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SENATE BILL 21-101

BY SENATOR(S) Fields and Story, Ginal, Buckner, Fenberg, Gonzales, Hansen, Lee, Moreno, Winter;
also REPRESENTATIVE(S) Caraveo and Williams, Bennett, Boesenecker, Esgar, Froelich, Gray, Hooton, Lontine, McCormick, Michaelson Jenet, Mullica, Ortiz, Pico, Sirota, Snyder, Titone, Van Winkle, Young.

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

SECTION 2. In Colorado Revised Statutes, **amend** 12-225-114 as follows:

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 This article 225 is repealed, effective September 1, 2021 2028.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

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

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

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

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

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

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

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

(3) "Direct-entry midwifery" or "practice of direct-entry midwifery" means the advising, attending, or assisting of a woman during pregnancy, labor and natural childbirth at home OR AT A BIRTH CENTER, and the postpartum period in accordance with this article 225.

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

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

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

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

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

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

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

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

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

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

12-225-107. Limited use of certain medications - limited use of sutures - limited administration of intravenous fluids - emergency

medical procedures - rules. (2) Except as otherwise provided in subsection (3) of this section, a registrant may obtain and administer:

(d) Eye prophylaxis; ~~and~~

(e) Local anesthetics, as specified by the director by rule, to use in accordance with subsection (6) of this section; AND

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

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

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

(8) A REGISTRANT WHO IS GRANTED AUTHORITY TO ACT PURSUANT TO THIS SECTION IS NOT REQUIRED TO APPLY FOR RENEWAL OF THE AUTHORITY OR PAY ANY RENEWAL FEES PERTAINING TO THE AUTHORITY GRANTED IN THIS SECTION.

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

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

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

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

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

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

(a) A statement that knowingly and intentionally misrepresenting material information on the worksheet form used for the preparation of a birth certificate is a misdemeanor; AND

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

SECTION 8. Appropriation. (1) For the 2021-22 state fiscal year, \$80,080 cash funds is appropriated to the department of public health and environment. This appropriation consists of \$50,080 from the health

facilities general licensure cash fund created in section 25-3-103.1 (1), C.R.S., and \$30,000 from the vital statistics records cash fund created in section 25-2-121 (2)(b)(I), C.R.S. To implement this act, the department may use this appropriation as follows:

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

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

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

SECTION 10. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO