

SB101\_L.002

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB21-101 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

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 LICENSING OF DIRECT-ENTRY MIDWIVES BY THE  
14 DIVISION OF PROFESSIONS AND OCCUPATIONS IN ACCORDANCE WITH  
15 ARTICLE 225 OF TITLE 12.

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

18 **12-225-114. Repeal of article - subject to review.** This article  
19 225 is repealed, effective September 1, ~~2021~~ 2028. Before the repeal, the  
20 ~~registering~~ LICENSING of direct-entry midwives by the division is  
21 scheduled for review in accordance with section 24-34-104.

22 **SECTION 3.** In Colorado Revised Statutes, 12-225-101, **amend**  
23 (1)(b)(I), (1)(b)(IV), and (2) introductory portion as follows:

24 **12-225-101. Scope of article - exemptions - legislative**  
25 **declaration.** (1) (b) (I) A person who is a certified nurse-midwife  
26 authorized pursuant to section 12-255-111 or a physician as provided in  
27 article 240 of this title 12 shall not simultaneously be so licensed and also  
28 be ~~registered~~ LICENSED under this article 225. A physician or certified  
29 nurse-midwife who holds a license in good standing may relinquish the  
30 license and subsequently be ~~registered~~ LICENSED under this article 225.

31 (IV) The fact that a practical or professional nurse may be  
32 ~~registered~~ LICENSED as a direct-entry midwife does not expand the scope  
33 of practice of the nurse.

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

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

38 **12-225-103. Definitions.** As used in this article 225, unless the  
39 context otherwise requires:

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

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

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

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

13 (1.5) "CLIENT" MEANS A PREGNANT WOMAN FOR WHOM A  
14 DIRECT-ENTRY MIDWIFE PERFORMS SERVICES. FOR PURPOSES OF  
15 PERINATAL OR POSTPARTUM CARE, "CLIENT" INCLUDES THE WOMAN'S  
16 NEWBORN.

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

22  
23 **SECTION 5.** In Colorado Revised Statutes, 12-225-104, **amend**  
24 (1), (3), (4) introductory portion, (5), and (6); and **add** (7) as follows:

25 **12-225-104. Requirement for licensure by the division - annual**  
26 **fee - grounds for revocation.** (1) Every PERSON DESIRING A LICENSE TO  
27 PRACTICE AS A direct-entry midwife shall ~~register with the division by~~  
28 ~~applying~~ APPLY to the director in the form and manner the director  
29 requires. The application shall include the information specified in  
30 section 12-225-105.

31 (3) Every applicant for ~~registration~~ LICENSURE shall pay a  
32 ~~registration~~ LICENSURE fee to be established by the director in the manner  
33 authorized by section 12-20-105. ~~Registrations~~ LICENSES issued pursuant  
34 to this article 225 are subject to the renewal, expiration, reinstatement,  
35 and delinquency fee provisions specified in section 12-20-202 (1) and (2).  
36 Any person whose ~~registration~~ LICENSE has expired shall be subject to the  
37 penalties provided in this article 225 or section 12-20-202 (1).

38 (4) To qualify ~~to register~~ FOR A LICENSE, a direct-entry midwife  
39 must have successfully completed an examination evaluated and  
40 approved by the director as an appropriate test to measure competency in  
41 the practice of direct-entry midwifery, which examination must have been  
42 developed by a person or entity other than the director or the division and  
43 ~~the acquisition of which shall require no~~ ACQUIRED BY THE DIVISION

1 WITHOUT AN expenditure of state funds. The DIRECTOR MUST INCLUDE  
2 THE national registry examination administered by the Midwives Alliance  
3 of North America, or its successor, ~~must be among those evaluated by~~  
4 THE EXAMINATIONS the director EVALUATES. The director is ~~authorized~~  
5 ~~to~~ MAY approve any existing test meeting all the criteria set forth in this  
6 subsection (4). In addition to successfully completing the examination, a  
7 direct-entry midwife is qualified to ~~register~~ SEEK LICENSURE if the person  
8 has:

9 (5) Effective July 1, 2003, in order to be deemed qualified to  
10 register, AND EFFECTIVE SEPTEMBER 1, 2021, IN ORDER TO BE DEEMED  
11 QUALIFIED FOR LICENSURE, a direct-entry midwife must have graduated  
12 from an accredited midwifery educational program or obtained a  
13 substantially equivalent education approved by the director. The  
14 educational requirement does not apply to direct-entry midwives who  
15 ~~have~~ WERE registered with the division before July 1, 2003.

16 (6) For purposes of ~~registration~~ LICENSURE under this article 225,  
17 no credential, licensure, or certification issued by any other state meets  
18 the requirements of this article 225, and therefore there is no reciprocity  
19 with other states.

20 (7) (a) (I) ON THE EFFECTIVE DATE OF THIS SUBSECTION (7), EACH  
21 ACTIVE DIRECT-ENTRY MIDWIFE REGISTRATION CONVERTS TO AN ACTIVE  
22 DIRECT-ENTRY MIDWIFE LICENSE BY OPERATION OF LAW. THIS  
23 CONVERSION DOES NOT:

24 (A) AFFECT ANY PRIOR DISCIPLINE, LIMITATION, OR CONDITION  
25 IMPOSED ON A DIRECT-ENTRY MIDWIFE;

26 (B) LIMIT THE DIRECTOR'S AUTHORITY OVER A DIRECT-ENTRY  
27 MIDWIFE; OR

28 (C) AFFECT A PENDING INVESTIGATION OR ADMINISTRATIVE  
29 PROCEEDING.

30 (II) THE DIRECTOR SHALL TREAT AN APPLICATION FOR A  
31 DIRECT-ENTRY MIDWIFE REGISTRATION, PENDING AS OF THE EFFECTIVE  
32 DATE OF THIS SUBSECTION (7), AS AN APPLICATION FOR DIRECT-ENTRY  
33 MIDWIFE LICENSURE.

34 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2026.

35 **SECTION 6.** In Colorado Revised Statutes, 12-225-105, **amend**  
36 (1)(b) and (1)(e) as follows:

37 **12-225-105. Mandatory disclosure of information to clients.**

38 (1) Every direct-entry midwife shall provide the following information  
39 in writing to each client during the initial client contact:

40 (b) A listing of the direct-entry midwife's education, experience,  
41 degrees, membership in any professional organization whose membership  
42 includes not less than one-third of all ~~registrants~~ LICENSEES, certificates  
43 or credentials related to direct-entry midwifery awarded by any such

1 organization, and the length of time and number of contact hours required  
2 to obtain the degrees, certificates, or credentials;

3 (e) A statement that the practice of direct-entry midwifery is  
4 regulated by the department. The statement must provide the address and  
5 telephone number of the office of midwifery ~~registration~~ LICENSURE in  
6 the division and shall state that violation of this article 225 may result in  
7 revocation of ~~registration~~ LICENSURE and of the authority to practice  
8 direct-entry midwifery in Colorado.

9 **SECTION 7.** In Colorado Revised Statutes, 12-225-106, **amend**  
10 (13) and (14); and **repeal** (12) as follows:

11 **12-225-106. Prohibited acts - practice standards - informed**  
12 **consent - emergency plan - risk assessment - referral - rules.** (12) ~~At~~  
13 ~~the time of renewal of a registration, each registrant shall submit the~~  
14 ~~following data in the form and manner required by the director:~~

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

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

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

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

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

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

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

26 (13) A ~~registered~~ LICENSED direct-entry midwife may purchase,  
27 possess, carry, and administer oxygen. The department shall promulgate  
28 rules concerning minimum training requirements for direct-entry  
29 midwives with respect to the safe administration of oxygen. Each  
30 ~~registrant~~ LICENSEE shall complete the minimum training requirements  
31 and submit proof of having completed the requirements to the director  
32 before administering oxygen to any client.

33 (14) A ~~registrant~~ LICENSEE shall not practice beyond the scope of  
34 the ~~registrant's~~ LICENSEE'S education and training.

35 **SECTION 8.** In Colorado Revised Statutes, 12-225-107, **amend**  
36 (1), (2) introductory portion, (2)(d), (2)(e), (3), (4), (5), and (6); and **add**  
37 (2)(f),     (7), and (8) as follows:

38 **12-225-107. Limited use of certain medications - limited use of**  
39 **sutures - limited administration of intravenous fluids - emergency**  
40 **medical procedures - rules.** (1) A ~~registrant~~ LICENSEE may obtain  
41 prescription medications to treat conditions specified in this section from  
42 a registered prescription drug outlet, registered manufacturer, or  
43 registered wholesaler. An entity that provides a prescription medication

1 to a ~~registrant~~ LICENSEE in accordance with this section, and who relies  
2 in good faith upon the ~~registration~~ LICENSE information provided by the  
3 ~~registrant~~ LICENSEE, is not subject to liability for providing the  
4 medication.

5 (2) Except as otherwise provided in subsection (3) of this section,  
6 a ~~registrant~~ LICENSEE may obtain and administer:

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

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

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

12 =====  
13 (3) (a) If a client refuses a medication listed in subsection (2)(a)  
14 or (2)(b) of this section, the ~~registrant~~ LICENSEE shall provide the client  
15 with an informed consent form containing a detailed statement of the  
16 benefits of the medication and the risks of refusal, and shall retain a copy  
17 of the form acknowledged and signed by the client.

18 (b) If a client experiences uncontrollable postpartum hemorrhage  
19 and refuses treatment with antihemorrhagic drugs, the ~~registrant~~ LICENSEE  
20 shall immediately initiate the transportation of the client in accordance  
21 with the emergency plan.

22 (4) A ~~registrant~~ LICENSEE shall, as part of the emergency medical  
23 plan required by section 12-225-106 (6), inform the client that:

24 (a) If she experiences uncontrollable postpartum hemorrhage, the  
25 ~~registrant~~ LICENSEE is required by Colorado law to initiate emergency  
26 medical treatment, which may include the administration of an  
27 antihemorrhagic drug by the ~~registrant~~ LICENSEE to mitigate the  
28 postpartum hemorrhaging while initiating the immediate transportation  
29 of the client in accordance with the emergency plan.

30 (b) If she experiences postpartum hemorrhage, the ~~registrant~~  
31 LICENSEE is prepared and equipped to administer intravenous fluids to  
32 restore volume lost due to excessive bleeding.

33 (5) The director shall promulgate rules to implement this section.  
34 In promulgating the rules, the director shall seek the advice of  
35 knowledgeable medical professionals to set standards for education,  
36 training, and administration that reflect current, generally accepted  
37 professional standards for the safe and effective use of the medications,  
38 methods of administration, and procedures described in this section,  
39 including a requirement that, to administer intravenous fluids, the  
40 ~~registrant~~ LICENSEE complete an intravenous therapy course or program  
41 approved by the director. The director shall establish a preferred drug list  
42 that displays the medications that a ~~registrant can~~ LICENSEE MAY obtain.

43 (6) (a) Subject to subsection (6)(b) of this section, a ~~registrant~~

1 LICENSEE may perform sutures of first-degree and second-degree perineal  
2 tears, as defined by the director by rule, on a client and may administer  
3 local anesthetics to the client in connection with suturing perineal tears.

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

19 (7) A LICENSED 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 LICENSEE'S PRACTICE OF DIRECT-ENTRY MIDWIFERY. THE DIRECTOR SHALL  
24 VERIFY THE QUALIFICATIONS OF A LICENSEE APPLYING PURSUANT TO THIS  
25 SUBSECTION (7) BEFORE GRANTING THE LICENSEE THE AUTHORITY TO  
26 OBTAIN AND ADMINISTER GROUP B STREPTOCOCCUS (GBS) PROPHYLAXIS.

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

31 **SECTION 9.** In Colorado Revised Statutes, 12-225-108, **amend**  
32 (1)(b), (1)(c), (1)(d), and (1)(f); and **add** (1)(g) as follows:

33 **12-225-108. Director - powers and duties - rules.** (1) In  
34 addition to any other powers and duties conferred on the director by law,  
35 the director has the following powers and duties:

36 (b) To establish the fees for ~~registration~~ LICENSURE and renewal  
37 of ~~registration~~ LICENSURE in the manner authorized by section 12-20-105;

38 (c) To prepare or adopt suitable education standards for applicants  
39 and to adopt a ~~registration~~ LICENSURE examination;

40 (d) To accept applications for ~~registration~~ LICENSURE that meet the  
41 requirements set forth in this article 225, and to collect the annual  
42 ~~registration~~ LICENSURE fees authorized by this article 225;

43 (f) To summarily suspend a ~~registration~~ LICENSE upon the failure

1 of the registrant LICENSEE to comply with any condition of a stipulation  
2 or order imposed by the director until the registrant LICENSEE complies  
3 with the condition, unless compliance is beyond the control of the  
4 registrant LICENSEE; AND

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

9 **SECTION 10.** In Colorado Revised Statutes, 12-225-109, **amend**  
10 (3)(d), (3)(g), (3)(m), (3)(n)(I), (3)(n)(II), (4), (5), (7), and (8) as follows:

11 **12-225-109. Disciplinary action authorized - grounds for**  
12 **discipline - injunctions - rules.** (3) The director may take disciplinary  
13 action as authorized by section 12-20-404 (1)(a), (1)(b), or (1)(d) for any  
14 of the following acts or omissions:

15 (d) Failing to comply with an order of the director, including an  
16 order placing conditions or restrictions on the registrant's LICENSEE'S  
17 practice;

18 (g) Procuring or attempting to procure a LICENSE OR registration  
19 in this or any other state or jurisdiction by fraud, deceit,  
20 misrepresentation, misleading omission, or material misstatement of fact;

21 (m) Advertising through newspapers, magazines, circulars, direct  
22 mail, directories, radio, television, website, e-mail, text message, or  
23 otherwise that the registrant LICENSEE will perform any act prohibited by  
24 this article 225; or

25 (n) (I) Failing to notify the director, as required by section  
26 12-30-108 (1), of a physical illness, physical condition, or behavioral,  
27 mental health, or substance use disorder that renders the registrant  
28 LICENSEE unable, or limits the registrant's LICENSEE'S ability, to practice  
29 direct-entry midwifery with reasonable skill and safety to the client;

30 (II) Failing to act within the limitations created by a physical  
31 illness, physical condition, or behavioral, mental health, or substance use  
32 disorder that renders the registrant LICENSEE unable to practice  
33 direct-entry midwifery with reasonable skill and safety or that may  
34 endanger the health or safety of persons under the registrant's LICENSEE'S  
35 care; or

36 (4) Any proceeding to deny, suspend, or revoke a registration  
37 LICENSE or place a registrant LICENSEE on probation shall be conducted  
38 pursuant to sections 12-20-403, 24-4-104, and 24-4-105. Section  
39 12-20-408 governs judicial review of any final decision of the director.

40 (5) The director may accept as prima facie evidence of grounds  
41 for disciplinary action any disciplinary action taken against a registrant  
42 LICENSEE by another jurisdiction if the violation that prompted the  
43 disciplinary action would be grounds for disciplinary action under this

1 article 225.

2 (7) The director may issue and send a letter of admonition to a  
3 ~~registrant~~ LICENSEE under the circumstances specified in and in  
4 accordance with section 12-20-404 (4).

5 (8) The director may send a confidential letter of concern to a  
6 ~~registrant~~ LICENSEE under the circumstances specified in section  
7 12-20-404 (5).

8 **SECTION 11.** In Colorado Revised Statutes, **amend** 12-225-110  
9 as follows:

10 **12-225-110. Unauthorized practice - penalties.** Any person who  
11 practices or offers or attempts to practice direct-entry midwifery without  
12 an active ~~registration~~ LICENSE issued under this article 225 is subject to  
13 penalties pursuant to section 12-20-407 (1)(a).

14 **SECTION 12.** In Colorado Revised Statutes, **amend** 12-225-112  
15 as follows:

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

33 (2) If the director finds that liability insurance is available at an  
34 affordable price, ~~registrants~~ THE DIRECTOR shall ~~be required~~ REQUIRE  
35 LICENSEES to carry liability insurance.

36 **SECTION 13.** In Colorado Revised Statutes, 12-240-107, **amend**  
37 (1)(f)(II)(A) as follows:

38 **12-240-107. Practice of medicine defined - exemptions from**  
39 **licensing requirements - unauthorized practice by physician**  
40 **assistants and anesthesiologist assistants - penalties - definitions -**  
41 **rules - repeal.** (1) For the purpose of this article 240, "practice of  
42 medicine" means:

43 (f) The practice of midwifery, except:



1 (II) (A) Services rendered by a person properly ~~registered~~  
2 LICENSED as a direct-entry midwife and practicing in accordance with  
3 article 225 of this title 12.

4 **SECTION 14.** In Colorado Revised Statutes, 13-21-115.5,  
5 **amend** (3)(c)(II)(C) as follows:

6 **13-21-115.5. Volunteer service act - immunity - exception for**  
7 **operation of motor vehicles - short title - legislative declaration -**  
8 **definitions.** (3) As used in this section, unless the context otherwise  
9 requires:

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

11 (C) A ~~registered~~ LICENSED direct-entry midwife governed by  
12 article 225 of title 12 performing the practice of direct-entry midwifery,  
13 as defined in section 12-225-103 (3), as a volunteer for a nonprofit  
14 organization, a nonprofit corporation, a governmental entity, or a hospital;

15 **SECTION 15. Effective date.** This act takes effect September 1,  
16 2021.

17 **SECTION 16. Safety clause.** The general assembly hereby finds,  
18 determines, and declares that this act is necessary for the immediate  
19 preservation of the public peace, health, or safety."

20 Page 1, line 105, strike "AGENCIES." and substitute "AGENCIES AND  
21 CHANGING THE REGULATION FROM REGISTRATION TO LICENSURE.".

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