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2001



SENATE BILL 01-118

BY SENATOR(S) Hernandez, Epps, Hagedorn, Hanna, Owen, Reeves, and Tate;
also REPRESENTATIVE(S) Mace, Borodkin, Boyd, Chavez, Cloer, Coleman, Jahn, Marshall, Plant, Saliman, Tapia, and Williams S.

CONCERNING THE REGULATION OF DIRECT-ENTRY MIDWIVES, AND, IN CONNECTION THEREWITH, CONTINUING THE REGULATION OF DIRECT-ENTRY MIDWIVES BY THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

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

SECTION 1. 12-36-106 (1) (f) (II) (B), Colorado Revised Statutes, is amended to read:

12-36-106. Practice of medicine defined - exemptions from licensing requirements - repeal. (1) For the purpose of this article, "practice of medicine" means:

(f) The practice of midwifery, except:

(II) (B) This subparagraph (II) is repealed, effective July 1, ~~2001~~ 2011.

Capital letters indicate new material added to existing statute; dashes through the words indicate deletions from existing statutes and such material not part of act.

SECTION 2. 12-37-101 (1), Colorado Revised Statutes, is amended to read:

12-37-101. Scope of article - exemptions. (1) The provisions of this article shall apply only to direct-entry midwives, also known as "lay" midwives, and shall not apply to those persons who are otherwise licensed by the state of Colorado under this title if the practice of midwifery is within the scope of such licensure. No person who is a licensed ~~health care provider under any other article of this title~~ PROFESSIONAL OR PRACTICAL NURSE AS PROVIDED IN ARTICLE 38 OF THIS TITLE OR A PHYSICIAN AS PROVIDED IN ARTICLE 36 OF THIS TITLE shall simultaneously be so licensed and also be registered under this article. ~~but a health care provider who is registered under article 29.5 of this title may also be registered under this article.~~ A licensed ~~health care provider~~ PROFESSIONAL OR PRACTICAL NURSE AS PROVIDED IN ARTICLE 38 OF THIS TITLE OR PHYSICIAN AS PROVIDED IN ARTICLE 36 OF THIS TITLE who holds a license in good standing may relinquish said license and subsequently be registered under this article. It is the intent of the general assembly that health care be provided pursuant to this article as an alternative to traditional licensed health care and not for the purpose of enabling providers of traditional licensed health care to circumvent the regulatory oversight to which they are otherwise subject under any other article of this title.

SECTION 3. 12-37-102 (1), Colorado Revised Statutes, is amended to read:

12-37-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Direct-entry midwife" means a person who practices traditional, direct-entry midwifery as defined in subsection (2) of this section. ~~for compensation.~~

SECTION 4. 12-37-103 (5) (d) and (5) (e), Colorado Revised Statutes, are amended, and the said 12-37-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-37-103. Requirement for registration with the division of registrations - annual fee - grounds for revocation - repeal. (5) To

qualify to register, a direct-entry midwife shall have successfully completed an examination evaluated and approved by the director as an appropriate test to measure competency in the practice of direct-entry midwifery, which examination shall have been developed by a person or entity other than the director or the division and the acquisition of which shall require no expenditure of state funds. The national registry examination administered by the midwives' alliance of North America, incorporated, shall be among those evaluated by the director. The director is authorized to approve any existing test meeting all the criteria set forth in this subsection (5). In addition to successfully completing such examination, a direct-entry midwife shall be deemed qualified to register if such person has:

(d) ~~Acquired practical experience in a home setting, including, at a minimum, apprenticeship providing~~ experience with the conduct of one hundred prenatal examinations on no fewer than thirty different women and observation of thirty births;

(e) ~~Following completion of the education, training, and experience enumerated in paragraphs (a) to (d) of this subsection (5), supervised participation~~ PARTICIPATED as the ~~primary~~ A birth attendant, including rendering care from the prenatal period through the postpartum period, in connection with no less than thirty births; and

(6) EFFECTIVE JULY 1, 2003, IN ORDER TO BE DEEMED QUALIFIED TO REGISTER, A DIRECT-ENTRY MIDWIFE SHALL HAVE GRADUATED FROM AN ACCREDITED MIDWIFERY EDUCATIONAL PROGRAM OR OBTAINED A SUBSTANTIALLY EQUIVALENT EDUCATION APPROVED BY THE DIRECTOR. SUCH EDUCATIONAL REQUIREMENT SHALL NOT APPLY TO DIRECT-ENTRY MIDWIVES WHO HAVE REGISTERED WITH THE DIVISION OF REGISTRATIONS BEFORE JULY 1, 2003.

SECTION 5. 12-37-105, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-37-105. Prohibited acts - practice standards - informed consent - emergency plan - risk assessment - referral. (14) A DIRECT-ENTRY MIDWIFE IS PROHIBITED FROM PRACTICING BEYOND THE SCOPE OF EDUCATION AND TRAINING OR FROM PRACTICING WITH A MENTAL OR PHYSICAL IMPAIRMENT SUFFICIENT TO RENDER THE REGISTRANT UNABLE TO PERFORM MIDWIFERY SERVICES WITH REASONABLE SKILL AND WITH

SAFETY TO THE PATIENT.

SECTION 6. 12-37-107 (3) (f) and (4), Colorado Revised Statutes, are amended to read:

12-37-107. Disciplinary action authorized - grounds for discipline. (3) The director has the power to deny, revoke, or suspend any registration or to issue a letter of admonition or place a registrant on probation for any of the following acts or omissions:

(f) Has had a license or registration to practice direct-entry midwifery or any other health care occupation suspended or revoked in any jurisdiction. ~~A certified copy of the order of suspension or revocation shall be prima facie evidence of such suspension or revocation.~~

(4) Any proceeding to deny, suspend, or revoke a registration or place a registrant on probation shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S. Such proceeding may be conducted by an administrative law judge designated pursuant to part 10 of article 30 of title 24, C.R.S. ANY FINAL DECISION OF THE DIRECTOR SHALL BE SUBJECT TO JUDICIAL REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11), C.R.S.

SECTION 7. 12-37-110, Colorado Revised Statutes, is amended to read:

12-37-110. Repeal of article. (1) This article is repealed, effective July 1, 2001 2011.

(2) Prior to such repeal, the registering of direct-entry midwives by the division of registrations shall be reviewed as provided in section 24-34-104, C.R.S.

SECTION 8. 13-4-102 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

13-4-102. Jurisdiction. (2) The court of appeals shall have initial jurisdiction to:

(ii) REVIEW ALL FINAL ACTIONS AND ORDERS APPROPRIATE FOR

JUDICIAL REVIEW OF THE DIRECTOR OF THE DIVISION OF REGISTRATIONS AS PROVIDED IN SECTION 12-37-107 (4), C.R.S.

SECTION 9. Repeal. 24-34-104 (30) (a) (V), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (30) (a) The following functions of the specified agency shall terminate on July 1, 2001:

(V) ~~The registration of direct-entry midwives by the division of registrations in accordance with article 37 of title 12, C.R.S.;~~

SECTION 10. 24-34-104 (42), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (42) The following agencies, functions, or both, shall terminate on July 1, 2011:

(d) THE REGISTRATION OF DIRECT-ENTRY MIDWIVES BY THE DIVISION OF REGISTRATIONS IN ACCORDANCE WITH ARTICLE 37 OF TITLE 12, C.R.S.

SECTION 11. Safety clause. The general assembly hereby finds,

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

Stan Matsunaka
PRESIDENT OF
THE SENATE

Doug Dean
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO