

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 23-167

BY SENATOR(S) Winter F. and Will, Cutter, Exum, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Kolker, Marchman, Priola, Fenberg;  
also REPRESENTATIVE(S) Garcia and Lindsay, Amabile, Bacon, Bird, Boesenecker, Brown, Dickson, Duran, English, Epps, Froelich, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Lieder, Lindstedt, Mabrey, Marshall, McCormick, Michaelson Jenet, Ortiz, Parenti, Ricks, Sharbini, Sirota, Snyder, Story, Titone, Valdez, Velasco, Vigil, Weinberg, Winter T., Woodrow, Young, McCluskie.

CONCERNING THE REGULATION OF CERTIFIED MIDWIVES BY THE STATE BOARD OF NURSING, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, 12-255-102, **amend** (1) as follows:

**12-255-102. Legislative declaration.** (1) The general assembly hereby declares it to be the policy of this state that, in order to safeguard the life, health, property, and public welfare of the people of this state and in order to protect the people of this state from the unauthorized, unqualified,

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

and improper application of services by individuals in the practice of nursing AND THE PRACTICE AS A CERTIFIED MIDWIFE, it is necessary that a proper regulatory authority be established. The general assembly further declares it to be the policy of this state to regulate the practice of nursing AND THE PRACTICE AS A CERTIFIED MIDWIFE through a state agency with the power to enforce this article 255.

**SECTION 2.** In Colorado Revised Statutes, 12-255-104, **amend** (4.5) and (13); and **add** (3.2) and (7.5) as follows:

**12-255-104. Definitions.** As used in this article 255, unless the context otherwise requires:

(3.2) "CERTIFIED MIDWIFE" MEANS AN INDIVIDUAL WHO MEETS THE QUALIFICATIONS FOR PRACTICE AS A CERTIFIED MIDWIFE, AS SPECIFIED IN THIS PART 1 AND BY THE AMERICAN MIDWIFERY CERTIFICATION BOARD, OR ITS SUCCESSOR ENTITY, AND WHO IS CURRENTLY LICENSED BY THE BOARD. ONLY AN INDIVIDUAL WHO HOLDS A LICENSE TO PRACTICE AS A CERTIFIED MIDWIFE IN THIS STATE PURSUANT TO THIS PART 1 HAS THE RIGHT TO USE THE TITLE "CERTIFIED MIDWIFE" AND ITS ABBREVIATION "C.M."

(4.5) (a) "Delegation of patient care" means aspects of patient care that are consistent with a plan of patient care prescribed by a licensed health care provider within the scope of the provider's practice and that may be delegated to a registered nurse or licensed practical nurse within the scope of the nurse's practice. "Delegation of patient care" includes aspects of patient care that may be delegated by a licensed health care provider within the scope of the provider's practice and within the provider's professional judgment to a licensed or an unlicensed health care provider within the scope of that provider's practice. Nothing in this subsection (4.5) limits or expands the scope of practice of any nurse OR CERTIFIED MIDWIFE licensed pursuant to this article 255.

(b) ~~For purposes of~~ AS USED IN this subsection (4.5), "plan of patient care" means a written plan, verbal order, standing order, or protocol, whether patient specific or not, that authorizes specific or discretionary nursing OR CERTIFIED MIDWIFE action and that may include the administration of medication.

(7.5) "PRACTICE AS A CERTIFIED MIDWIFE" MEANS THE

PERFORMANCE OF SERVICES REQUIRING THE EDUCATION, TRAINING, AND SKILLS SPECIFIED BY THE AMERICAN MIDWIFERY CERTIFICATION BOARD, OR ITS SUCCESSOR ENTITY, FOR MIDWIFE CERTIFICATION FROM THAT ENTITY.

(13) "Unauthorized practice", for purposes of this part 1, means:

(a) The practice of practical nursing or the practice of professional nursing by any ~~person~~ INDIVIDUAL:

~~(a)~~ (I) Who has not been issued a license under this part 1;

~~(b)~~ (II) Who is not practicing in this state pursuant to section 24-60-3802; or

~~(c)~~ (III) Whose license has been suspended or revoked or has expired; OR

(b) THE PRACTICE AS A CERTIFIED MIDWIFE BY ANY INDIVIDUAL WHO HAS NOT BEEN ISSUED A LICENSE UNDER THIS PART 1 OR WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED OR HAS EXPIRED.

**SECTION 3.** In Colorado Revised Statutes, 12-255-105, **amend** (1)(a) introductory portion, (1)(a)(II) introductory portion, and (1)(a)(II)(D); and **add** (1)(a)(II.5) as follows:

**12-255-105. State board of nursing created - removal of board members - meetings of board.** (1) (a) There is created the state board of nursing in the division, which is a **type 1** entity, as defined in section 24-1-105. The board consists of ~~eleven~~ TWELVE members who are residents of this state, appointed by the governor as follows:

(II) Seven members of the board ~~shall be~~ WHO ARE licensed professional nurses, who are actively employed in their respective nursing professions, ~~and~~ WHO ARE licensed in this state, ~~The professional nurse members shall~~ AND WHO have been employed for at least three years in their respective categories. Members shall be as follows:

(D) One member ~~shall be~~ WHO IS registered as an advanced practice registered nurse pursuant to section 12-255-111; EXCEPT THAT THE MEMBER APPOINTED PURSUANT TO THIS SUBSECTION (1)(a)(II)(D) MUST NOT BE A

CERTIFIED NURSE MIDWIFE;

(II.5) ONE MEMBER OF THE BOARD WHO IS A CERTIFIED MIDWIFE OR AN ADVANCED PRACTICE REGISTERED NURSE WHO IS A CERTIFIED NURSE MIDWIFE;

**SECTION 4.** In Colorado Revised Statutes, 12-255-107, **amend** (1)(b)(I)(A), (1)(b)(I)(B), and (1)(h) as follows:

**12-255-107. Powers and duties of the board - rules - definition.**

(1) The board has the following powers and duties:

(b) (I) (A) To examine, license, certify, reactivate, and renew licenses or certifications of qualified applicants, and to grant to the applicants temporary licenses and permits, to engage in the practice of practical nursing and professional nursing, THE PRACTICE AS A CERTIFIED MIDWIFE, or the practice of a nurse aide, as applicable, in this state within the limitations imposed by this article 255. Licenses and certifications issued pursuant to this article 255 are subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2).

(B) The director may increase fees to obtain or renew a professional nurse license, ~~or~~ AN advanced practice registered nurse authority, OR A CERTIFIED MIDWIFE LICENSE under this part 1 consistent with section 12-30-105 (4) to fund the division's costs in administering and staffing the nurse-physician advisory task force for Colorado health care created in section 12-30-105 (1).

(h) To investigate and conduct hearings upon charges for the discipline of nurses, CERTIFIED MIDWIVES, and nurse aides in accordance with article 4 of title 24 and section 12-20-403 and to impose disciplinary sanctions as provided in this article 255 and section 12-20-404;

**SECTION 5.** In Colorado Revised Statutes, **add** 12-255-111.5 as follows:

**12-255-111.5. Requirements for certified midwife licensure - license by endorsement - questionnaire - fees.** (1) ON AND AFTER JULY 1, 2024, THE BOARD SHALL ISSUE A LICENSE TO ENGAGE IN THE PRACTICE AS

A CERTIFIED MIDWIFE TO ANY APPLICANT WHO:

(a) SUBMITS AN APPLICATION CONTAINING INFORMATION THE BOARD MAY PRESCRIBE;

(b) SUBMITS PROOF SATISFACTORY TO THE BOARD, IN THE MANNER AND UPON THE FORMS THE BOARD MAY REQUIRE, TO SHOW THAT THE APPLICANT HAS OBTAINED AND MAINTAINS IN GOOD STANDING A MIDWIFE CERTIFICATION FROM THE AMERICAN MIDWIFERY CERTIFICATION BOARD OR ITS SUCCESSOR ENTITY;

(c) PAYS THE REQUIRED FEE; AND

(d) SUBMITS TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND MANNER AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

(2) (a) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, EACH APPLICANT MUST HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. IF AN APPROVED THIRD PARTY TAKES THE APPLICANT'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT. THE APPLICANT SHALL SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE DIRECTOR.

(b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (2) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE

BOARD SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

(3) THE BOARD MAY ISSUE A LICENSE BY ENDORSEMENT TO ENGAGE IN THE PRACTICE AS A CERTIFIED MIDWIFE IN THIS STATE TO AN APPLICANT WHO SATISFIES THE REQUIREMENTS OF THE OCCUPATIONAL CREDENTIAL PORTABILITY PROGRAM.

(4) (a) (I) THE BOARD SHALL DESIGN A QUESTIONNAIRE TO BE SENT TO ALL LICENSEES WHO APPLY FOR LICENSE RENEWAL. EACH APPLICANT FOR LICENSE RENEWAL SHALL COMPLETE THE BOARD-DESIGNED QUESTIONNAIRE. THE PURPOSE OF THE QUESTIONNAIRE IS TO DETERMINE WHETHER A LICENSEE HAS ACTED IN VIOLATION OF THIS PART 1 OR HAS BEEN DISCIPLINED FOR ANY ACTION THAT MIGHT BE CONSIDERED A VIOLATION OF THIS PART 1 OR THAT MIGHT MAKE THE LICENSEE UNFIT TO PRACTICE AS A CERTIFIED MIDWIFE WITH REASONABLE CARE AND SAFETY. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-30-111 AND IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a).

(II) IF AN APPLICANT FAILS TO ANSWER THE QUESTIONNAIRE ACCURATELY, THE FAILURE CONSTITUTES GROUNDS FOR DISCIPLINE UNDER SECTION 12-255-120 (1)(v).

(III) THE BOARD MAY INCLUDE THE COST OF DEVELOPING AND REVIEWING THE QUESTIONNAIRE IN THE FEE PAID UNDER SUBSECTION (1)(c) OF THIS SECTION.

(IV) THE BOARD MAY DENY AN APPLICATION FOR LICENSE RENEWAL THAT DOES NOT ACCOMPANY AN ACCURATELY COMPLETED QUESTIONNAIRE.

(b) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF A LICENSE, EACH LICENSEE SHALL ATTEST THAT THE LICENSEE IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE LICENSEE IS AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

(5) A CERTIFIED MIDWIFE WHO SATISFIES THE REQUIREMENTS OF SECTION 12-255-112 MAY BE GRANTED PRESCRIPTIVE AUTHORITY AS A FUNCTION IN ADDITION TO THOSE FUNCTIONS DESCRIBED IN SECTION 12-255-104 (7.5).

**SECTION 6.** In Colorado Revised Statutes, 12-255-112, **amend** (1), (3), (4)(b) introductory portion, (4)(b)(I)(A), (4)(b)(I)(D), (4)(b)(I)(E), (4)(b)(III), (4)(b)(IV), (4)(d), (5), (6), (7), (9), (10), (11), and (12); **repeal** (4)(f); and **add** (4)(a.5) and (4)(b)(V) as follows:

**12-255-112. Prescriptive authority - advanced practice registered nurses - certified midwives - limits on prescriptions - rules - financial benefit for prescribing prohibited.** (1) The board may authorize THE FOLLOWING LICENSEES TO PRESCRIBE CONTROLLED SUBSTANCES OR PRESCRIPTION DRUGS, AS THOSE TERMS ARE DEFINED IN SECTION 12-280-103:

(a) An advanced practice registered nurse who is listed on the advanced practice registry, WHO has a license in good standing without disciplinary sanctions issued pursuant to section 12-255-110, and WHO has fulfilled THE REQUIREMENTS OF THIS SECTION AND requirements established by the board pursuant to this section; ~~to prescribe controlled substances or prescription drugs as defined in section 12-280-103.~~ OR

(b) A CERTIFIED MIDWIFE WHO HAS A LICENSE ISSUED PURSUANT TO SECTION 12-255-111.5 THAT IS IN GOOD STANDING WITHOUT DISCIPLINARY SANCTIONS AND WHO HAS FULFILLED THE REQUIREMENTS OF THIS SECTION AND REQUIREMENTS ESTABLISHED BY THE BOARD PURSUANT TO THIS SECTION.

(3) (a) An advanced practice registered nurse OR A CERTIFIED MIDWIFE may be granted authority to prescribe prescription drugs and controlled substances to provide treatment to clients within the role and population focus of the advanced practice registered nurse OR CERTIFIED MIDWIFE, AS APPLICABLE.

(b) (I) An advanced practice registered nurse OR A CERTIFIED MIDWIFE who has been granted authority to prescribe prescription drugs and controlled substances under this part 1 may advise the nurse's OR CERTIFIED MIDWIFE'S patients of their option to have the symptom or purpose for which a prescription is being issued included on the prescription order.

(II) A nurse's OR CERTIFIED MIDWIFE'S failure to advise a patient under subsection (3)(b)(I) of this section is neither:

(A) Grounds for any disciplinary action against the nurse's OR CERTIFIED MIDWIFE'S professional license issued under this part 1; nor

(B) Grounds for any civil action against a nurse OR CERTIFIED MIDWIFE in a negligence or tort action; nor

(C) Evidence in any civil action against a nurse OR CERTIFIED MIDWIFE.

(4) (a.5) A CERTIFIED MIDWIFE APPLYING FOR PRESCRIPTIVE AUTHORITY SHALL PROVIDE EVIDENCE TO THE BOARD THAT THE CERTIFIED MIDWIFE HAS OBTAINED AND MAINTAINS:

(I) A MIDWIFE CERTIFICATION IN GOOD STANDING FROM THE AMERICAN MIDWIFERY CERTIFICATION BOARD OR ITS SUCCESSOR ENTITY; AND

(II) PROFESSIONAL LIABILITY INSURANCE AS REQUIRED BY SECTION 12-255-113.

~~(b) Upon satisfaction of the requirements set forth in subsection (4)(a) of this section,~~ The board may grant provisional prescriptive authority to an advanced practice registered nurse, UPON SATISFACTION OF THE REQUIREMENTS SET FORTH IN SUBSECTION (4)(a) OF THIS SECTION, OR TO A CERTIFIED MIDWIFE, UPON SATISFACTION OF THE REQUIREMENTS SET FORTH IN SUBSECTION (4)(a.5) OF THIS SECTION. The provisional prescriptive authority that is granted is limited to those patients and medications appropriate to the advanced practice registered nurse's OR CERTIFIED MIDWIFE'S role and population focus. In order to retain provisional prescriptive authority and obtain and retain full prescriptive authority pursuant to this subsection (4) for patients and medications appropriate for the advanced practice registered nurse's OR CERTIFIED MIDWIFE'S role and population focus, an advanced practice registered nurse OR A CERTIFIED MIDWIFE shall satisfy the following requirements:

(I) (A) Once the provisional prescriptive authority is granted, the advanced practice registered nurse OR CERTIFIED MIDWIFE must obtain seven hundred fifty hours of documented experience in a mutually structured prescribing mentorship either with a physician or with an advanced practice registered nurse OR A CERTIFIED MIDWIFE who has full prescriptive authority

and experience in prescribing medications. The mentor must be practicing in Colorado and have education, training, experience, and an active practice that corresponds with the role and population focus of the advanced practice registered nurse OR CERTIFIED MIDWIFE.

(D) Upon successful completion of the mentorship period, the mentor shall provide the mentor's signature and attestation to verify that the advanced practice registered nurse OR CERTIFIED MIDWIFE has successfully completed the mentorship within the required period after the provisional prescriptive authority was granted.

(E) If an advanced practice registered nurse OR A CERTIFIED MIDWIFE with provisional prescriptive authority fails to complete the mentorship required by this subsection (4)(b)(I) within three years or otherwise fails to demonstrate competence as determined by the board, the advanced practice registered nurse's OR CERTIFIED MIDWIFE'S provisional prescriptive authority expires for failure to comply with the statutory requirements.

(III) The advanced practice registered nurse OR CERTIFIED MIDWIFE shall maintain professional liability insurance as required by section 12-255-113.

(IV) The advanced practice registered nurse OR CERTIFIED MIDWIFE shall maintain national certification, as specified in subsection (4)(a)(III) OR (4)(a.5)(I) of this section, unless the board grants an exception.

(V) THE CERTIFIED MIDWIFE MUST COMPLETE AT LEAST THREE YEARS OF CLINICAL WORK EXPERIENCE AS A CERTIFIED MIDWIFE.

(d) In order to obtain provisional prescriptive authority and obtain and retain full prescriptive authority in this state, an advanced practice registered nurse OR A CERTIFIED MIDWIFE from another state must meet the requirements of this section or substantially equivalent requirements, as determined by the board.

~~(f) Once an advanced practice registered nurse obtains full prescriptive authority pursuant to this subsection (4), the advanced practice registered nurse is not required to maintain or update an articulated plan as described in subsection (4)(b)(II) or (4)(c)(I) of this section.~~

(5) An advanced practice registered nurse OR A CERTIFIED MIDWIFE who obtains prescriptive authority pursuant to this section shall be assigned a specific identifier by the state board of nursing. This identifier shall be available to the Colorado medical board and the state board of pharmacy. The state board of nursing shall establish a mechanism to assure that the prescriptive authority of an advanced practice registered nurse OR A CERTIFIED MIDWIFE may be readily verified.

(6) An advanced practice registered nurse OR A CERTIFIED MIDWIFE with prescriptive authority pursuant to this section is subject to the limitations on prescriptions specified in section 12-30-109.

(7) (a) The scope of practice for an advanced practice registered nurse OR A CERTIFIED MIDWIFE may be determined by the board in accordance with this part 1.

(b) The board may consider information provided by nursing, medical, MIDWIFERY, or other health professional organizations, associations, or regulatory boards.

(c) (I) Prescriptive authority by an advanced practice registered nurse ~~shall be~~ OR A CERTIFIED MIDWIFE IS limited to those patients appropriate to the nurse's OR CERTIFIED MIDWIFE'S scope of practice. Prescriptive authority may be limited or withdrawn and the advanced practice registered nurse OR CERTIFIED MIDWIFE may be subject to further disciplinary action in accordance with this part 1 if the nurse OR CERTIFIED MIDWIFE has prescribed outside the nurse's OR CERTIFIED MIDWIFE'S scope of practice or for other than a therapeutic purpose.

(II) Nothing in this section shall be construed to require a registered nurse OR CERTIFIED MIDWIFE to obtain prescriptive authority to deliver anesthesia care.

(9) Nothing in this section shall be construed to permit dispensing or distribution, as defined in section 12-280-103 (14) and (15), by an advanced practice registered nurse OR A CERTIFIED MIDWIFE, except for samples, under article 280 of this title 12 and the federal "Prescription Drug Marketing Act of 1987", Pub.L. 100-293, as amended.

(10) An advanced practice registered nurse registered pursuant to

section 12-255-111 OR A CERTIFIED MIDWIFE is not required to apply for or obtain prescriptive authority.

(11) Nothing in this section ~~shall limit~~ LIMITS:

(a) The practice of nursing by any nurse, including advanced practice registered nurses; OR

(b) THE PRACTICE AS A CERTIFIED MIDWIFE BY ANY CERTIFIED MIDWIFE.

(12) An advanced practice registered nurse OR A CERTIFIED MIDWIFE shall not accept any direct or indirect benefit from a pharmaceutical manufacturer or pharmaceutical representative for prescribing a specific medication to a patient. For the purposes of this section, a direct or indirect benefit does not include a benefit offered to an advanced practice registered nurse OR CERTIFIED MIDWIFE regardless of whether the specific medication is being prescribed.

**SECTION 7.** In Colorado Revised Statutes, **amend** 12-255-113 as follows:

**12-255-113. Professional liability insurance required - advanced practice registered nurses and certified midwives in independent practice - rules.** (1) It is unlawful for any advanced practice registered nurse OR CERTIFIED MIDWIFE engaged in an independent practice of professional nursing OR AS A CERTIFIED MIDWIFE to practice within the state of Colorado unless the advanced practice registered nurse OR CERTIFIED MIDWIFE purchases and maintains or is covered by professional liability insurance in an amount not less than five hundred thousand dollars per claim with an aggregate liability for all claims during the year of one million five hundred thousand dollars.

(2) Professional liability insurance required by this section ~~shall~~ MUST cover all acts within the scope of practice of an advanced practice registered nurse OR CERTIFIED MIDWIFE as ~~defined~~ DESCRIBED in this part 1.

(3) Notwithstanding the requirements of subsection (1) of this section, the board, by rule, may exempt or establish lesser liability insurance requirements for advanced practice registered nurses OR CERTIFIED

MIDWIVES.

(4) Nothing in this section shall be construed to confer liability on an employer for the acts of an advanced practice registered nurse OR A CERTIFIED MIDWIFE that are outside the scope of employment or to negate the applicability of the "Colorado Governmental Immunity Act", article 10 of title 24.

**SECTION 8.** In Colorado Revised Statutes, **amend** 12-255-115 as follows:

**12-255-115. Volunteer licensure - fees - questionnaire.** (1) The board may issue a license to a volunteer nurse OR CERTIFIED MIDWIFE who meets the requirements set forth in this section.

(2) A volunteer nursing OR CERTIFIED MIDWIFE license shall only be issued to an applicant who:

(a) Currently holds a license to practice nursing, either as a practical nurse or as a professional nurse, OR TO PRACTICE AS A CERTIFIED MIDWIFE, and the license is due to expire unless renewed; or

(b) Is not currently engaged in the practice of nursing OR AS A CERTIFIED MIDWIFE either full-time or part-time and has, prior to ceasing practice, maintained full licensure in good standing in any state or territory of the United States.

(3) (a) A volunteer nursing license shall permit the nurse to engage in volunteer nursing tasks within the scope of the nurse's license.

(b) A VOLUNTEER CERTIFIED MIDWIFE LICENSE SHALL PERMIT THE CERTIFIED MIDWIFE TO ENGAGE AS A VOLUNTEER IN THE PRACTICE AS A CERTIFIED MIDWIFE WITHIN THE SCOPE OF THE CERTIFIED MIDWIFE'S LICENSE.

(4) An applicant for a volunteer nursing OR CERTIFIED MIDWIFE license shall submit to the board an application containing the information the board may prescribe, a copy of the applicant's most recent nursing OR CERTIFIED MIDWIFE license, and a statement signed under penalty of perjury in which the applicant agrees not to receive compensation for any nursing tasks OR TASKS AS A CERTIFIED MIDWIFE that are performed while in

possession of the license.

(5) A person who possesses a volunteer nursing OR CERTIFIED MIDWIFE license is immune from civil liability for actions performed within the scope of the nursing OR CERTIFIED MIDWIFE license unless it is established that injury or death was caused by gross negligence or the willful and wanton misconduct of the licensee. The immunity provided in this subsection (5) applies only to the licensee and does not affect the liability of any other individual or entity. Nothing in this subsection (5) limits the ability of the board to take disciplinary action against a licensee.

(6) The fee for a volunteer nursing OR CERTIFIED MIDWIFE license, including assessments for legal defense, peer assistance, and other programs for which licenses are assessed, must not exceed fifty percent of the license renewal fee, including all assessments, established by the board for an active nursing OR CERTIFIED MIDWIFE license.

(7) The board shall design a questionnaire to be sent to all volunteer nurses AND CERTIFIED MIDWIVES who apply for license renewal. Each applicant for license renewal shall complete the board-designed questionnaire. The purpose of the questionnaire is to determine whether a licensee has acted in violation of this part 1 or has been disciplined for any action that might be considered a violation of this part 1 or might make the licensee unfit to practice nursing OR AS A CERTIFIED MIDWIFE with reasonable care and safety. If an applicant fails to answer the questionnaire accurately, the failure constitutes grounds for discipline under section 12-255-120 (1)(v). The board may include the cost of developing and reviewing the questionnaire in the fee paid under subsection (6) of this section. The board may deny an application for license renewal that does not accompany an accurately completed questionnaire.

(8) (a) The board shall deny an application for the reactivation of a practical or professional nurse license for a volunteer nurse if the board determines that the nurse requesting reactivation has not actively volunteered as a nurse for the two-year period immediately preceding the filing of the application for license reactivation or has not otherwise demonstrated continued competency to return to the active practice of nursing in a manner approved by the board.

(b) THE BOARD SHALL DENY AN APPLICATION FOR THE

REACTIVATION OF A CERTIFIED MIDWIFE LICENSE FOR A VOLUNTEER CERTIFIED MIDWIFE IF THE BOARD DETERMINES THAT THE CERTIFIED MIDWIFE REQUESTING REACTIVATION HAS NOT ACTIVELY VOLUNTEERED AS A CERTIFIED MIDWIFE FOR THE TWO-YEAR PERIOD IMMEDIATELY PRECEDING THE FILING OF THE APPLICATION FOR LICENSE REACTIVATION OR HAS NOT OTHERWISE DEMONSTRATED CONTINUED COMPETENCY TO RETURN TO THE ACTIVE PRACTICE AS A CERTIFIED MIDWIFE IN A MANNER APPROVED BY THE BOARD.

**SECTION 9.** In Colorado Revised Statutes, 12-255-117, **amend** (5) as follows:

**12-255-117. Temporary licenses and permits.** (5) The board shall summarily withdraw a temporary license or permit issued pursuant to this section if the board determines that the TEMPORARY license OR PERMIT holder fails to meet the requirements of this section or section 12-255-109, 12-255-110, **12-255-111.5**, or 12-255-114. The holder of a temporary license or permit summarily withdrawn has the right to a hearing that shall be conducted pursuant to article 4 of title 24 and section 12-20-403 by the board or by an administrative law judge at the board's discretion.

**SECTION 10.** In Colorado Revised Statutes, 12-255-119, **amend** (1)(a), (3)(a)(I) introductory portion, (3)(a)(I)(B), (3)(a)(I)(C), (3)(a)(II), (3)(a)(III), (3)(b), (3)(c)(III), (4)(a), (4)(c)(III), (4)(c)(IV) introductory portion, (4)(c)(IV)(C), (4)(e), (6), (7), (8)(a), (8)(b), (8)(d), and (10) as follows:

**12-255-119. Disciplinary procedures of the board - inquiry and hearings panels - mental and physical examinations - definitions - rules.** (1) (a) The president of the board shall divide the other ten members of the board into two panels of five members each. Members representing the ~~three~~ different categories of membership (licensed practical nurses, professional nurses, CERTIFIED MIDWIVES, and persons not licensed, employed, or in any way connected with, or with any financial interest in, any health-care facility, agency, or insurer) shall be divided between the two panels as equally as possible.

(3) (a) (I) ~~For the purposes of~~ AS USED IN this section:

(B) "License" includes licensure for a practical nurse or professional

nurse, LICENSURE FOR A CERTIFIED MIDWIFE, and licensure for a psychiatric technician.

(C) "Nurse", "licensee", or "respondent" includes a practical nurse, a professional nurse, A CERTIFIED MIDWIFE, and a psychiatric technician as described in section 12-295-103 (4).

(II) Written complaints relating to the conduct of a nurse licensed or authorized to practice nursing in this state OR RELATING TO THE CONDUCT OF A CERTIFIED MIDWIFE LICENSED OR AUTHORIZED TO PRACTICE AS A CERTIFIED MIDWIFE IN THIS STATE may be made by any person or may be initiated by an inquiry panel of the board on its own motion. UNLESS THE BOARD DETERMINES THE COMPLAINT TO BE WITHOUT MERIT OF INVESTIGATION, THE BOARD SHALL GIVE NOTICE OF THE COMPLAINT TO the nurse OR CERTIFIED MIDWIFE complained of, ~~shall be given notice, unless the board determines the complaint to be without merit of investigation,~~ by first-class mail, and SHALL STATE IN the notice ~~shall state~~ the nature of the complaint and ~~shall state~~ that the failure to respond in a materially factual and timely manner constitutes grounds for discipline. The nurse OR CERTIFIED MIDWIFE complained of shall be given thirty days to answer or explain in writing the matters described in ~~such~~ THE complaint. Upon receipt of the nurse's OR CERTIFIED MIDWIFE'S answer or at the conclusion of thirty days, whichever occurs first, the inquiry panel may take further action as set forth in subsection (3)(a)(III) of this section.

(III) Upon receipt of the nurse's OR CERTIFIED MIDWIFE'S answer or the conclusion of thirty days, the inquiry panel may conduct a further investigation that may be made by one or more members of the inquiry panel; IN THE CASE OF A COMPLAINT AGAINST A NURSE, one or more nurses who are not members of the board; IN THE CASE OF A COMPLAINT AGAINST A CERTIFIED MIDWIFE, ONE OR MORE CERTIFIED MIDWIVES OR CERTIFIED NURSE MIDWIVES WHO ARE NOT MEMBERS OF THE BOARD; a member of the staff of the board; a professional investigator; or any other person or organization as the inquiry panel directs. The investigation ~~shall~~ MUST be entirely informal.

(b) The board shall cause an investigation to be made when the board is informed of:

(I) Disciplinary action taken by an employer of a nurse OR CERTIFIED

MIDWIFE against the nurse OR CERTIFIED MIDWIFE or resignation in lieu of a disciplinary action for conduct that constitutes grounds for discipline under section 12-255-120 or 12-295-111. The employer shall report the disciplinary action or resignation to the board.

(II) An instance of a malpractice settlement or judgment against a nurse OR CERTIFIED MIDWIFE;

(III) A nurse OR CERTIFIED MIDWIFE who has not timely renewed ~~his or her~~ THE NURSE'S OR CERTIFIED MIDWIFE'S license and the nurse OR CERTIFIED MIDWIFE is actively engaged in the practice of nursing OR AS A CERTIFIED MIDWIFE.

(c) On completion of an investigation, the inquiry panel shall make a finding that:

(III) An instance of conduct occurred that does not warrant formal action by the board and that should be dismissed, but that indications of possible conduct by the nurse OR CERTIFIED MIDWIFE were noted that could lead to serious consequences if not corrected. In such a case, the board shall send a confidential letter of concern in accordance with section 12-20-404 (5) to the nurse OR CERTIFIED MIDWIFE against whom the complaint was made.

(4) (a) All formal complaints shall be heard and determined in accordance with subsection (4)(b) of this section and section 24-4-105. Except as provided in subsection (1) of this section, all formal hearings shall be conducted by the hearings panel. The nurse OR CERTIFIED MIDWIFE may be present in person or represented by counsel, or both, if so desired, to offer evidence and be heard in the nurse's OR CERTIFIED MIDWIFE'S own defense. At formal hearings, the witnesses shall be sworn and a complete record shall be made of all proceedings and testimony.

(c) (III) If the hearings panel finds the charges proven and orders that discipline be imposed, it shall also determine the extent of the discipline, which may be in the form of a letter of admonition regarding a license or suspension for a definite or indefinite period, revocation, or nonrenewal of a license to practice. In addition to any other discipline that may be imposed pursuant to this section, the hearings panel may impose a fine of no less than two hundred fifty dollars but no more than one thousand

dollars per violation on any nurse OR CERTIFIED MIDWIFE who violates this part 1 or any rule adopted pursuant to this part 1. The board shall adopt rules establishing a fine structure and the circumstances under which fines may be imposed.

(IV) In determining appropriate disciplinary action, the hearings panel shall first consider sanctions that are necessary to protect the public. Only after the panel has considered such sanctions shall it consider and order requirements designed to rehabilitate the nurse OR CERTIFIED MIDWIFE. If discipline other than revocation of a license to practice is imposed, the hearings panel may also order that the nurse OR CERTIFIED MIDWIFE be granted probation and allowed to continue to practice during the period of the probation. The hearings panel may also include in any disciplinary order that allows the nurse OR CERTIFIED MIDWIFE to continue to practice such conditions as the panel may deem appropriate to assure that the nurse OR CERTIFIED MIDWIFE is physically, mentally, and otherwise qualified to practice nursing OR AS A CERTIFIED MIDWIFE in accordance with generally accepted standards of practice, including any of the following:

(C) The review or supervision of the respondent's practice of nursing OR AS A CERTIFIED MIDWIFE as may be necessary to determine the quality of the respondent's practice of nursing OR AS A CERTIFIED MIDWIFE and to correct deficiencies ~~therein~~ IN THE RESPONDENT'S PRACTICE; or

(e) The two-year waiting period specified in section 12-20-404 (3) applies to any person whose license to practice nursing, PRACTICE AS A CERTIFIED MIDWIFE, or PRACTICE any other health-care occupation is revoked by any other legally qualified board.

(6) Upon the expiration of any term of suspension, the license shall be reinstated by the board if the board is furnished with evidence that the nurse OR CERTIFIED MIDWIFE has complied with all terms of the suspension. If the evidence shows the nurse OR CERTIFIED MIDWIFE has not complied with all terms of the suspension, the board may revoke or continue the suspension of the license at a hearing, notice of which and the procedure at which shall be as provided in this section.

(7) In case any nurse OR CERTIFIED MIDWIFE is determined to be mentally incompetent or insane by a court of competent jurisdiction and a court enters, pursuant to part 3 or 4 of article 14 of title 15 or section

27-65-110 (4) or 27-65-127, an order specifically finding that the mental incompetency or insanity is of such a degree that the nurse OR CERTIFIED MIDWIFE is incapable of continuing the practice of nursing OR AS A CERTIFIED MIDWIFE, the board shall automatically suspend the nurse's OR CERTIFIED MIDWIFE'S license, and, notwithstanding any provision of this part 1 to the contrary, the suspension must continue until the nurse OR CERTIFIED MIDWIFE is found by the court to be competent to continue the practice of nursing OR THE PRACTICE AS A CERTIFIED MIDWIFE, AS APPLICABLE.

(8) (a) If the board has reasonable cause to believe that a nurse is unable to practice nursing, OR A CERTIFIED MIDWIFE IS UNABLE TO PRACTICE AS A CERTIFIED MIDWIFE, with reasonable skill and safety to patients because of a condition described in section 12-255-120 (1)(i) or (1)(j) or section 12-295-111 (1)(i) or (1)(j), ~~it~~ THE BOARD may require the nurse OR CERTIFIED MIDWIFE to submit to mental or physical examinations by a physician or other licensed health-care professional designated by the board. If a nurse OR CERTIFIED MIDWIFE fails to submit to the mental or physical examinations, the board may suspend the nurse's OR CERTIFIED MIDWIFE'S license until the required examinations are conducted.

(b) (I) Every nurse OR CERTIFIED MIDWIFE shall be deemed, by so practicing or by applying for renewal registration of the nurse's OR CERTIFIED MIDWIFE'S license, to have consented to submit to mental or physical examinations when directed in writing by the board. Further, the nurse OR CERTIFIED MIDWIFE shall be deemed to have waived all objections to the admissibility of the examining physician's or other licensed health-care professional's testimony or examination reports on the ground of privileged communication. Subject to applicable federal law, the nurse OR CERTIFIED MIDWIFE shall be deemed to have waived all objections to the production of medical records to the board from health-care providers that may be necessary for the evaluations described in subsection (8)(a) of this section.

(II) Nothing in this section ~~shall prevent the~~ PREVENTS A nurse OR CERTIFIED MIDWIFE from submitting to the board testimony or examination reports of a physician or other licensed health-care professional designated by the nurse OR CERTIFIED MIDWIFE to a condition described in subsection (8)(a) of this section that may be considered by the board in conjunction with, but not in lieu of, testimony and examination reports of the physician or licensed health-care professional designated by the board.

(d) The board may require that a nurse OR CERTIFIED MIDWIFE submit medical records for review in conjunction with an examination made pursuant to subsection (8)(a) of this section; except that the records ~~shall~~ remain confidential, and ~~shall be reviewed by the board~~ MAY REVIEW THE RECORDS only to the extent necessary to conduct an investigation.

(10) A physician or other licensed health-care professional who, at the request of the board, examines a nurse ~~shall be~~ OR CERTIFIED MIDWIFE IS immune from suit for damages by the nurse OR CERTIFIED MIDWIFE examined if the examining physician or examining licensed health-care professional conducted the examination and made findings or a diagnosis in good faith.

**SECTION 11.** In Colorado Revised Statutes, 12-255-120, **amend** (1)(d), (1)(f), (1)(g), (1)(j)(I), (1)(j)(II), (1)(l), (1)(n), (1)(v), (1)(w), (1)(x), (1)(y), (1)(dd), (1)(ee), and (1)(ff) as follows:

**12-255-120. Grounds for discipline - definitions.** (1) "Grounds for discipline", as used in this part 1, means any action by any person who:

(d) Has had a license to practice nursing, PRACTICE AS A CERTIFIED MIDWIFE, or PRACTICE any other health-care occupation suspended or revoked in any jurisdiction. A certified copy of the order of suspension or revocation ~~shall be~~ IS prima facie evidence of the suspension or revocation.

(f) Has practiced nursing OR AS A CERTIFIED MIDWIFE in a manner that fails to meet generally accepted standards for the ~~nursing~~ practice OF NURSING OR AS A CERTIFIED MIDWIFE, AS APPLICABLE;

(g) Has violated any order or rule of the board pertaining to nursing practice, PRACTICE AS A CERTIFIED MIDWIFE, or licensure;

(j) Has failed to:

(I) Notify the board, as required by section 12-30-108 (1), of a physical illness, physical condition, or behavioral health, mental health, or substance use disorder that affects the person's ability to practice nursing OR AS A CERTIFIED MIDWIFE with reasonable skill and safety to patients or that may endanger the health or safety of individuals under the person's care;

(II) Act within the limitations created by a physical illness, physical condition, or behavioral health, mental health, or substance use disorder that renders the person unable to practice nursing OR AS A CERTIFIED MIDWIFE with reasonable skill and safety to patients or that may endanger the health or safety of individuals under the person's care; or

(l) Has engaged in any conduct that would constitute a crime as defined in title 18 and that relates to the person's employment as a practical or professional nurse OR AS A CERTIFIED MIDWIFE. In conjunction with any disciplinary proceeding pertaining to this subsection (1)(l), the board shall be governed by the provisions of sections 12-20-202 (5) and 24-5-101.

(n) Has engaged in any of the following activities and practices:

(I) Willful and repeated ordering or performance, without clinical justification, of demonstrably unnecessary laboratory tests or studies;

(II) The administration, without clinical justification, of treatment that is demonstrably unnecessary;

(III) The failure to obtain consultations or perform referrals when failing to do so is not consistent with the standard of care for the profession; or

(IV) Ordering or performing, without clinical justification, any service, X ray, or treatment that is contrary to recognized standards of the practice of nursing OR AS A CERTIFIED MIDWIFE as interpreted by the board;

(v) Has failed to accurately complete and submit to the board the designated questionnaire upon renewal of a license pursuant to section 12-255-110 (3), *12-255-111.5 (4)*, 12-255-114 (3), or 12-255-115 (7);

(w) (I) Represents ~~himself or herself~~ ONESELF to an individual or to the general public by use of any word or abbreviation to indicate or induce others to believe that he or she is a licensed practical or professional nurse unless the person is actually licensed as a practical nurse or professional nurse, respectively; or

(II) Uses the title "nurse", "registered nurse", "R.N.", "practical nurse", "trained practical nurse", "licensed vocational nurse", "licensed

practical nurse", or "L.P.N." unless the person is licensed by the board AS A PROFESSIONAL OR PRACTICAL NURSE, AS APPLICABLE;

(III) REPRESENTS ONESELF TO AN INDIVIDUAL OR TO THE GENERAL PUBLIC BY USE OF ANY WORD OR ABBREVIATION TO INDICATE OR INDUCE OTHERS TO BELIEVE THAT THE PERSON IS A CERTIFIED MIDWIFE UNLESS THE PERSON IS ACTUALLY LICENSED AS A CERTIFIED MIDWIFE; OR

(IV) USES THE TITLE "CERTIFIED MIDWIFE" OR THE ABBREVIATION "C.M." UNLESS THE PERSON IS LICENSED BY THE BOARD AS A CERTIFIED MIDWIFE;

(x) Practices as a practical or professional nurse OR AS A CERTIFIED MIDWIFE during a period when the person's license has been suspended, revoked, or placed on inactive status pursuant to section 12-255-122;

(y) Sells or fraudulently obtains or furnishes a license to practice as a nurse OR CERTIFIED MIDWIFE or aids or abets ~~therein~~ IN SUCH ACT;

(dd) Has failed to notify the board, in writing and within thirty days after a judgment or settlement is entered, of a final judgment by a court of competent jurisdiction against the licensee for malpractice of nursing OR AS A CERTIFIED MIDWIFE or a settlement by the licensee in response to charges or allegations of malpractice of nursing OR AS A CERTIFIED MIDWIFE and, in the case of a judgment, has failed to include in the notice the name of the court, the case number, and the names of all parties to the action;

(ee) Fails to report to the board, within thirty days after an adverse action, that an adverse action has been taken against the person by another licensing agency in another state or jurisdiction, a peer review body, a health-care institution, a professional, ~~or~~ nursing, OR CERTIFIED MIDWIFE society or association, a governmental agency, a law enforcement agency, or a court for acts or conduct that would constitute grounds for disciplinary or adverse action as described in this article 255;

(ff) Fails to report to the board, within thirty days, the surrender of a license or other authorization to practice nursing OR AS A CERTIFIED MIDWIFE in another state or jurisdiction or the surrender of membership on any nursing OR CERTIFIED MIDWIFE staff or in any nursing, CERTIFIED MIDWIFE, or professional association or society while under investigation by

any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as described in this article 255;

**SECTION 12.** In Colorado Revised Statutes, 12-255-121, **amend** (1)(a), (1)(b)(I), (2), and (6)(a) as follows:

**12-255-121. Withholding or denial of license - hearing - definitions.** (1) (a) The board is empowered to determine summarily whether:

(I) An applicant for a license or a temporary license to practice as a nurse OR AS A CERTIFIED MIDWIFE possesses the qualifications required by this part 1; ~~whether~~

(II) There is probable cause to believe that an applicant for a license or temporary license has done any of the acts set forth in section 12-255-120 as grounds for discipline; or ~~whether~~

(III) The applicant for a license or temporary license has had a license to practice nursing, PRACTICE AS A CERTIFIED MIDWIFE, or PRACTICE any other health-care occupation revoked by any legally authorized board.

(b) As used in this section:

(I) "Applicant" includes a nurse OR CERTIFIED MIDWIFE seeking reinstatement or reactivation of a license pursuant to section 12-255-122, but does not include a renewal applicant.

(2) (a) (I) If the board determines that an applicant does not possess the qualifications for licensure required by this part 1, that probable cause exists to believe that an applicant for a license or temporary license has done any of the acts set forth in section 12-255-120, or that an applicant for a license or temporary license has had a nursing, CERTIFIED MIDWIFE, or other health-care occupation license revoked by another legally authorized board, the board may withhold or deny the applicant a license under this part 1.

(II) The board may deny a license or temporary license to practice as a nurse OR AS A CERTIFIED MIDWIFE to any applicant during the time the

applicant's license is under suspension in another state.

(III) The board may deny a license or may grant a license subject to terms of probation if the board determines that an applicant for a license has not actively practiced practical or professional nursing, HAS NOT ACTIVELY PRACTICED AS A CERTIFIED MIDWIFE, or has not otherwise maintained continued competency, as determined by the board, during the two years immediately preceding the application for licensure under this part 1.

(b) If the board denies a license to an applicant pursuant to subsection (2)(a) of this section, the provisions of section 24-4-104 (9) apply. Upon the denial, the board shall provide the applicant with a statement in writing setting forth the following:

(I) The basis of the board's determination that the applicant:

(A) Does not possess the qualifications required by this part 1;

(B) Has had a nursing, CERTIFIED MIDWIFE, or other health-care occupation license revoked or suspended by another legally authorized board; or

(C) Has not actively practiced practical or professional nursing, HAS NOT ACTIVELY PRACTICED AS A CERTIFIED MIDWIFE, or has not maintained continued competency during the previous two years; or

(II) The factual basis for probable cause that the applicant has done any of the acts set forth in section 12-255-120.

(c) (I) If the board denies a NURSING license to an applicant on the grounds that the applicant's nursing or other health-care occupation license was revoked by another legally authorized board, the board may require the applicant to pass a written examination as provided in section 12-255-109 as a prerequisite to licensure. The applicant shall not be allowed to take the written examination until at least two years after the revocation of the nursing or other health-care occupation license.

(II) IF THE BOARD DENIES A CERTIFIED MIDWIFE LICENSE TO AN APPLICANT ON THE GROUNDS THAT THE APPLICANT'S CERTIFIED MIDWIFE LICENSE WAS REVOKED BY ANOTHER LEGALLY AUTHORIZED BOARD, THE

BOARD MAY REQUIRE THE APPLICANT TO OBTAIN RECERTIFICATION FROM THE AMERICAN MIDWIFERY CERTIFICATION BOARD, OR ITS SUCCESSOR ENTITY, AS A PREREQUISITE TO LICENSURE. THE APPLICANT SHALL NOT BE ALLOWED TO OBTAIN LICENSURE PURSUANT TO THIS SUBSECTION (2)(c)(II) UNTIL AT LEAST TWO YEARS AFTER THE APPLICANT'S CERTIFIED MIDWIFE LICENSE WAS REVOKED.

(6) (a) At the hearing, the applicant ~~shall have~~ HAS the burden of proof to show that:

(I) The applicant possesses the qualifications required for licensure under this part 1;

(II) The applicant's nursing, CERTIFIED MIDWIFE, or other health-care occupation license was not revoked by another legally authorized board; or

(III) The applicant has actively practiced practical or professional nursing, HAS ACTIVELY PRACTICED AS A CERTIFIED MIDWIFE, or has maintained continued competency during the two years prior to application for a license under this part 1.

**SECTION 13.** In Colorado Revised Statutes, 12-255-122, **amend** (1), (2), (3), (5), (6)(a), and (6)(b)(II) as follows:

**12-255-122. Inactive license status - reactivation.** (1) A nurse OR CERTIFIED MIDWIFE licensed pursuant to section 12-255-110, **12-255-111.5**, or 12-255-114 may request that the board place ~~his or her~~ THE NURSE'S OR CERTIFIED MIDWIFE'S license on inactive status. The request shall be made in the form and manner designated by the board.

(2) A nurse OR CERTIFIED MIDWIFE requesting inactive license status shall provide an affidavit or other document required by the board certifying that, immediately upon the conferral of inactive status, the nurse ~~shall~~ WILL not practice nursing, OR THE CERTIFIED MIDWIFE WILL NOT PRACTICE AS A CERTIFIED MIDWIFE, in the state unless ~~and until~~ the nurse's OR CERTIFIED MIDWIFE'S license is reactivated pursuant to subsection (6) of this section.

(3) Upon receiving the documentation pursuant to subsection (2) of this section, the board shall approve a request for inactive license status. However, the board may deny the request if the board has probable cause

to believe that the requesting nurse OR CERTIFIED MIDWIFE has committed any of the acts set forth in section 12-255-120.

(5) A nurse OR CERTIFIED MIDWIFE with a license on inactive status is not authorized to practice nursing OR AS A CERTIFIED MIDWIFE, AS APPLICABLE, in Colorado. Any nurse practicing nursing while ~~his or her~~ THE NURSE'S license is inactive, ~~shall be~~ AND ANY CERTIFIED MIDWIFE PRACTICING AS A CERTIFIED MIDWIFE WHILE THE CERTIFIED MIDWIFE'S LICENSE IS INACTIVE, IS subject to disciplinary action pursuant to section 12-255-119 and criminal penalties pursuant to section 12-255-125.

(6) (a) A nurse OR CERTIFIED MIDWIFE with a license on inactive status who wishes to resume the practice of nursing OR AS A CERTIFIED MIDWIFE, AS APPLICABLE, shall file an application in the form and manner designated by the board and pay the license reactivation fees established pursuant to section 12-255-107. The board shall reactivate such license unless subsection (6)(b) of this section applies.

(b) The board shall deny an application for reactivation of an inactive license:

(II) If the board determines that the nurse OR CERTIFIED MIDWIFE requesting reactivation has not actively practiced nursing OR AS A CERTIFIED MIDWIFE in another state for the two-year period immediately preceding the filing of the request for reactivation or has not otherwise demonstrated continued competency to return to the active practice of nursing OR AS A CERTIFIED MIDWIFE in a manner approved by the board.

**SECTION 14.** In Colorado Revised Statutes, 12-255-124, **amend** (1), (3), and (4) as follows:

**12-255-124. Surrender of license.** (1) Prior to the initiation of an investigation or hearing, any licensee or temporary license holder may surrender ~~his or her~~ THE INDIVIDUAL'S license to practice nursing OR AS A CERTIFIED MIDWIFE.

(3) The board shall not issue a license or temporary license or permit to a former licensee or temporary license or permit holder whose license has been surrendered unless the licensee meets all of the requirements of this part 1 for a new applicant, including, FOR APPLICANTS FOR A LICENSE,

TEMPORARY LICENSE, OR PERMIT TO PRACTICE NURSING, the passing of an examination.

(4) The surrender of a license in accordance with this section removes all rights and privileges to practice nursing OR AS A CERTIFIED MIDWIFE, AS APPLICABLE, including renewal of a license.

**SECTION 15.** In Colorado Revised Statutes, **amend** 12-255-125 as follows:

**12-255-125. Unauthorized practice - penalties.** (1) It is unlawful for any person to practice as a practical or professional nurse OR AS A CERTIFIED MIDWIFE unless licensed to practice that profession.

(2) Any person who practices or offers or attempts to practice practical or professional nursing OR AS A CERTIFIED MIDWIFE without an active license issued under this part 1 is subject to penalties pursuant to section 12-20-407 (1)(a).

**SECTION 16.** In Colorado Revised Statutes, **amend** 12-255-126 as follows:

**12-255-126. Injunctive proceedings.** The board may seek injunctive relief in accordance with section 12-20-406, but only to enjoin any person who does not possess a currently valid or active practical or professional nurse license, CERTIFIED MIDWIFE LICENSE, or nurse aide certification from committing any act declared to be unlawful or prohibited by this article 255.

**SECTION 17.** In Colorado Revised Statutes, 12-255-127, **amend** (1)(b), (1)(c), (1)(d), (1)(e), (1)(f), (1)(g), (1)(p), (1)(q), (2), and (3) as follows:

**12-255-127. Exclusions.** (1) This part 1 does not prohibit:

(b) Domestic administration of family remedies or care of the sick by domestic servants, housekeepers, companions, or household aides of any type, whether employed regularly or because of an emergency of illness, but who shall not in any way assume to practice practical or professional nursing OR AS A CERTIFIED MIDWIFE;

(c) Nursing OR MIDWIFERY assistance in the case of an emergency;

(d) The practice of nursing OR AS A CERTIFIED MIDWIFE in this state by any legally qualified nurse OR CERTIFIED MIDWIFE of another state whose engagement requires the nurse OR CERTIFIED MIDWIFE to accompany and care for a patient temporarily residing in this state, during the period of one engagement, not to exceed six months in length, if the person does not represent or hold himself or herself out as a practical or professional nurse OR CERTIFIED MIDWIFE licensed to practice in this state;

(e) The practice of any nurse OR CERTIFIED MIDWIFE licensed in this state or another state or a territory of the United States who is employed by the United States government or any bureau, division, or agency ~~thereof~~ OF THE UNITED STATES GOVERNMENT while in the discharge of official duties;

(f) The practice of nursing OR MIDWIFERY by students enrolled in an ~~educational~~ APPROVED EDUCATION program ~~approved by the board~~ OR MIDWIFERY EDUCATION PROGRAM when the practice is performed as part of ~~an educational~~ THE APPROVED EDUCATION program OR MIDWIFERY EDUCATION PROGRAM prior to the graduation of the student;

(g) The practice of nursing OR AS A CERTIFIED MIDWIFE by any nurse OR MIDWIFE WHO IS licensed in any other state, ~~or~~ any territory of the United States, or any other country AND IS enrolled in a baccalaureate or graduate program, ~~when~~ IF the practice is performed as a part of the program;

(p) The administration of medical marijuana in a nonsmokeable form by a ~~licensee~~ LICENSED NURSE in a public school or nonpublic school pursuant to a policy adopted pursuant to section 22-1-119.3 (3)(d.5);

(q) The training by a ~~licensee~~ LICENSED NURSE of school personnel or volunteers on the administration of medical marijuana in a nonsmokeable form in a public school or nonpublic school to a student with a valid medical marijuana recommendation pursuant to a policy adopted pursuant to section 22-1-119.3 (3)(d.5).

(2) This part 1 shall not be construed as applying to a person who nurses or cares for the sick in accordance with the practice or tenets of any church or religious denomination that teaches reliance upon spiritual means through prayer for healing, and who does not hold himself or herself out to

the public to be a licensed practical or professional nurse OR A CERTIFIED MIDWIFE.

(3) Nothing in this part 1:

(a) Prohibits any licensee from practicing practical or professional nursing OR AS A CERTIFIED MIDWIFE independently for compensation upon a fee for services basis;

(b) Prohibits or requires the direct reimbursement for nursing OR CERTIFIED MIDWIFE services and care through qualified governmental and insurance programs to persons duly licensed in accordance with this part 1; or

(c) Conveys to the practice of nursing OR THE PRACTICE AS A CERTIFIED MIDWIFE the performance of medical practice as regulated by article 240 of this title 12, OTHER THAN AS PERMITTED UNDER SECTION 12-240-107 (1)(f)(I).

**SECTION 18.** In Colorado Revised Statutes, **amend** 12-255-128 as follows:

**12-255-128. Prescribing opiate antagonists.** An advanced practice registered nurse OR CERTIFIED MIDWIFE with prescriptive authority pursuant to section 12-255-112 may prescribe or dispense an opiate antagonist in accordance with section 12-30-110.

**SECTION 19.** In Colorado Revised Statutes, 12-255-130, **amend** (1), (2)(b), (3)(a) introductory portion, (3)(c), (4), and (6) as follows:

**12-255-130. Peer health assistance or alternative to discipline program - fund - rules.** (1) As a condition of licensure and for the purpose of supporting a ~~nursing~~ peer health assistance program FOR NURSES OR CERTIFIED MIDWIVES or ~~a nurse~~ AN alternative to discipline program FOR NURSES OR CERTIFIED MIDWIVES, every applicant for an initial license or to reinstate a license and any person renewing a license issued pursuant to this part 1 shall pay to the administering entity designated pursuant to subsection (3)(c) of this section a fee in an amount set by the board, not to exceed twenty-five dollars per year; except that the board may adjust the amount each January 1 to reflect changes in the United States department of labor's

bureau of labor statistics consumer price index, or its successor index, for Denver-Aurora-Lakewood for goods paid by urban consumers.

(2) (b) Money in the fund shall be used to support a ~~nursing~~ peer health assistance program FOR NURSES AND CERTIFIED MIDWIVES or ~~nurse~~ AN alternative to discipline program FOR NURSES AND CERTIFIED MIDWIVES in providing assistance to licensees needing help in dealing with physical, emotional, psychiatric, or psychological problems or behavioral, mental health, or substance use disorders that may be detrimental to their ability to practice nursing OR TO PRACTICE AS A CERTIFIED MIDWIFE.

(3) (a) The board shall select one or more recognized peer health assistance organizations or ~~nurse~~ alternative to discipline programs as designated providers. For purposes of selecting designated providers, the board shall use a competitive bidding process that encourages participation from interested vendors. To be eligible for designation by the board pursuant to this section, a peer health assistance organization or ~~nurse~~ alternative to discipline program shall:

(c) The board shall designate an administering entity for a program established pursuant to this section. The entity ~~shall~~ MUST be a nonprofit private entity that is qualified under 26 U.S.C. sec. 501 (c)(3) of the federal "Internal Revenue Code of 1986", as amended, and ~~shall~~ be dedicated to providing support for charitable, benevolent, educational, or scientific purposes that are related to nursing OR MIDWIFERY, nursing OR MIDWIFERY education, nursing OR MIDWIFERY research and science, and other nursing OR MIDWIFERY charitable purposes.

(4) Notwithstanding sections 12-255-119 and 24-4-104, the board may immediately suspend the license of any licensee who is referred to a peer health assistance program or ~~nurse~~ alternative to discipline program by the board and who fails to attend or to complete the program. If the licensee objects to the suspension, ~~he or she~~ THE LICENSEE may submit a written request to the board for a formal hearing on the suspension within ten days after receiving notice of the suspension, and the board shall grant the request. In the hearing, the licensee shall bear the burden of proving that ~~his or her~~ THE INDIVIDUAL'S license should not be suspended.

(6) Nothing in this section shall be construed to create any liability of the board, members of the board, or the state of Colorado for the actions

of the board in making awards to peer health assistance organizations or ~~nurse~~ alternative to discipline programs or in designating licensees to participate in the programs of such organizations. No civil action may be brought or maintained against the board, its members, or the state for an injury alleged to have been the result of an act or omission of a licensee participating in or referred to a program provided by a peer health assistance organization or to ~~a nurse~~ AN alternative to discipline program. However, the state ~~shall remain~~ REMAINS liable under the provisions of the "Colorado Governmental Immunity Act", article 10 of title 24, if an injury alleged to have been the result of an act or omission of a licensee participating in or referred to a peer health assistance program or ~~nurse~~ alternative to discipline program occurred while such licensee was performing duties as an employee of the state.

**SECTION 20.** In Colorado Revised Statutes, **amend** 12-255-131 as follows:

**12-255-131. Delegation of nursing or midwifery tasks - rules.**

(1) Any licensed practical nurse, registered nurse, ~~or~~ advanced practice registered nurse, OR CERTIFIED MIDWIFE may delegate any task included in the nurse's OR CERTIFIED MIDWIFE'S licensed scope of practice, subject to the requirements of this section. A licensed practical nurse, registered nurse, ~~or~~ advanced practice registered nurse, OR CERTIFIED MIDWIFE may delegate nursing OR CERTIFIED MIDWIFE tasks to licensed, certified, registered, or unlicensed or unregulated assistive personnel. In no event may a registered nurse OR CERTIFIED MIDWIFE delegate to another person the authority to select medications if the person is not, independent of the delegation, authorized by law to select medications.

(2) Delegated tasks ~~shall~~ MUST be within the area of responsibility of the delegating nurse OR CERTIFIED MIDWIFE and ~~shall~~ MUST not require any delegatee to exercise the judgment required of a nurse OR CERTIFIED MIDWIFE.

(3) No delegation shall be made without the delegating nurse OR CERTIFIED MIDWIFE making a determination that, in ~~his or her~~ THE LICENSEE'S professional judgment, the delegated task can be properly and safely performed by the delegatee and that the delegation is commensurate with the patient's safety and welfare.

(4) The delegating nurse ~~shall be~~ OR CERTIFIED MIDWIFE IS solely responsible for determining the required degree of supervision the delegatee will need, after an evaluation of the appropriate factors, which ~~shall~~ include but ARE not ~~be~~ limited to the following:

(a) The stability of the condition of the patient;

(b) The training and ability of the delegatee;

(c) The nature of the nursing OR CERTIFIED MIDWIFE task being delegated; and

(d) Whether the delegated task has a predictable outcome.

(5) An employer of a nurse OR CERTIFIED MIDWIFE may establish policies, procedures, protocols, or standards of care that limit or prohibit delegations by nurses OR CERTIFIED MIDWIVES in specified circumstances.

(6) The board may promulgate rules pursuant to this section, including but not limited to standards on the assessment of the proficiency of the delegatee to perform delegated tasks, and standards for accountability of any nurse OR CERTIFIED MIDWIFE who delegates nursing OF CERTIFIED MIDWIFE tasks. The rules shall be consistent with the provisions of part 3 of article 1.5 of title 25, section 25.5-10-204 (2)(j), and section 27-10.5-103 (2)(i).

**SECTION 21.** In Colorado Revised Statutes, 12-255-135, **amend** (2) as follows:

**12-255-135. Confidential agreement to limit practice.** (2) This section and section 12-30-108 do not apply to a nurse OR CERTIFIED MIDWIFE subject to discipline under section 12-255-120 (1)(i).

**SECTION 22.** In Colorado Revised Statutes, 12-20-404, **amend** (1)(d)(II)(J.5) and (3)(a)(II)(J) as follows:

**12-20-404. Disciplinary actions - regulator powers - disposition of fines - mistreatment of at-risk adult.** (1) **General disciplinary authority.** If a regulator determines that an applicant, licensee, certificate holder, or registrant has committed an act or engaged in conduct that

constitutes grounds for discipline or unprofessional conduct under a part or article of this title 12 governing the particular profession or occupation, the regulator may:

(d) (II) A regulator is not authorized under this subsection (1)(d) to refuse to renew the license, certification, or registration of a licensee, certificate holder, or registrant regulated under the following:

(J.5) Article 255 of this title 12 concerning nurses AND CERTIFIED MIDWIVES;

(3) **Waiting period after revocation or surrender.** (a) (II) In addition, the waiting period specified in subsection (3)(a)(I) of this section applies when a person regulated under any of the following articles surrenders a license, certification, or registration to avoid discipline:

(J) Article 255 of this title 12 concerning nurses, CERTIFIED MIDWIVES, and nurse aides;

**SECTION 23.** In Colorado Revised Statutes, 12-20-406, **amend** (2)(b)(IX) as follows:

**12-20-406. Injunctive relief.** (2) (b) Subsection (2)(a) of this section does not apply to the following:

(IX) Article 255 of this title 12 concerning nurses, CERTIFIED MIDWIVES, and nurse aides;

**SECTION 24.** In Colorado Revised Statutes, 12-20-407, **amend** (1)(a)(V)(O), (1)(e) introductory portion, and (1)(e)(VII) as follows:

**12-20-407. Unauthorized practice of profession or occupation - penalties - exclusions.** (1) (a) A person commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501 if the person:

(V) Practices or offers or attempts to practice any of the following professions or occupations without an active license, certification, or registration issued under the part or article of this title 12 governing the particular profession or occupation:

(O) Practical or professional nursing OR PRACTICE AS A CERTIFIED MIDWIFE, as regulated under article 255 of this title 12;

(e) A person commits a class 6 felony and shall be punished as provided in section 18-1.3-401 if the person practices or offers or attempts to practice any of the following professions or occupations and intentionally and fraudulently represents oneself as a licensed, certified, or registered professional or practitioner issued pursuant to a part or article of this title 12 governing the particular profession or occupation:

(VII) Professional nursing OR PRACTICE AS A CERTIFIED MIDWIFE, as regulated pursuant to article 255 of this title 12;

**SECTION 25.** In Colorado Revised Statutes, 12-30-102, **amend** (3)(a)(XI) as follows:

**12-30-102. Medical transparency act of 2010 - disclosure of information about health-care providers - fines - rules - short title - legislative declaration - review of functions - repeal.** (3) (a) As used in this section, "applicant" means a person applying for a new, active license, certification, or registration or to renew, reinstate, or reactivate an active license, certification, or registration to practice:

(XI) Practical nursing, professional nursing, ~~or~~ advanced practice registered nursing, OR AS A CERTIFIED MIDWIFE pursuant to article 255 of this title 12;

**SECTION 26.** In Colorado Revised Statutes, 12-30-105, **amend** (1) introductory portion, (1)(b), (4), (5)(i), and (5)(j) as follows:

**12-30-105. Nurse-physician advisory task force for Colorado health care - creation - duties - definition - repeal.** (1) There is hereby created, within the division, the nurse-physician advisory task force for Colorado health care, referred to in this section as "NPATCH". The purpose of the NPATCH is to promote public safety and improve health care in Colorado by supporting collaboration and communication between the ~~practices~~ PRACTICE of nursing, THE PRACTICE AS A CERTIFIED MIDWIFE, and THE PRACTICE OF medicine. The NPATCH shall:

(b) Address issues of mutual concern at the interface of the ~~practices~~

PRACTICE of nursing, THE PRACTICE AS A CERTIFIED MIDWIFE, and THE PRACTICE OF medicine;

(4) The division shall staff the NPATCH. The division's costs for administering and staffing the NPATCH shall be funded by an increase in fees for professional and advanced practice registered nursing, CERTIFIED MIDWIFE, and medical license renewal fees, as authorized in sections 12-240-130 and 12-255-107 (1)(b)(I), with fifty percent of the funding derived from the physician license renewal fees and fifty percent derived from the professional and advanced practice registered nursing AND CERTIFIED MIDWIFE LICENSE RENEWAL fees.

(5) The NPATCH shall prioritize consideration of and make recommendations on the following topics:

(i) Physician standards, ~~process~~ PROCESSES, and metrics to ensure appropriate consultation, collaboration, and referral regarding advanced practice registered nurse AND CERTIFIED MIDWIFE prescriptive authority;

(j) Prescribing issues regarding providers other than physicians, ~~and~~ advanced practice registered nurses, AND CERTIFIED MIDWIVES;

**SECTION 27.** In Colorado Revised Statutes, 12-30-106, **amend** (1) as follows:

**12-30-106. Health-care work force data collection.** (1) The director of the division shall implement a system to collect health-care work force data from health-care professionals who are eligible for the Colorado health service corps pursuant to part 5 of article 1.5 of title 25, from practical and professional nurses AND CERTIFIED MIDWIVES licensed pursuant to part 1 of article 255 of this title 12, and from pharmacists licensed pursuant to article 280 of this title 12, collectively referred to in this section as "health-care professionals". Each health-care professional shall submit the data as part of the initial licensure process and upon the renewal of the health-care professional's license. Neither an executive department nor a board in an executive department is responsible for verifying the data or disciplining a health-care professional for noncompliance with this section.

**SECTION 28.** In Colorado Revised Statutes, 12-30-109, **amend**

(4)(c) as follows:

**12-30-109. Prescriptions - limitations - definition - rules.** (4) As used in this section, "prescriber" means:

(c) An advanced practice registered nurse OR CERTIFIED MIDWIFE with prescriptive authority pursuant to section 12-255-112;

**SECTION 29.** In Colorado Revised Statutes, 12-30-110, **amend** (7)(h)(II) as follows:

**12-30-110. Prescribing or dispensing opiate antagonists - authorized recipients - definitions.** (7) As used in this section:

(h) "Prescriber" means:

(II) An advanced practice registered nurse, as defined in section 12-255-104 (1), OR A CERTIFIED MIDWIFE, AS DEFINED IN SECTION 12-255-104 (3.2), with prescriptive authority pursuant to section 12-255-112; or

**SECTION 30.** In Colorado Revised Statutes, 12-30-111, **amend** (4)(a)(III) as follows:

**12-30-111. Electronic prescribing of controlled substances - exceptions - rules - definitions.** (4) As used in this section:

(a) "Prescriber" means:

(III) An advanced practice registered nurse OR CERTIFIED MIDWIFE with prescriptive authority pursuant to section 12-255-112;

**SECTION 31.** In Colorado Revised Statutes, 12-30-114, **amend** (2) as follows:

**12-30-114. Demonstrated competency - opiate prescribers - rules - definition.** (2) For the purposes of this section, "licensed health-care provider" includes ANY OF THE FOLLOWING PROVIDERS WHO ARE LICENSED PURSUANT TO THIS TITLE 12:

- (a) A physician;
- (b) A physician assistant;
- (c) A podiatrist;
- (d) A dentist;
- (e) AN advanced practice registered nurse OR CERTIFIED MIDWIFE with prescriptive authority;
- (f) AN optometrist; and
- (g) A veterinarian. ~~licensed pursuant to this title 12.~~

**SECTION 32.** In Colorado Revised Statutes, 12-30-201, **amend** (1) introductory portion, (2)(b), and (3) as follows:

**12-30-201. Legislative declaration.** (1) The general assembly hereby finds, determines, and declares that the Colorado medical board created in article 240 of this title 12 and the state board of nursing created in article 255 of this title 12 act for the state in their sovereign capacity to govern licensure, discipline, and professional review of persons licensed to practice medicine, persons licensed as physician assistants, ~~and~~ advanced practice registered nurses, AND CERTIFIED MIDWIVES, respectively, in this state. The general assembly further finds, determines, and declares that:

(2) The general assembly recognizes that:

(b) Many patients lack the knowledge, experience, or education to properly evaluate the quality of medical, ~~or~~ nursing, OR CERTIFIED MIDWIFE practice or the professional conduct of persons licensed to practice medicine, persons licensed as physician assistants, ~~and~~ advanced practice registered nurses, AND CERTIFIED MIDWIVES; and

(3) The general assembly recognizes that, in the proper exercise of their authority and responsibilities under this part 2, the Colorado medical board and the state board of nursing must, to some extent, replace competition with regulation, and that the replacement of competition by regulation, particularly with regard to persons licensed under article 240 of

this title 12, or to advanced practice registered nurses, OR TO CERTIFIED MIDWIVES, is related to a legitimate state interest in the protection of the health, safety, and welfare of the people of this state.

**SECTION 33.** In Colorado Revised Statutes, 12-30-202, **amend** (7); and **add** (2.5) as follows:

**12-30-202. Definitions.** As used in this part 2, unless the context otherwise requires:

(2.5) "CERTIFIED MIDWIFE" HAS THE SAME MEANING AS SET FORTH IN SECTION 12-255-104 (3.2).

(7) "Professional review committee" means any committee authorized under this part 2 to review and evaluate the competence of, professional conduct of, or the quality and appropriateness of patient care provided by any person licensed under article 240 of this title 12, or an advanced practice registered nurse, OR A CERTIFIED MIDWIFE. "Professional review committee" includes a governing board, a hearing panel appointed by a governing board to conduct a hearing under section 12-30-204 (8)(a), and an independent third party designated by a governing board under section 12-30-204 (9)(b).

**SECTION 34.** In Colorado Revised Statutes, 12-30-203, **amend** (1)(a) and (2) as follows:

**12-30-203. Use of professional review committees.** (1) (a) The general assembly recognizes that:

(I) The medical board and the nursing board, while assuming and retaining ultimate authority for licensure and discipline in accordance with article 240 of this title 12 and part 1 of article 255 of this title 12, respectively, and in accordance with this part 2, cannot practically and economically assume responsibility over every single allegation or instance of purported deviation from the standards of quality for the practice of medicine, or THE PRACTICE OF nursing, OR THE PRACTICE AS A CERTIFIED MIDWIFE; from the standards of professional conduct; or from the standards of appropriate care; and

(II) An attempt to exercise this oversight would result in

extraordinary delays in the determination of the legitimacy of the allegations and would result in the inappropriate and unequal exercise of their authority to license and discipline persons licensed under article 240 of this title 12, ~~or~~ advanced practice registered nurses, OR CERTIFIED MIDWIVES.

(2) Persons licensed under article 240 of this title 12, ~~and~~ advanced practice registered nurses, AND CERTIFIED MIDWIVES are encouraged to serve upon professional review committees when called to do so and to study and review in an objectively reasonable manner the professional conduct of persons licensed under article 240 of this title 12, ~~or~~ advanced practice registered nurses, OR CERTIFIED MIDWIVES, including the competence of, professional conduct of, or the quality and appropriateness of patient care provided by those persons.

**SECTION 35.** In Colorado Revised Statutes, 12-30-204, **amend** (1), (3), (5)(d), (5)(f), (5)(g), (5)(h), (5)(k), (5)(l), (5)(n), (7)(a), (8) introductory portion, (8)(a)(I), (9)(a), (11)(b)(II), and (11)(b)(VII); and **add** (5)(d.5) as follows:

**12-30-204. Establishment of professional review committees - function - rules.** (1) A professional review committee may be established pursuant to this section to review and evaluate the competence of, the quality and appropriateness of patient care provided by, or the professional conduct of any person licensed under article 240 of this title 12, ~~or~~ any advanced practice registered nurse, OR ANY CERTIFIED MIDWIFE.

(3) (a) A professional review committee that is reviewing the competence of, the quality and appropriateness of patient care provided by, or the professional conduct of an advanced practice registered nurse must either:

~~(a)~~ (I) Have, as a voting member, at least one advanced practice registered nurse with a scope of practice similar to that of the person who is the subject of the review; or

~~(b)~~ (II) Engage, to perform an independent review as appropriate, an independent person who is an advanced practice registered nurse with a scope of practice similar to that of the person who is the subject of the review. The person conducting the independent review must be a person who was not previously involved in the review.

(b) A PROFESSIONAL REVIEW COMMITTEE THAT IS REVIEWING THE COMPETENCE OF, THE QUALITY AND APPROPRIATENESS OF PATIENT CARE PROVIDED BY, OR THE PROFESSIONAL CONDUCT OF A CERTIFIED MIDWIFE MUST EITHER:

(I) HAVE, AS A VOTING MEMBER, AT LEAST ONE CERTIFIED MIDWIFE OR ADVANCED PRACTICE REGISTERED NURSE WITH A SCOPE OF PRACTICE SIMILAR TO THAT OF THE PERSON WHO IS THE SUBJECT OF THE REVIEW; OR

(II) ENGAGE, TO PERFORM AN INDEPENDENT REVIEW AS APPROPRIATE, AN INDEPENDENT PERSON WHO IS A CERTIFIED MIDWIFE WITH A SCOPE OF PRACTICE SIMILAR TO THAT OF THE PERSON WHO IS THE SUBJECT OF THE REVIEW. THE PERSON CONDUCTING THE INDEPENDENT REVIEW MUST BE A PERSON WHO WAS NOT PREVIOUSLY INVOLVED IN THE REVIEW.

(5) A professional review committee established by any of the following authorized entities is an approved professional review committee under this part 2 if it operates in compliance with written bylaws, policies, or procedures that are in compliance with this part 2 and that have been approved by the authorized entity's governing board and if it is registered with the division in accordance with section 12-30-206:

(d) A society or association of advanced practice registered nurses ~~who~~ WHOSE MEMBERS reside in this state, if the advanced practice registered nurse whose services are the subject of the review is a member of the society or association;

(d.5) A SOCIETY OR ASSOCIATION OF CERTIFIED MIDWIVES WHOSE MEMBERS RESIDE IN THIS STATE, IF THE CERTIFIED MIDWIFE WHOSE SERVICES ARE THE SUBJECT OF THE REVIEW IS A MEMBER OF THE SOCIETY OR ASSOCIATION;

(f) A society or association of advanced practice registered nurses ~~who~~ OR CERTIFIED MIDWIVES WHOSE MEMBERS practice in a specified nursing OR MIDWIFERY role and population focus, as defined by the nursing board, which society or association has been designated by the nursing board as the specific nursing OR MIDWIFERY society or association representative of those advanced practice registered nurses OR CERTIFIED MIDWIVES practicing in that nursing OR MIDWIFERY role and population focus, if the advanced practice registered nurse OR CERTIFIED MIDWIFE

whose services are the subject of the review is a member of the designated nursing OR MIDWIFERY society or association;

(g) An individual practice association or a preferred provider organization consisting of persons licensed under article 240 of this title 12, ~~or~~ of advanced practice registered nurses, OR OF CERTIFIED MIDWIVES or a medical group that predominantly serves members of a health maintenance organization licensed pursuant to parts 1 and 4 of article 16 of title 10. A professional review committee established pursuant to this subsection (5)(g) has jurisdiction to review persons licensed under article 240 of this title 12, ~~or~~ advanced practice registered nurses, OR CERTIFIED MIDWIVES only if the persons licensed under said article, ~~or~~ the advanced practice registered nurses, OR THE CERTIFIED MIDWIVES are members of the association or organization creating and authorizing that committee; except that the professional review committee may review the care provided to a particular patient referred by a member of the association or organization to another person who is not a member of the association or organization and is licensed under article 240 of this title 12, ~~or~~ is an advanced practice registered nurse, OR IS A CERTIFIED MIDWIFE.

(h) A corporation authorized pursuant to article 3 of title 10 to insure persons licensed under article 240 of this title 12, ~~or~~ advanced practice registered nurses, OR CERTIFIED MIDWIVES or any other organization authorized to insure such persons in this state when designated by the medical board or nursing board under subsection (6) of this section;

(k) (I) A nonprofit corporation or association consisting of representatives from a statewide professional society and a statewide hospital association. The association must consist of persons licensed under article 240 of this title 12, ~~or~~ advanced practice registered nurses, OR CERTIFIED MIDWIVES, AS APPLICABLE, AND hospital administrators and hospital trustees, ~~with a majority of the representatives being persons licensed under article 240 of this title 12~~ SUBJECT TO THE FOLLOWING REQUIREMENTS:

(A) When the subject of the investigation is a person licensed under article 240 of this title 12, ~~and~~ A MAJORITY OF THE REPRESENTATIVES MUST BE PERSONS LICENSED UNDER ARTICLE 240 OF THIS TITLE 12;

(B) WHEN THE SUBJECT OF THE INVESTIGATION IS AN ADVANCED

PRACTICEREGISTEREDNURSE, at least one of the representatives ~~being~~ MUST BE an advanced practice registered nurse; ~~when the subject of the investigation is an advanced practice registered nurse.~~ AND

(C) WHEN THE SUBJECT OF THE INVESTIGATION IS A CERTIFIED MIDWIFE, AT LEAST ONE OF THE REPRESENTATIVES MUST BE A CERTIFIED MIDWIFE.

(II) The association may establish, or contract for, one or more professional review committees to review the care by hospital staff personnel who are licensed under article 240 of this title 12, ~~or~~ are advanced practice registered nurses, OR ARE CERTIFIED MIDWIVES, with priority given to small rural hospital staffs. These professional review services must be available statewide on a fee-for-service basis to licensed or certified hospitals at the joint request of the governing board and the medical, ~~or~~ nursing, OR CERTIFIED MIDWIFE staff of the hospital or at the sole request of the governing board of the hospital. If a member being reviewed specializes in a generally recognized specialty of medicine, ~~or~~ nursing, OR MIDWIFERY, at least one of the health-care providers on the professional review committee must be a person who is licensed under article 240 of this title 12, ~~or~~ is an advanced practice registered nurse, OR IS A CERTIFIED MIDWIFE and who practices such specialty.

~~(H)~~ (III) For purposes of the introductory portion to this subsection (5) and this subsection (5)(k), the bylaws, policies, or procedures must be in compliance with this part 2 and approved by the nonprofit corporation or association.

(l) The medical, ~~or~~ nursing, OR CERTIFIED MIDWIFE staff of an ambulatory surgical center licensed pursuant to part 1 of article 3 of title 25;

(n) A provider network that is organized pursuant to part 3 of article 18 of title 6 and includes persons licensed under article 240 of this title 12, ~~or~~ advanced practice registered nurses, OR CERTIFIED MIDWIVES;

(7) (a) A professional review committee acting pursuant to this part 2 may investigate or cause to be investigated:

(I) The qualifications and competence of any person licensed under article 240 of this title 12, ~~or~~ any advanced practice registered nurse, OR

ANY CERTIFIED MIDWIFE who seeks to subject ~~himself or herself~~ THEMSELVES to the authority of any authorized entity; or

(II) The quality or appropriateness of patient care rendered by, or the professional conduct of, any person licensed under article 240 of this title 12, ~~or~~ any advanced practice registered nurse, OR ANY CERTIFIED MIDWIFE who is subject to the authority of the authorized entity.

(8) The written bylaws, policies, or procedures of any professional review committee for persons licensed under article 240 of this title 12, ~~or~~ advanced practice registered nurses, OR CERTIFIED MIDWIVES must provide for at least the following:

(a) (I) Except as provided in subsection (8)(a)(II) of this section, if the findings of any investigation indicate that a person licensed under article 240 of this title 12, ~~or~~ an advanced practice registered nurse, OR A CERTIFIED MIDWIFE who is the subject of the investigation is lacking in qualifications or competency, has provided substandard or inappropriate patient care, or has exhibited inappropriate professional conduct and the professional review committee takes or recommends an action to adversely affect the person's membership, affiliation, or privileges with the authorized entity, the professional review committee shall hold a hearing to consider the findings and recommendations unless the person waives, in writing, the right to a hearing or is given notice of a hearing and fails to appear.

(9) (a) All governing boards shall adopt written bylaws, policies, or procedures under which a person who is licensed under article 240 of this title 12, ~~or~~ is an advanced practice registered nurse, OR IS A CERTIFIED MIDWIFE and who is the subject of an adverse recommendation by a professional review committee may appeal to the governing board following a hearing in accordance with subsection (8) of this section. The bylaws, policies, or procedures must provide that the person be given reasonable notice of ~~his or her~~ THE PERSON'S right to appeal and, unless waived by the person, has the right to appear before the governing board, to be represented by legal counsel, and to offer the argument on the record that the person deems appropriate.

(11) (b) Subject to subsection (14) of this section, the records are subject to subpoena and available for use:

(II) By a person licensed under article 240 of this title 12, or an advanced practice registered nurse, OR A CERTIFIED MIDWIFE in a suit seeking judicial review of an action by the governing board;

(VII) By the nursing board within the scope of its authority over advanced practice registered nurses AND CERTIFIED MIDWIVES.

**SECTION 36.** In Colorado Revised Statutes, 12-30-205, **amend** (1) as follows:

**12-30-205. Hospital professional review committees.** (1) The quality and appropriateness of patient care rendered by persons licensed under article 240 of this title 12, advanced practice registered nurses, CERTIFIED MIDWIVES, and other licensed health-care professionals so influence the total quality of patient care that a review of care provided in a hospital is ineffective without concomitantly reviewing the overall competence of, professional conduct of, or the quality and appropriateness of care rendered by these persons.

**SECTION 37.** In Colorado Revised Statutes, 12-30-206, **amend** (1), (2) introductory portion, (2)(b)(II) introductory portion, and (3)(a) as follows:

**12-30-206. Governing boards to register with division - annual reports - aggregation and publication of data - definition - rules.** (1) As used in this section, "adversely affecting" has the same meaning as set forth in 45 CFR 60.3; except that it does not include a precautionary suspension or any professional review action affecting, for a period of thirty or fewer days, a person licensed under article 240 of this title 12, or an advanced practice registered nurse, OR A CERTIFIED MIDWIFE.

(2) Each governing board that establishes or uses one or more professional review committees to review the practice of persons licensed under article 240 of this title 12, or of advanced practice registered nurses, OR OF CERTIFIED MIDWIVES shall:

(b) In addition to any other state or federal reporting requirements:

(II) Report annually to the nursing board, in a form satisfactory to the nursing board, the number of final professional review actions in each

of the following categories relating to advanced practice registered nurses AND CERTIFIED MIDWIVES:

(3) (a) The division shall publish the data provided pursuant to subsections (2)(b) and (2)(c) of this section in aggregate form and without individually identifiable information concerning the governing board, the authorized entity, or any person who was subject to review and is licensed under article 240 of this title 12, ~~or~~ is an advanced practice registered nurse, OR IS A CERTIFIED MIDWIFE.

**SECTION 38.** In Colorado Revised Statutes, 12-30-207, **amend** (1), (2) introductory portion, and (2)(d) as follows:

**12-30-207. Immunity from liability.** (1) A member of a professional review committee, a governing board, or any committee or third party designated by the governing board under section 12-30-204 (9)(b); ~~and~~ any person serving on the staff of that committee, board, panel, or third party; a witness or consultant before a professional review committee; and any person who files a complaint or otherwise participates in the professional review process is immune from suit and liability for damages in any civil or criminal action, including antitrust actions, brought by a person licensed under article 240 of this title 12, ~~or~~ an advanced practice registered nurse, OR A CERTIFIED MIDWIFE who is the subject of the review by the professional review committee unless, in connection with the professional review process, the person provided false information and knew that the information was false.

(2) The governing board and the authorized entity that has established a professional review committee pursuant to section 12-30-204 is immune from suit and liability for damages in any civil or criminal action, including antitrust actions, brought by a person licensed under article 240 of this title 12, ~~or~~ an advanced practice registered nurse, OR A CERTIFIED MIDWIFE who is the subject of the review by such professional review committee if the professional review action was taken within the scope of the professional review process and was taken:

(d) In accordance with procedures that, under the circumstances, were fair to the person licensed under article 240 of this title 12, ~~or~~ the advanced practice registered nurse, OR THE CERTIFIED MIDWIFE.

**SECTION 39.** In Colorado Revised Statutes, 12-30-208, **amend** (3)(b)(I), (3)(c) introductory portion, and (3)(c)(V) as follows:

**12-30-208. Conformance with federal law and regulation - legislative declaration - rules - limitations on liability - definition.** (3) (b) (I) Notwithstanding subsection (3)(a) of this section, nothing in this section relieves an authorized entity that is a health-care facility licensed or certified pursuant to part 1 of article 3 of title 25 or certified pursuant to section 25-1.5-103 (1)(a)(II) of liability to an injured person or wrongful death claimant for the facility's independent negligence in the credentialing or privileging process for a person licensed under article 240 of this title 12, ~~or~~ an advanced practice registered nurse, OR A CERTIFIED MIDWIFE who provided health-care services for the injured or deceased person at the facility. For purposes of this subsection (3), the facility's participation in the credentialing process or the privileging process does not constitute the corporate practice of medicine.

(c) ~~For the purposes of~~ AS USED IN this subsection (3), unless the context otherwise requires, "professional review action" means an action or recommendation of a professional review committee that is taken or made in the conduct of professional review activity and that is based on the quality and appropriateness of patient care provided by, or the competence or professional conduct of, an individual person licensed under article 240 of this title 12, ~~or~~ an advanced practice registered nurse, OR A CERTIFIED MIDWIFE, which action affects or may affect adversely the person's clinical privileges of or membership in an authorized entity. "Professional review action" includes a formal decision by the professional review committee not to take an action or make a recommendation as provided in this subsection (3)(c) and also includes professional review activities relating to a professional review action. An action is not based upon the competence or professional conduct of a person if the action is primarily based on:

(V) Any other matter that does not relate to the quality and appropriateness of patient care provided by, or the competence or professional conduct of, a person licensed under article 240 of this title 12, ~~or~~ an advanced practice registered nurse, OR A CERTIFIED MIDWIFE.

**SECTION 40.** In Colorado Revised Statutes, 12-225-101, **amend** (1)(b)(I), (1)(b)(II), and (2)(c) as follows:

**12-225-101. Scope of article - exemptions - legislative declaration.** (1) (b) (I) A person who is a certified nurse-midwife authorized pursuant to section 12-255-111, A CERTIFIED MIDWIFE AUTHORIZED PURSUANT TO SECTION 12-255-111.5, or a physician as provided in article 240 of this title 12 shall not simultaneously be so licensed and also be registered under this article 225. A physician, ~~or~~ certified nurse-midwife, ~~OR CERTIFIED MIDWIFE~~ who holds a license in good standing may relinquish the license and subsequently be registered under this article 225.

(II) A direct-entry midwife shall not represent ~~himself or herself~~ ONESELF as a nurse-midwife, ~~or~~ certified nurse-midwife, ~~OR CERTIFIED MIDWIFE~~.

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

(c) The rendering of services by certified nurse-midwives ~~OR CERTIFIED MIDWIVES~~ properly licensed and practicing in accordance with ~~the provisions of part 1 of article 255 of this title 12; or~~

**SECTION 41.** In Colorado Revised Statutes, 12-225-106, **amend** (5)(a)(III)(C) and (5)(a)(III)(F) as follows:

**12-225-106. Prohibited acts - practice standards - informed consent - emergency plan - risk assessment - referral - rules.** (5) (a) A direct-entry midwife shall keep appropriate records of midwifery-related activity, including but not limited to the following:

(III) Before accepting a client for care, the direct-entry midwife shall obtain the client's informed consent, which shall be evidenced by a written statement in a form prescribed by the director and signed by both the direct-entry midwife and the client. The form shall certify that full disclosure has been made and acknowledged by the client as to each of the following items, with the client's acknowledgment evidenced by a separate signature or initials adjacent to each item in addition to the client's signature at the end of the form:

(C) A description of the available alternatives to direct-entry midwifery care, including a statement that the client understands ~~she~~ THE

CLIENT is not retaining a certified nurse midwife, ~~or~~ a nurse midwife, OR A CERTIFIED MIDWIFE;

(F) A statement informing the client that, if subsequent care is required resulting from the acts or omissions of the direct-entry midwife, any physician, nurse, CERTIFIED MIDWIFE, prehospital emergency personnel, and health-care institution rendering subsequent care ~~shall~~ WILL be held only to a standard of gross negligence or willful and wanton conduct;

**SECTION 42.** In Colorado Revised Statutes, 12-225-112, **amend** (1) as follows:

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

**SECTION 43.** In Colorado Revised Statutes, 12-240-107, **amend** (1) introductory portion, (1)(f)(I), (3)(j), and (3)(s) as follows:

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

(f) The practice of midwifery, except:

(I) Services rendered by certified nurse-midwives OR CERTIFIED MIDWIVES properly licensed and practicing in accordance with ~~the provisions of~~ part 1 of article 255 of this title 12; or

(3) A person may engage in, and shall not be required to obtain a license or a physician training license under this article 240 with respect to, any of the following acts:

(j) The rendering of nursing OR MIDWIFERY services and delegated medical functions by registered or other nurses OR CERTIFIED MIDWIVES in the lawful discharge of their duties;

(s) (I) The rendering of prescriptions by an advanced practice registered nurse OR CERTIFIED MIDWIFE pursuant to section 12-255-112.

(II) On or after July 1, 2010, a physician who serves as a preceptor or mentor to an advanced practice registered nurse OR CERTIFIED MIDWIFE pursuant to sections 12-240-108 and 12-255-112 (4) shall have a license in good standing without disciplinary sanctions to practice medicine in Colorado and an unrestricted registration by the federal drug enforcement administration for the same schedules as the collaborating advanced practice registered nurse OR CERTIFIED MIDWIFE.

(III) It is unlawful and a violation of this article 240 for any person, corporation, or other entity to require payment or employment as a condition of entering into a mentorship relationship with ~~the~~ AN advanced practice registered nurse OR A CERTIFIED MIDWIFE pursuant to sections 12-240-108 and 12-255-112 (4), but the mentor may request reimbursement of reasonable expenses and time spent as a result of the mentorship relationship.

**SECTION 44.** In Colorado Revised Statutes, 12-240-108, **amend** (1) as follows:

**12-240-108. Collaboration with advanced practice registered nurses and certified midwives with prescriptive authority - mentorships.** (1) (a) A physician licensed pursuant to this article 240 may, and is encouraged to, serve as a mentor to an advanced practice registered nurse OR A CERTIFIED MIDWIFE who is applying for prescriptive authority pursuant to section 12-255-112 (4). A physician who serves as a mentor to

an advanced practice registered nurse OR A CERTIFIED MIDWIFE seeking prescriptive authority shall:

(I) Be practicing in Colorado and shall have education, training, experience, and active practice that corresponds with the role and population focus of the advanced practice registered nurse OR CERTIFIED MIDWIFE; and

(II) Have a license in good standing without disciplinary sanctions to practice medicine in Colorado and an unrestricted registration by the federal drug enforcement administration for the same schedules as the advanced practice registered nurse OR CERTIFIED MIDWIFE.

(b) A physician serving as a mentor to an advanced practice registered nurse OR A CERTIFIED MIDWIFE pursuant to section 12-255-112 (4) shall not require payment or employment as a condition of entering into the mentorship relationship, but the physician may request reimbursement of reasonable expenses and time spent as a result of the mentorship relationship.

(c) Upon successful completion of a mentorship as described in section 12-255-112 (4)(b)(I), the physician shall verify by ~~his or her~~ THE PHYSICIAN'S signature that the advanced practice registered nurse OR CERTIFIED MIDWIFE has successfully completed the mentorship within the required period.

**SECTION 45.** In Colorado Revised Statutes, 12-240-121, **amend** (1)(bb) as follows:

**12-240-121. Unprofessional conduct - definitions.**

(1) "Unprofessional conduct" as used in this article 240 means:

(bb) Entering into or continuing in a mentorship relationship with an advanced practice registered nurse OR A CERTIFIED MIDWIFE pursuant to sections 12-240-108 and 12-255-112 (4) that fails to meet generally acceptable standards of medical practice;

**SECTION 46.** In Colorado Revised Statutes, 12-240-139, **amend** (1)(b)(I) introductory portion, (1)(b)(I)(B), (1)(b)(I)(C), (1)(b)(II)(B), (1)(b)(III), and (1)(b)(V) introductory portion as follows:

**12-240-139. Injuries to be reported - penalty for failure to report - immunity from liability - definitions.** (1) (b) (I) When a licensee, or nurse, OR CERTIFIED MIDWIFE performs a medical forensic examination that includes the collection of evidence at the request of a victim of sexual assault, the licensee's, or nurse's, OR CERTIFIED MIDWIFE'S employing medical facility shall, with the consent of the victim of the sexual assault, make one of the following reports to law enforcement:

(B) A medical report if a victim wishes to obtain a medical forensic examination with evidence collection but at the time of the medical forensic examination chooses not to participate in the criminal justice system. The licensee, or nurse, OR CERTIFIED MIDWIFE shall collect the evidence and victim-identifying information, and the employing medical facility shall release the evidence and information to law enforcement for testing in accordance with section 24-33.5-113 (1)(b)(III) and storage in accordance with section 18-3-407.5 (3)(c).

(C) An anonymous report if a victim wishes to obtain a medical forensic examination with evidence collection but at the time of the medical forensic examination chooses not to have personal identifying information provided to law enforcement or to participate in the criminal justice system. The licensee, or nurse, OR CERTIFIED MIDWIFE shall collect the evidence, and the employing medical facility shall release it to law enforcement for storage in accordance with section 18-3-407.5 (3)(c). Law enforcement shall receive no identifying information for the victim. Law enforcement shall assign a unique identifying number to the evidence, and the licensee, or nurse, OR CERTIFIED MIDWIFE shall record the identifying number in the medical record and notify the victim that the identifying number is recorded. Additionally, the licensee, or nurse, OR CERTIFIED MIDWIFE shall provide the identifying number to the victim.

(II) Nothing in this section:

(B) Requires a licensee, nurse, CERTIFIED MIDWIFE, or medical facility to make a report to law enforcement concerning an alleged sexual assault if medical forensic evidence is not collected.

(III) If the licensee's, NURSE'S, OR CERTIFIED MIDWIFE'S employing medical facility knows where the alleged sexual assault occurred, the facility shall make the report with the law enforcement agency in whose

jurisdiction the crime occurred regarding preservation of the evidence. If the medical facility does not know where the alleged sexual assault occurred, the facility shall make the report with its local law enforcement agency regarding preservation of the evidence.

(V) A licensee, ~~or~~ nurse, OR CERTIFIED MIDWIFE who performs a medical forensic examination as described in subsection (1)(b)(I) of this section shall inform the victim:

**SECTION 47.** In Colorado Revised Statutes, 12-245-220, **amend** (2)(b) as follows:

**12-245-220. Disclosure of confidential communications - definitions.** (2) Subsection (1) of this section does not apply and a person may disclose confidential information when:

(b) A licensee, registrant, or certificate holder was in consultation with a physician, registered professional nurse, CERTIFIED MIDWIFE, licensee, registrant, or certificate holder against whom a suit or complaint was filed based on the case out of which the suit or complaint arises;

**SECTION 48.** In Colorado Revised Statutes, 12-250-106, **amend** (7) as follows:

**12-250-106. Practice of naturopathic medicine by naturopathic doctors - exclusions - protected activities - definition - rules.** (7) As used in this section, "licensed pediatric health-care provider" means a licensed physician, ~~or~~ AN advanced practice registered nurse, OR A CERTIFIED MIDWIFE who treats children.

**SECTION 49.** In Colorado Revised Statutes, 12-280-123, **amend** (1)(b) as follows:

**12-280-123. Prescription required - exception - dispensing opiate antagonists - selling nonprescription syringes and needles.** (1) (b) A pharmacist who receives an order for a controlled substance that is included in schedule II, III, or IV from a podiatrist, dentist, physician, physician assistant, advanced practice registered nurse, CERTIFIED MIDWIFE, or optometrist, which order is not transmitted electronically to the pharmacist, is not required to verify the applicability of an exception to electronic

prescribing of controlled substances under section 12-30-111 and may dispense the controlled substance pursuant to a written, oral, or facsimile-transmitted order that is otherwise valid and consistent with the requirements of current law.

**SECTION 50.** In Colorado Revised Statutes, 12-280-125.7, **amend** (1)(f)(II) as follows:

**12-280-125.7. Pharmacists' authority to prescribe and dispense HIV infection prevention drugs - definitions - rules.** (1) As used in this section:

(f) "Prescriber" means:

(II) An advanced practice registered nurse, as defined in section 12-255-104 (1), OR A CERTIFIED MIDWIFE, AS DEFINED IN SECTION 12-255-104 (3.2), with prescriptive authority pursuant to section 12-255-112.

**SECTION 51.** In Colorado Revised Statutes, 12-300-104, **amend** (3)(c), (3)(d)(II), and (3)(e) as follows:

**12-300-104. Definitions.** As used in this article 300, unless the context otherwise requires:

(3) "Respiratory therapy" means providing therapy, management, rehabilitation, support services for diagnostic evaluation, and care of patients with deficiencies and abnormalities that affect the pulmonary system under the overall direction of a medical director. Respiratory therapy includes the following:

(c) Direct and indirect respiratory care services, including ~~but not limited to~~ the administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, and pulmonary rehabilitative or diagnostic regimen prescribed by a physician, ~~or~~ AN advanced practice registered nurse, OR A CERTIFIED MIDWIFE;

(d) Observation and monitoring of signs, symptoms, reactions, general behavior, and general physical response to respiratory care

treatment and diagnostic testing for:

(II) The implementation based on observed abnormalities of appropriate reporting, referral, or respiratory care protocols or changes in treatment regimen pursuant to a prescription by a physician, ~~or~~ AN advanced practice registered nurse, OR A CERTIFIED MIDWIFE or the initiation of emergency procedures;

(e) The diagnostic and therapeutic use of the following in accordance with the prescription of a physician, ~~or~~ AN advanced practice registered nurse, OR A CERTIFIED MIDWIFE: Administration of medical gases, exclusive of general anesthesia; aerosols; humidification; environmental control systems and biomedical therapy; pharmacologic agents related to respiratory care procedures; mechanical or physiological ventilatory support; bronchopulmonary hygiene; respiratory protocol and evaluation; cardiopulmonary resuscitation; maintenance of the natural airways; insertion and maintenance of artificial airways; diagnostic and testing techniques required for implementation of respiratory care protocols; collection of specimens from the respiratory tract; or analysis of blood gases and respiratory secretions and participation in cardiopulmonary research; and

**SECTION 52.** In Colorado Revised Statutes, 10-16-139, **amend** (1) as follows:

**10-16-139. Access to care - rules - definitions.** (1) **Access to obstetricians and gynecologists.** A health benefit plan that is delivered, issued, renewed, or reinstated in this state on or after January 1, 2014, that provides coverage for reproductive health or gynecological care shall not be delivered, issued, renewed, or reinstated unless the plan provides a woman covered by the plan direct access to an obstetrician, a gynecologist, a physician assistant authorized under section 12-240-107 (6), ~~or~~ an advanced practice registered nurse who is a certified nurse midwife pursuant to section 12-255-111, OR A CERTIFIED MIDWIFE LICENSED PURSUANT TO SECTION 12-255-111.5, participating and available under the plan for her reproductive health care or gynecological care.

**SECTION 53.** In Colorado Revised Statutes, 13-21-108.7, **amend** (2)(b)(I)(A) as follows:

**13-21-108.7. Persons rendering emergency assistance through the administration of an opiate antagonist - limited immunity - legislative declaration - definitions.** (2) **Definitions.** As used in this section, unless the context otherwise requires:

(b) (I) "Health-care provider" means:

(A) A licensed physician, AN advanced practice registered nurse, OR A CERTIFIED MIDWIFE who has prescriptive authority pursuant to section 12-255-112; A physician assistant; or A pharmacist; or

**SECTION 54.** In Colorado Revised Statutes, 13-21-115.5, **add** (3)(c)(II)(E.5) as follows:

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

(c) (II) "Volunteer" includes:

(E.5) A CERTIFIED MIDWIFE GOVERNED BY THE "NURSE AND NURSE AIDE PRACTICE ACT", ARTICLE 255 OF TITLE 12, PERFORMING CERTIFIED MIDWIFE TASKS WITHIN THE SCOPE OF THE PERSON'S CERTIFIED MIDWIFE LICENSE AND PERFORMING PRACTICE AS A CERTIFIED MIDWIFE UNDER AUTHORITY GRANTED BY THE STATE BOARD OF NURSING PURSUANT TO SECTIONS 12-255-111.5 AND 12-255-112 AS A VOLUNTEER FOR A NONPROFIT ORGANIZATION, A NONPROFIT CORPORATION, A GOVERNMENTAL ENTITY, OR A HOSPITAL;

**SECTION 55.** In Colorado Revised Statutes, 25-1-802, **amend** (1)(a) and (1)(b)(II) as follows:

**25-1-802. Patient records in custody of individual health-care providers.** (1) (a) Every patient record in the custody of a podiatrist, chiropractor, dentist, doctor of medicine, doctor of osteopathy, nurse, CERTIFIED MIDWIFE, optometrist, occupational therapist, audiologist, acupuncturist, direct-entry midwife, or physical therapist required to be licensed under title 12; a naturopathic doctor required to be registered pursuant to article 250 of title 12; or a person practicing psychotherapy

under article 245 of title 12, except records withheld in accordance with 45 CFR 164.524 (a), must be available to the patient or the patient's personal representative upon submission of a valid authorization for inspection of records, dated and signed by the patient, at reasonable times and upon reasonable notice. A summary of records pertaining to a patient's mental health problems may, upon written request accompanied by a signed and dated authorization, be made available to the patient or the patient's personal representative following termination of the treatment program.

(b) (II) If a licensed health-care professional determines that a copy of a radiographic study, including an X ray, mammogram, CT scan, MRI, or other film, is not sufficient for diagnostic or other treatment purposes, the podiatrist, chiropractor, dentist, doctor of medicine, doctor of osteopathy, nurse, CERTIFIED MIDWIFE, optometrist, audiologist, acupuncturist, direct-entry midwife, or physical therapist required to be licensed under title 12, or, subject to the provisions of section 25-1-801 (1)(a) and subsection (1)(a) of this section, the person practicing psychotherapy under article 245 of title 12, shall make the original of any radiographic study available to the patient, the patient's personal representative, a person authorized by the patient, or another health-care professional or facility as specifically directed by the patient, personal representative, authorized person, or health-care professional or facility pursuant to a HIPAA-compliant authorization and upon the payment of the reasonable fees for the radiographic study. If a practitioner releases an original radiographic study pursuant to this subsection (1)(b)(II), the practitioner is not responsible for any loss, damage, or other consequences as a result of the release. Any original radiographic study made available pursuant to this subsection (1)(b)(II) must be returned upon request to the lending practitioner within thirty days.

**SECTION 56.** In Colorado Revised Statutes, 25-1-1202, **amend** (1)(n) and (1)(q) as follows:

**25-1-1202. Index of statutory sections regarding medical record confidentiality and health information.** (1) Statutory provisions concerning policies, procedures, and references to the release, sharing, and use of medical records and health information include the following:

(n) Section 12-30-204, concerning professional review committees for ~~physicians~~ HEALTH-CARE PROVIDERS SPECIFIED IN PART 2 OF ARTICLE 30

OF TITLE 12;

(q) Section 12-255-119, concerning disciplinary proceedings against a practical nurse, a professional nurse, A CERTIFIED MIDWIFE, or a psychiatric technician;

**SECTION 57.** In Colorado Revised Statutes, 25-3.5-207, **amend** (1)(e) as follows:

**25-3.5-207. Ability of certified or licensed emergency medical service providers to work in clinical settings - restrictions - definitions - rules.** (1) As used in this section, unless the context otherwise requires:

(e) "Medical supervisor" means a Colorado-licensed physician, physician assistant, advanced practice registered nurse, ~~or~~ registered nurse, ~~OR~~ CERTIFIED MIDWIFE.

**SECTION 58.** In Colorado Revised Statutes, 25-4-1709, **amend** (5) as follows:

**25-4-1709. Limitations on liability.** (5) A practitioner licensed to practice medicine pursuant to article 240 of title 12 or LICENSED TO PRACTICE nursing OR AS A CERTIFIED MIDWIFE pursuant to part 1 of article 255 of title 12 or the health-care clinic, hospital, office of a private practitioner, or county public health clinic at which the immunization was administered that relies on the health history and other information given by a person who has been delegated the authority to consent to the immunization of a minor pursuant to section 25-4-1704 (2.5) is not liable for damages related to an immunization resulting from factual errors in the health history or information given to the practitioner or the health-care clinic, hospital, office of a private practitioner, or county public health clinic at which the immunization was administered by the person when such practitioner or health-care clinic, hospital, office of a private practitioner, or county public health clinic reasonably relies upon the health history information given and exercises reasonable and prudent care in administering the immunization.

**SECTION 59.** In Colorado Revised Statutes, 25-4-2403, **amend** (8) as follows:

**25-4-2403. Department of public health and environment - powers and duties - immunization tracking system - rules - definitions.**

(8) A person licensed to practice medicine pursuant to article 240 of title 12; a person licensed to practice nursing OR AS A CERTIFIED MIDWIFE pursuant to part 1 of article 255 of title 12; any other licensed health-care practitioner as defined in section 25-4-1703; providers of county nursing services; staff members of health-care clinics, hospitals, and offices of private practitioners; county, district, and municipal public health agencies; and all persons and entities listed in subsection (2) of this section are authorized to report to the immunization tracking system and to use the reminder and recall process established by the immunization tracking system.

**SECTION 60.** In Colorado Revised Statutes, **amend** 25-6-203 as follows:

**25-6-203. Extent of services.** Family planning and birth control services shall include: Interview with trained personnel; distribution of literature; referral to a licensed physician, ~~or~~ AN advanced practice registered nurse, OR A CERTIFIED MIDWIFE for consultation, examination, tests, medical treatment, and prescription; and, to the extent so prescribed, the distribution of rhythm charts, drugs, medical preparations, contraceptive devices, and similar products.

**SECTION 61.** In Colorado Revised Statutes, 25-37-102, **amend** the introductory portion and (7) as follows:

**25-37-102. Definitions.** As used in this ~~article~~ ARTICLE 37, unless the context otherwise requires:

(7) "Health-care provider" means a person licensed or certified in this state to practice medicine, pharmacy, chiropractic, nursing, physical therapy, podiatry, dentistry, optometry, occupational therapy; TO PRACTICE AS A CERTIFIED MIDWIFE; or TO PRACTICE other healing arts. "Health-care provider" also means an ambulatory surgical center, a licensed pharmacy or provider of pharmacy services, and a professional corporation or other corporate entity consisting of licensed health-care providers as permitted by the laws of this state.

**SECTION 62.** In Colorado Revised Statutes, 25.5-4-412, **amend**

(5) as follows:

**25.5-4-412. Family planning services - family-planning-related services - rules - definitions.** (5) Any recipient may obtain family planning services or family-planning-related services from any licensed health-care provider, including ~~but not limited to~~ a doctor of medicine, doctor of osteopathy, physician assistant, ~~or~~ advanced practice registered nurse, OR CERTIFIED MIDWIFE who provides such services. The enrollment of a recipient in a managed care organization, or a similar entity, does not restrict a recipient's choice of the licensed provider from whom the recipient may receive those services.

**SECTION 63.** In Colorado Revised Statutes, 25.5-10-204, **amend** (2)(j)(III) and (2)(j)(IV) as follows:

**25.5-10-204. Duties of the executive director - state board rules - definitions - repeal.** (2) The state board shall adopt such rules, in accordance with section 24-4-103, as are necessary to carry out the provisions and purposes of this article 10, including but not limited to the following subjects:

(j) (III) A person who is not otherwise authorized by law to administer nutrition and fluids through gastrostomy tubes is allowed to perform the duties only under the supervision of a licensed nurse, A LICENSED CERTIFIED MIDWIFE, or A LICENSED physician. A person who administers nutrition and fluids in compliance with ~~the provisions of~~ this subsection (2)(j) is exempt from the licensing requirements of the "Colorado Medical Practice Act", article 240 of title 12, and the "Nurse and Nurse Aide Practice Act", article 255 of title 12. Nothing in this subsection (2)(j) shall be deemed to authorize the administration of medications through gastrostomy tubes. A person administering medications through gastrostomy tubes is subject to the requirements of part 3 of article 1.5 of title 25.

(IV) ~~For purposes of this paragraph (j);~~ AS USED IN THIS SUBSECTION (2)(j):

(A) "Administration" means assisting a person in the ingestion of nutrition or fluids according to the direction and supervision of a licensed nurse, A LICENSED CERTIFIED MIDWIFE, or A LICENSED physician.

(B) "CERTIFIED MIDWIFE" HAS THE SAME MEANING AS SET FORTH IN SECTION 12-255-104 (3.2).

**SECTION 64.** In Colorado Revised Statutes, 27-10.5-103, **amend** (2)(i)(III) and (2)(i)(IV) as follows:

**27-10.5-103. Duties of the executive director - rules - definitions.**

(2) In accordance with section 24-4-103, and in coordination with the requirements of article 10 of title 25.5, the department shall adopt such rules as are necessary to carry out the provisions and purposes of this article 10.5, including but not limited to the following:

(i) (III) A person who is not otherwise authorized by law to administer nutrition and fluids through gastrostomy tubes is allowed to perform the duties only under the supervision of a licensed nurse, A LICENSED CERTIFIED MIDWIFE, or A LICENSED physician. A person who administers nutrition and fluids in compliance with ~~the provisions of this subsection~~ (2)(i) is exempt from the licensing requirements of the "Colorado Medical Practice Act", article 240 of title 12, and the "Nurse and Nurse Aide Practice Act", article 255 of title 12. Nothing in this subsection (2)(i) shall be deemed to authorize the administration of medications through gastrostomy tubes. A person administering medications through gastrostomy tubes is subject to the requirements of part 3 of article 1.5 of title 25.

(IV) ~~For purposes of this paragraph (i),~~ AS USED IN THIS SUBSECTION (2)(i):

(A) "Administration" means assisting a person in the ingestion of nutrition or fluids according to the direction and supervision of a licensed nurse, A LICENSED CERTIFIED MIDWIFE, or A LICENSED physician.

(B) "CERTIFIED MIDWIFE" HAS THE SAME MEANING AS SET FORTH IN SECTION 12-255-104 (3.2).

**SECTION 65.** In Colorado Revised Statutes, 27-81-118, **amend** (2)(a)(I)(C) as follows:

**27-81-118. Opioid crisis recovery funds advisory committee - creation - membership - purpose.** (2) (a) The committee consists of

members appointed as follows:

(I) Thirteen members appointed by the governor, including:

(C) One member licensed to practice as a nurse OR AS A CERTIFIED MIDWIFE pursuant to part 1 of article 255 of title 12;

**SECTION 66.** In Colorado Revised Statutes, 27-82-202, **amend** (2) as follows:

**27-82-202. Definitions.** As used in this part 2, unless the context otherwise requires:

(2) "Licensed health-care provider" means a physician or physician assistant licensed pursuant to article 240 of title 12 or a nurse OR CERTIFIED MIDWIFE licensed pursuant to part 1 of article 255 of title 12.

**SECTION 67.** In Colorado Revised Statutes, 38-12-401, **amend** (4) as follows:

**38-12-401. Definitions.** As used in this part 4, unless the context otherwise requires:

(4) "Medical professional" means a person licensed to practice medicine pursuant to article 240 of title 12 or TO PRACTICE NURSING OR AS A CERTIFIED MIDWIFE PURSUANT TO part 1 of article 255 of title 12.

**SECTION 68. Appropriation.** For the 2023-24 state fiscal year, \$15,393 is appropriated to the department of public health and environment for use by the health facilities and emergency medical services division. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.2 FTE. To implement this act, the division may use this appropriation for administration and operations related to operations management.

**SECTION 69. Effective date.** This act takes effect upon passage; except that section 12-255-105, Colorado Revised Statutes, as amended in section 3 of this act, takes effect July 1, 2024.

**SECTION 70. Safety clause.** The general assembly hereby finds,

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

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Steve Fenberg  
PRESIDENT OF  
THE SENATE

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

---

Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO