

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
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LLS NO. 21-0367.01 Yelana Love x2295

SUNSET BILL

Sunset Process - Senate Health and
Human Services Committee

BILL TOPIC: "Sunset Direct-entry Midwives"
DEADLINES: Finalize by: FEB 22, 2021 File by: FEB 25, 2021

A BILL FOR AN ACT

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

Bill Summary

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

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

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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

- Continuing the registration requirements for 7 years, until September 1, 2028 (*Recommendation 1, sections 1 and 2* of the bill);
- Authorizing direct-entry midwives to administer group B streptococcus (GBS) prophylaxis (*Recommendation 2, section 3*);
- Adding licensed birth centers to the locations where a direct-entry midwife may practice (*Recommendation 3, section 4*);
- Requiring the director of the division of professions and occupations (director) to develop policies regarding direct-entry midwives in training (*Recommendation 4, section 5*);
- Clarifying that the director has the authority to enter into stipulations with a direct-entry midwife (*Recommendation 5, section 6*).

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

2 ***Recommendation 1***

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

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

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

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

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

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

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

7 ***Recommendation 2***

8 **SECTION 3.** In Colorado Revised Statutes, 12-225-107, **amend**
9 (2)(d) and (2)(e); and **add** (2)(f) and (7) as follows:

10 **12-225-107. Limited use of certain medications - limited use of**
11 **sutures - limited administration of intravenous fluids - emergency**
12 **medical procedures - rules.** (2) Except as otherwise provided in
13 subsection (3) of this section, a registrant may obtain and administer:

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

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

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

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

1 PURSUANT TO THIS SUBSECTION (7) IS NOT REQUIRED TO APPLY FOR
2 RENEWAL OF THIS AUTHORITY OR PAY ANY RENEWAL FEES PERTAINING TO
3 THE AUTHORITY IN THIS SUBSECTION (7).

4 ***Recommendation 3***

5 **SECTION 4.** In Colorado Revised Statutes, 12-225-103, **amend**
6 (1) and (3); and **add** (1.5) as follows:

7 **12-225-103. Definitions.** As used in this article 225, unless the
8 context otherwise requires:

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

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

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

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

21 (1.5) "CLIENT" MEANS A PREGNANT WOMAN FOR WHOM A
22 DIRECT-ENTRY MIDWIFE PERFORMS SERVICES. FOR PURPOSES OF
23 PERINATAL OR POSTPARTUM CARE, "CLIENT" INCLUDES THE WOMAN'S
24 NEWBORN.

25 (3) "Direct-entry midwifery" or "practice of direct-entry
26 midwifery" means the advising, attending, or assisting of a woman during
27 pregnancy, labor and natural childbirth at home OR AT A BIRTH CENTER

1 and the postpartum period in accordance with this article 225.

2 ***Recommendation 4***

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

5 **12-225-108. Director - powers and duties - rules.** (1) In
6 addition to any other powers and duties conferred on the director by law,
7 the director has the following powers and duties:

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

12 ***Recommendation 5***

13 **SECTION 6.** In Colorado Revised Statutes, 12-225-109, **amend**
14 (9) as follows:

15 **12-225-109. Disciplinary action authorized - grounds for**
16 **discipline - injunctions - rules.** (9) The director may issue
17 cease-and-desist orders AND ENTER INTO STIPULATIONS under the
18 circumstances and in accordance with the procedures specified in section
19 12-20-405.

20 **SECTION 7. Effective date.** This act takes effect September 1,
21 2021.

22 **SECTION 8. 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.