



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated February 26, 2024)

Table with 4 columns: Drafting Number, Prime Sponsors, Date, Bill Status, Fiscal Analyst. Contains details for LLS 24-0285, Rep. Garcia, Jodeh, Sen. Buckner, Michaelson Jenet, dated March 25, 2024, House Appropriations, by Shukria Maktabi.

Bill Topic: MATERNAL HEALTH MIDWIVES

Summary of Fiscal Impact table with checkboxes for State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, and Statutory Public Entity.

The bill modifies and creates new measures for midwife licensure and maternal health care. It increases state revenue and expenditures beginning in FY 2024-25.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$622,313 to multiple state agencies.

Fiscal Note Status: The fiscal note reflects the introduced bill, as amended by the House Health and Human Services Committee.

Table 1 State Fiscal Impacts Under HB 24-1262

Main fiscal impact table with columns: Revenue, Expenditures, Transfers, Other Budget Impacts. Rows include Cash Funds, General Fund, Centrally Appropriated, TABOR Refund, and General Fund Reserve. Totals are provided for Revenue, Expenditures, and FTE.

Summary of Legislation

The bill modifies and creates new measures for midwife licensure and around maternal health care, as detailed below.

Midwife Licensure. Direct-entry midwives are currently licensed by the Department of Regulatory Agencies (DORA); however, statute refers to this licensure as registration. Direct-entry midwives are also currently required to have certain certifications to be licensed that would allow them the designation as certified professional midwives. The bill codifies current practice by updating references of “registration” to “licensure” and “direct-entry midwife” to “certified professional midwife,” and clarifies certification requirements.

The bill also requires the membership of certain committees, boards, and programs to include midwifery expertise, including the Environmental Justice Advisory Board, the Health Equity Commission, the Governor’s Expert Emergency Epidemic Response Committee, and the Short-Term Health Care Credentials program.

Maternity Care. The bill requires the Colorado Civil Rights Division within DORA to collect reports of mistreatments in the context of maternity care in ways that allow data to be accessible (confidential information can be de-identified and reports can be generated for the public) and expands the information that can be provided by individuals. It also requires the commission to submit de-identified reports of mistreatments to certain commissions and the General Assembly.

The bill adds pregnancy as a protected class for purposes of discrimination in places of public accommodation.

The bill requires the Colorado Maternal Mortality Review Committee in the Department of Public Health and Environment (CDPHE) to contract a third-party evaluator to study closures and availability of perinatal health care, impacts on affected populations, and provide recommendations to the General Assembly by July 1, 2026.

Finally, the bill requires health care facilities that reduce maternal health care services to provide notice to the CDPHE, the Colorado Maternal Mortality Review Committee, the Governor, the public, and any affected patients and providers.

State Revenue

State revenue to the Division of Professions and Occupations Cash Fund in DORA is estimated to increase by approximately \$3,800 in FY 2024-25 and FY 2025-26. The division adjusts its fees to cover its estimated costs to implement the bill. Revenue to the cash fund is subject to the state’s TABOR limit.

Fee impact on certified professional midwives. Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. These fee amounts are estimates only, actual fees will be set administratively by DORA based on cash

fund balance, program costs, and the number of licenses subject to the fee. Table 2 below identifies the fee impact of this bill.

Table 2
Fee Impact on Certified Professional Midwives

Fiscal Year	Type of Fee	Current Fee	Proposed Fee	Number Affected	Total Fee Impact
FY 2024-25	Midwife License	\$295	\$330	109	\$3,815
FY 2025-26	Midwife License	\$295	\$330	109	\$3,815

State Expenditures

The bill increases state expenditures in the Division of Professions and Occupations in DORA by approximately \$10,000 in FY 2024-25 only, paid from the Division of Professions and Occupations Cash Fund. It also increases state expenditures in the Civil Rights Division in DORA by \$339,000 in FY 2024-25 and \$311,000 in FY 2025-26 and ongoing, paid from the General Fund. Finally, it increases state expenditures in CDPHE by \$345,000 in FY 2024-25, \$85,000 in FY 2025-26, and \$32,417 in FY 2025-26, paid from the General Fund. Expenditures are shown in Table 3 and detailed below.

Table 3
Expenditures Under HB 24-1262

	FY 2024-25	FY 2025-26	FY 2026-27
Division of Professions and Occupations, DORA			
Personal Services	\$7,699	-	-
Centrally Appropriated Costs ¹	\$1,920	-	-
FTE – Personal Services	0.1 FTE	-	-
DPO-DORA Subtotal	\$9,620	-	-
Civil Rights Division, DORA			
Personal Services	\$181,407	\$181,407	\$181,407
Operating Expenses	\$3,840	\$3,840	\$3,840
Capital Outlay Costs	\$20,010	-	-
Legal Services	\$64,010	\$64,010	\$64,010
IT System Programming and Maintenance	\$16,400	\$8,525	\$8,525
Centrally Appropriated Costs ¹	\$52,966	\$52,966	\$52,966
FTE – Personal Services	3.0 FTE	3.0 FTE	3.0 FTE
FTE – Legal Services	0.3 FTE	0.3 FTE	0.3 FTE
CCRD-DORA Subtotal	\$338,633	\$310,748	\$310,748

**Table 3
 Expenditures Under HB 24-1262 (Cont.)**

	FY 2024-25	FY 2025-26	FY 2026-27
Department of Public Health and Environment			
Personal Services	\$68,548	\$68,548	\$26,125
Operating Expenses	\$1,024	\$1,024	\$384
Capital Outlay Costs	\$7,337	-	-
Third-Party Evaluator	\$225,000	-	-
Heat Map – System Update/Outreach	\$27,037	-	-
Centrally Appropriated Costs ¹	\$15,651	\$15,651	\$5,908
FTE – Personal Services	0.8 FTE	0.8 FTE	0.3 FTE
CDPHE Subtotal	\$344,597	\$85,223	\$32,417
Total	\$692,850	\$395,971	\$343,165
Total FTE	4.2 FTE	4.1 FTE	3.6 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Division of Professions and Occupations, DORA. In FY 2024-25 only, the division requires 0.1 FTE for rulemaking, performing outreach to licensees, and updating the website and forms to reflect the profession name change. Costs for the Division of Professions and Occupations are paid from license fees on certified professional midwives.

Civil Rights Division, DORA. The Civil Rights Division requires staff, legal services, and system updates to meet the maternity care reporting requirements of the bill and investigate claims regarding pregnancy discrimination.

- **Staff.** Beginning in FY 2024-25, the Division requires a total of 3.0 FTE. Of this, 1.0 FTE will manage the reporting requirements for maternal care mistreatment, including managing the additional data reported by individuals, developing the database to have the ability to extract data and run reports, submitting report to committees, and managing inquiries and following up with individuals if requested in their report. The remaining 2.0 FTE will track and investigate claims filed with the division regarding pregnancy discrimination.
- **IT system updates.** The division requires approximately \$16,400 in FY 2024-25, and \$8,525 for maintenance in ongoing years, to update online forms used by individuals to report maternal care mistreatment; create and maintain a database that can produce reports of de-identified data as required; and to update the online and case management system for discrimination reports to include pregnancy as a protected class. This assumes 100 hours of work initially at an average of \$164 per hour, and 50 hours for ongoing maintenance support. These costs are reappropriated to the Office of Information Technology.

- **Legal services.** The division is assumed to require 500 hours of legal support annually, or 0.3 FTE, from the Department of Law for counsel around reporting on confidential health care and advising related to pregnancy discrimination in places of public accommodation.

Department of Public Health and Environment. The CDPHE requires staff and costs to study maternal health care services closures. This will include hiring the third-party evaluator and updating data systems to provide them with the necessary information through a health professional shortage area and perinatal health services assets and deficits map.

- **Staff.** The CDPHE requires 0.8 FTE in FY 2024-25 and FY 2025-26, and 0.3 FTE in FY 2026-27, to manage the contract with the third-party evaluator and develop the asset and deficit map.

Beginning in FY 2024-25, 0.5 FTE will provide programmatic oversight of the evaluation and map, as well as develop eligibility criteria, build the application process, write the Request for Proposals, and contract with an entity performing the perinatal health care evaluation. An additional 0.3 FTE will develop the asset and deficit map. The fiscal note assumes developing the map internally instead through the contracted evaluator will be more cost-effective, as the CDPHE has the infrastructure for data collection and analysis to build the map. Staff activities include data collection, processing, and analysis to develop the map, as well as providing relevant data from the map to the evaluator as needed. Staff costs are required through September 1, 2026, once final deliverables are completed.

- **Third-party evaluator.** From FY 2024-25 to FY 2026-27, the CDPHE requires a total of \$225,000 to contract an evaluator to conduct the study for the Maternal Mortality Review Committee on closures related to perinatal health care. This includes working with the department, collecting and analyzing data, and developing the final report.
- **System changes.** In FY 2024-25 only, the CDPHE requires \$20,000 to contract a developer to modify existing data systems for the heat map development by CDPHE staff, including adding data integration and reporting functions.
- **Outreach costs.** The CDPHE requires one-time costs of \$7,037 to print, send, and collect data from digital and paper surveys for the map analysis and development.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 3.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2024-25, the bill requires a General Fund appropriation of \$614,613, of which:

- \$285,667 is appropriated to the Civil Rights Division in the Department of Regulatory Agencies, and 3.0 FTE, of which \$64,010 and 0.3 FTE reappropriated to the Department of Law, and \$16,400 is reappropriated to the Office of Information Technology; and
- \$328,946 is appropriated to the Department of Public Health and Environment, and 0.8 FTE.

The bill also requires an appropriation of \$7,699 from the Division of Professions and Occupations Cash Fund to the Department of Regulatory Agencies, and 0.1 FTE.

State and Local Government Contacts

Judicial

Law

Public Health and Environment

Regulatory Agencies

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).