

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 17, 2011

Date

Committee on Health and Human Services.

After consideration on the merits, the Committee recommends the following:

SB11-088 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 5, line 13, strike "USE OR".
- 2 Page 5, strike line 14 and substitute "OBTAIN AND ADMINISTER."
- 3 Page 7, strike line 24 and substitute "amended, and the said 12-37-104 (1)
- 4 is further amended BY THE ADDITION OF THE FOLLOWING NEW
- 5 PARAGRAPHS, to read:"
- 6 Page 8, after line 11 insert:
  - 7 (g) A STATEMENT INDICATING WHETHER OR NOT THE
  - 8 DIRECT-ENTRY MIDWIFE WILL ADMINISTER VITAMIN K TO THE CLIENT'S
  - 9 NEWBORN INFANT AND, IF NOT, A LIST OF QUALIFIED HEALTH CARE
  - 10 PRACTITIONERS WHO CAN PROVIDE THAT SERVICE;
  - 11 (h) A STATEMENT INDICATING WHETHER OR NOT THE
  - 12 DIRECT-ENTRY MIDWIFE WILL ADMINISTER RHO(D) IMMUNE GLOBULIN TO
  - 13 THE CLIENT IF SHE IS DETERMINED TO BE RH-NEGATIVE AND, IF NOT, A LIST
  - 14 OF QUALIFIED HEALTH CARE PRACTITIONERS WHO CAN PROVIDE THAT
  - 15 SERVICE; AND
  - 16 (i) A STATEMENT INDICATING WHETHER OR NOT THE
  - 17 DIRECT-ENTRY MIDWIFE WILL PERFORM SUTURING OF PERINEAL TEARS
  - 18 AND, IF SO, WHAT TRAINING THE DIRECT-ENTRY MIDWIFE HAS HAD IN
  - 19 PERFORMING THE SERVICE, THE NUMBER OF CLIENTS FOR WHOM HE OR SHE
  - 20 HAS DONE SO, AND THE RISKS OF HAVING PERINEAL TEARS SUTURED

1 OUTSIDE OF A HOSPITAL OR OTHER MEDICAL FACILITY."

2 Page 8, line 17, before "(5) (a) (III) (D)," insert "(5) (a) (III) (C),".

3 Page 8, line 18, after "(6)," insert "(7),".

4 Page 9, after line 7 insert:

5 "(C) A DESCRIPTION OF the available alternatives to direct-entry  
6 midwifery care, INCLUDING A STATEMENT THAT THE CLIENT  
7 UNDERSTANDS SHE IS NOT RETAINING A CERTIFIED NURSE MIDWIFE OR A  
8 NURSE MIDWIFE;"

9 Page 10, after line 5 insert:

10 "(7) A direct-entry midwife shall prepare and transmit appropriate  
11 specimens for newborn screening in accordance with section 25-4-1004,  
12 C.R.S., AND SHALL REFER EVERY NEWBORN CHILD FOR EVALUATION,  
13 WITHIN SEVEN DAYS AFTER BIRTH, TO A LICENSED HEALTH CARE PROVIDER  
14 WITH EXPERTISE IN PEDIATRIC CARE."

15 Page 11, strike lines 2 through 27.

16 Page 12, strike lines 1 through 8 and substitute:

17 "**12-37-105.5. Limited use of certain medications - limited use**  
18 **of sutures - limited administration of intravenous fluids - emergency**  
19 **medical procedures - legislative declaration - rules.** (1) A  
20 REGISTRANT MAY OBTAIN PRESCRIPTION MEDICATIONS TO TREAT  
21 CONDITIONS SPECIFIED IN THIS SECTION FROM A REGISTERED PRESCRIPTION  
22 DRUG OUTLET, REGISTERED MANUFACTURER, OR REGISTERED  
23 WHOLESALER. AN ENTITY THAT PROVIDES A PRESCRIPTION MEDICATION  
24 TO A REGISTRANT IN ACCORDANCE WITH THIS SECTION, AND WHO RELIES  
25 IN GOOD FAITH UPON THE REGISTRATION INFORMATION PROVIDED BY THE  
26 REGISTRANT, IS NOT SUBJECT TO LIABILITY FOR PROVIDING THE  
27 MEDICATION.

28 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS  
29 SECTION, A REGISTRANT MAY OBTAIN AND ADMINISTER:

30 (a) VITAMIN K TO NEWBORNS BY INTRAMUSCULAR INJECTION;

31 (b) RHO(D) IMMUNE GLOBULIN TO RH-NEGATIVE MOTHERS BY  
32 INTRAMUSCULAR INJECTION;

1 (c) POSTPARTUM ANTIHEMORRHAGIC DRUGS TO MOTHERS;  
2 (d) EYE PROPHYLAXIS, APPROVED PURSUANT TO SECTION  
3 25-4-303, C.R.S., TO NEWBORNS; AND  
4 (e) SUTURING MATERIALS AND LOCAL ANESTHETIC FOR MINOR  
5 SUTURING IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.  
6 (3) (a) IF A CLIENT REFUSES A MEDICATION LISTED IN PARAGRAPH  
7 (a) OR (b) OF SUBSECTION (2) OF THIS SECTION, THE REGISTRANT SHALL  
8 PROVIDE THE CLIENT WITH AN INFORMED CONSENT FORM CONTAINING A  
9 DETAILED STATEMENT OF THE BENEFITS OF THE MEDICATION AND THE  
10 RISKS OF REFUSAL, AND SHALL RETAIN A COPY OF THE FORM  
11 ACKNOWLEDGED AND SIGNED BY THE CLIENT.  
12 (b) IF A CLIENT EXPERIENCES UNCONTROLLABLE POSTPARTUM  
13 HEMORRHAGE AND REFUSES TREATMENT WITH ANTIHEMORRHAGIC DRUGS,  
14 THE REGISTRANT SHALL IMMEDIATELY INITIATE THE TRANSPORTATION OF  
15 THE CLIENT IN ACCORDANCE WITH THE EMERGENCY PLAN.  
16 (4) A REGISTRANT MAY EMPLOY SUTURES FOR THE LIMITED  
17 PURPOSE OF REPAIRING PERINEAL TEARS AND MAY ADMINISTER LOCAL  
18 ANESTHETIC IN CONNECTION WITH THE PROCEDURE.  
19 (5) A REGISTRANT SHALL, AS PART OF THE EMERGENCY MEDICAL  
20 PLAN REQUIRED BY SECTION 12-37-105 (6), INFORM THE CLIENT THAT:  
21 (a) IF SHE EXPERIENCES UNCONTROLLABLE POSTPARTUM  
22 HEMORRHAGE, THE REGISTRANT IS REQUIRED BY COLORADO LAW TO  
23 INITIATE EMERGENCY MEDICAL TREATMENT, WHICH MAY INCLUDE THE  
24 ADMINISTRATION OF AN ANTIHEMORRHAGIC DRUG BY THE REGISTRANT TO  
25 MITIGATE THE POSTPARTUM HEMORRHAGING WHILE INITIATING THE  
26 IMMEDIATE TRANSPORTATION OF THE CLIENT IN ACCORDANCE WITH THE  
27 EMERGENCY PLAN.  
28 (b) IF SHE EXPERIENCES POSTPARTUM HEMORRHAGE, THE  
29 REGISTRANT IS PREPARED AND EQUIPPED TO ADMINISTER INTRAVENOUS  
30 FLUIDS TO RESTORE VOLUME LOST DUE TO EXCESSIVE BLEEDING.  
31 (c) IF SHE EXPERIENCES PERINEAL TEARING, THE REGISTRANT IS  
32 PREPARED AND EQUIPPED TO EMPLOY SUTURES AND ADMINISTER LOCAL  
33 ANESTHETIC TO REPAIR THE TEARS OR, UNDER CIRCUMSTANCES TO BE  
34 DETERMINED BY THE CLIENT IN ADVANCE, WILL INITIATE THE  
35 TRANSPORTATION OF THE CLIENT TO A HOSPITAL OR OTHER MEDICAL  
36 FACILITY FOR SUTURING.  
37 (6) THE DIRECTOR SHALL PROMULGATE RULES TO IMPLEMENT THIS  
38 SECTION. IN PROMULGATING SUCH RULES, THE DIRECTOR SHALL SEEK THE  
39 ADVICE OF KNOWLEDGEABLE MEDICAL PROFESSIONALS TO SET STANDARDS  
40 FOR EDUCATION, TRAINING, AND ADMINISTRATION THAT REFLECT  
41 CURRENT GENERALLY ACCEPTED PROFESSIONAL STANDARDS FOR THE SAFE

1 ANDEFFECTIVE USE OF THE MEDICATIONS, METHODS OF ADMINISTRATION,  
2 AND PROCEDURES DESCRIBED IN THIS SECTION. THE DIRECTOR SHALL  
3 ESTABLISH A PREFERRED DRUG LIST THAT DISPLAYS THE MEDICATIONS  
4 THAT A REGISTRANT CAN OBTAIN."

5 Page 17, line 20, strike "12-37-109 (1) (a) and (3)," and substitute  
6 "12-37-109,".

7 Page 17, line 21, strike "are" and substitute "is".

8 Page 17, strike lines 22 through 27.

9 Page 18, strike lines 1 through 18 and substitute:

10 **"12-37-109. Assumption of risk - no vicarious liability -**  
11 **legislative declaration.** (1) (a) ~~The general assembly hereby finds,~~  
12 ~~determines, and declares that the authority granted in this article for the~~  
13 ~~provision of unlicensed midwifery services does not constitute an~~  
14 ~~endorsement of such practices, and that it is incumbent upon the~~  
15 ~~individual seeking such services to ascertain the qualifications of the~~  
16 ~~registrant direct-entry midwife. It is the policy of this state that~~  
17 ~~registrants shall be liable for their acts or omissions in the performance~~  
18 ~~of the services that they provide, and that no licensed physician, nurse,~~  
19 ~~prehospital emergency medical personnel, or health care institution shall~~  
20 ~~be liable for any act or omission resulting from the administration of~~  
21 ~~services by any registrant. The provisions of This subsection (1) shall~~  
22 ~~DOES not relieve any physician, nurse, prehospital emergency personnel,~~  
23 ~~or health care institution from liability for any willful and wanton act or~~  
24 ~~omission or any act or omission constituting gross negligence, or under~~  
25 ~~circumstances where a registrant has a business or supervised relationship~~  
26 ~~with any such physician, nurse, prehospital emergency personnel, or~~  
27 ~~health care institution. A physician, nurse, prehospital emergency~~  
28 ~~personnel, or health care institution may provide consultation or~~  
29 ~~education to the registrant without establishing a business or supervisory~~  
30 ~~relationship, AND IS ENCOURAGED TO ACCEPT REFERRALS FROM~~  
31 ~~REGISTRANTS PURSUANT TO THIS ARTICLE.~~

32 (b) ~~The general assembly further finds, determines, and declares~~  
33 ~~that the limitation on liability provided in section 13-64-302, C.R.S., is~~  
34 ~~predicated upon full licensure, discipline, and regulatory oversight and~~  
35 ~~that the practice of unlicensed midwifery by registrants pursuant to this~~  
36 ~~article is authorized as an alternative to such full licensure, discipline, and~~

1 regulatory oversight and is therefore not subject to the limitations  
2 provided in section 13-64-302, C.R.S.

3 (2) Nothing in this article shall be construed to indicate or imply  
4 that a registrant providing services under this article is a licensed health  
5 care provider for the purposes of reimbursement by any health insurer,  
6 third party payer, or governmental health care program."

7 Page 19, strike lines 13 through 20 and substitute:

8 "SECTION 15. **Effective date.** This act shall take effect July 1,  
9 2011.

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

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