERTIFIED MIDWIFE PURSUANT TO part 1 of article 255 of title 12.

19 **SECTION 68. Effective date.** This act takes effect upon passage;
20 except that section 12-255-105, Colorado Revised Statutes, as amended
21 in section 3 of this act, takes effect July 1, 2024.

22 **SECTION 69. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety.