

REVISED FISCAL IMPACT

(replaces fiscal note dated March 30, 2011)

Drafting Number: LLS 11-0109

Date: April 13, 2011

Prime Sponsor(s): Sen. Carroll; Lundberg
Rep. Acree

Bill Status: House Judiciary

Fiscal Analyst: Clare Pramuk (303-866-2677)

TITLE: CONCERNING THE REGULATION OF DIRECT-ENTRY MIDWIVES, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE SUNSET REVIEW RECOMMENDATIONS OF THE DEPARTMENT OF REGULATORY AGENCIES, AND MAKING AN APPROPRIATION.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue		
Cash Funds		
Division of Registrations Cash Fund	\$5,880	\$45,054
State Expenditures		
Cash Funds		
Division of Registrations Cash Fund	\$5,859	\$45,054
FTE Position Change		0.3 FTE
Effective Date: July 1, 2011.		
Appropriation Summary for FY 2011-2012: See State Appropriations section.		
Local Government Impact: None.		

Summary of Legislation

As amended by the House Committee on Health and Environment, the bill implements the recommendations of the 2010 sunset review and continues the regulation of direct-entry midwives in the Division of Registrations in the Department of Regulatory Agencies (DORA) until September 1, 2016. The bill broadens the scope of practice for direct-entry midwives to include limited prescriptive authority to obtain and administer vitamin K, immune globulin and antihemorrhagic drugs. It also authorizes the administration of intravenous fluids. The bill expands the mandatory disclosures for direct-entry midwives to address the new authorities, informed consent, and emergency procedures. When renewing their registration, the bill requires that direct-entry midwives report any perinatal deaths that occurred under their care including the cause of death and a description of the circumstances. Finally, the bill clarifies the distinction between serious and less serious violations, and requires the director of the division to establish a fine schedule and the circumstances under which fines may be imposed.

Fiscal impact of programs set to expire. This bill continues a program in the Division of Registrations in the DORA that is set to repeal, effective July 1, 2011. Under current law, state agencies may be appropriated funds to wind up the affairs of an expiring program for 12 months following the repeal date. To account for the wind-up period, the impact of extending the program beyond the current repeal date is shown as beginning in FY 2012-13, one year after the repeal date. There is no need for an appropriation of the division's base funding in FY 2011-12, since the program's authorization has not yet expired, and ongoing funding for the program is included in the department's base budget request for FY 2011-12.

The state revenue and state expenditures impact for FY 2012-13 reflect the program's anticipated fee revenue and base budget request. The DORA's request for the regulation of direct-entry midwives in FY 2012-13 is \$45,054 and 0.3 FTE. The anticipated revenue is \$45,054.

Background

A direct-entry midwife is a health care provider who cares for pregnant women and their babies. The direct-entry midwife does not necessarily have training in nursing. To be registered in Colorado under current law, an applicant must have graduated from an accredited direct-entry midwifery program or have equivalent education and must pass a national examination. In Colorado, direct-entry midwives attend only home births.

State Revenue

This bill increases revenue by \$5,880 in FY 2011-12 from fees to the Division of Registrations Cash Fund.

Fee impact on direct-entry midwives. Section 2-2-322, C.R.S., requires legislative service agency review of measures that create or increase any fee collected by a state agency. The fiscal note assumes that 17 new direct-entry midwives will apply for both new authorities resulting in an increase of \$1,190. For renewals, the fiscal note assumes that all current direct-entry midwives will apply for both authorities, resulting in an increase of \$4,690. Table 1 identifies the fee impact of this bill.

Type of Fee	Current Fee	Proposed Fee	Fee Change per authority	Number Affected	Total Fee Impact
Original Registration	\$200	\$235	\$35	17	\$1,190
Renewal	479	514	35	67	4,690
TOTAL					\$5,880

State Expenditures

This bill increases expenditures by \$5,859 in FY 2011-12 from the Division of Registrations Cash Fund for the Division of Registrations in the DORA. To implement the new authorities and establish a fine schedule, the division requires legal services of \$4,109 for new rules and procedures. Temporary paralegal services of \$1,750 are required to assist in researching and developing rules for the education requirements for the new authorities.

Cost Components	FY 2011-12
Temporary Paralegal Services	\$1,750
Legal Services	4,109
TOTAL	\$5,859

State Appropriations

For FY 2011-12, the Division of Registrations requires an appropriation of \$5,859 from the Division of Registrations Cash Fund. Of this, \$4,109 is reappropriated to the Department of Law.

Departments Contacted

Regulatory Agencies