

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0786.01 Yelana Love x2295

**SENATE BILL 21-194**

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**SENATE SPONSORSHIP**

**Buckner,**

**HOUSE SPONSORSHIP**

**Herod,**

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**Senate Committees**

Health & Human Services  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING MATERNAL HEALTH.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill:

- Requires a carrier offering a health benefit plan in the state, and the department of health care policy and financing when administering the "Colorado Medical Assistance Act", to reimburse health-care providers that provide health-care services related to labor and delivery in a way that promotes high-quality, cost-effective care, prevents risk in subsequent pregnancy, and does not discriminate

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

- based on the type of provider or facility;
- Requires each health-care provider licensed by the state to provide health-care services related to labor and delivery to implement best practices for interprofessional collaboration and the transfer of a pregnant person from home or a birthing center to a health facility;
- Requires the health equity commission in the department of public health and environment to study the use of research evidence in policies related to the perinatal period in Colorado and report findings to the general assembly;
- Requires the department of public health and environment to make recommendations to improve numerous topics related to maternal health; and
- Requires the department of health care policy and financing to seek an amendment to the state medical assistance plan to provide 12 months of postpartum medical benefits to persons who qualified for benefits while pregnant.

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

2           **SECTION 1.** In Colorado Revised Statutes, 10-16-104, **add**  
 3 (3)(d) as follows:

4           **10-16-104. Mandatory coverage provisions - rules -**  
 5 **definitions. (3) Maternity coverage. (d) A CARRIER OFFERING A**  
 6 **HEALTH BENEFIT PLAN IN THE STATE SHALL REIMBURSE PARTICIPATING**  
 7 **PROVIDERS THAT PROVIDE HEALTH-CARE SERVICES RELATED TO LABOR**  
 8 **AND DELIVERY IN A MANNER THAT:**

9           **(I) PROMOTES HIGH-QUALITY, COST-EFFECTIVE CARE AND**  
 10 **PREVENTS RISK IN SUBSEQUENT PREGNANCIES; AND**

11           **(II) DOES NOT DISCRIMINATE BASED ON THE TYPE OF PROVIDER OR**  
 12 **FACILITY.**

13           **SECTION 2.** In Colorado Revised Statutes, **add** 12-30-116 as  
 14 follows:

15           **12-30-116. Acceptance of transfers from home and birthing**  
 16 **centers. (1) A PERSON LICENSED UNDER THIS TITLE 12 TO PROVIDE**

1 HEALTH-CARE SERVICES RELATED TO LABOR AND DELIVERY SHALL  
2 IMPLEMENT BEST PRACTICES FOR INTERPROFESSIONAL COLLABORATION  
3 AND THE TRANSFER OF A PREGNANT PERSON FROM HOME OR A BIRTHING  
4 CENTER TO A HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION  
5 25-1.5-103 (1).

6 (2) A HEALTH-CARE PROVIDER DESCRIBED IN SUBSECTION (1) OF  
7 THIS SECTION SHALL ACCEPT A TRANSFER OF A PREGNANT PERSON FROM  
8 HOME OR A BIRTHING CENTER WITHOUT DISCRIMINATION BASED ON:

9 (a) THE PERSON'S AGE, CITIZENSHIP STATUS, COLOR, DISABILITY,  
10 GENDER, GENDER EXPRESSION, GENDER IDENTITY, GENETIC INFORMATION,  
11 HEALTH STATUS, NATIONAL ORIGIN, RACE, RELIGION, SEX, OR SEXUAL  
12 ORIENTATION; OR

13 (b) WHETHER THE PERSON WAS SEEKING CARE OUTSIDE OF THE  
14 HOSPITAL SETTING WHEN THE PERSON BEGAN EXPERIENCING SYMPTOMS  
15 THAT REQUIRE IMMEDIATE CARE AT A HOSPITAL.

16 (3) THIS SECTION DOES NOT PROHIBIT HEALTH-CARE PROVIDERS  
17 FROM BILLING FOR HEALTH-CARE SERVICES RENDERED.

18 (4) THE ACCEPTANCE OF A TRANSFERRED PREGNANT PERSON DOES  
19 NOT ESTABLISH AN EMPLOYMENT OR CONSULTATION RELATIONSHIP  
20 BETWEEN THE ACCEPTING HEALTH-CARE PROVIDER AND THE  
21 TRANSFERRING HEALTH-CARE PROVIDER OR ESTABLISH GROUNDS FOR  
22 VICARIOUS LIABILITY.

23 **SECTION 3.** In Colorado Revised Statutes, 25-2-112, **amend** (7)  
24 as follows:

25 **25-2-112. Certificates of birth - filing - establishment of**  
26 **paternity - notice to collegeinvest.** (7) (a) The state registrar shall revise  
27 the birth certificate worksheet form used for the preparation of a

1 certificate of live birth to include a statement that knowingly and  
2 intentionally misrepresenting material information on the worksheet form  
3 used for the preparation of a birth certificate is a misdemeanor.

4 (b) THE BIRTH CERTIFICATE WORKSHEET FORM MUST INCLUDE A  
5 PLACE TO REPORT WHERE THE PREGNANT PERSON INTENDED TO GIVE BIRTH  
6 AT THE ONSET OF THE PERSON'S LABOR.

7

8 **SECTION 4.** In Colorado Revised Statutes, 25-52-103, **amend**  
9 (3); and **add** (4.5) as follows:

10 **25-52-103. Definitions.** As used in this article 52, unless the  
11 context otherwise requires:

12 (3) "Designated state perinatal care quality collaborative" means  
13 a statewide nonprofit network of ~~health-care~~ HEALTH facilities, clinicians,  
14 and public health professionals working to improve the quality of care for  
15 mothers and babies through continuous quality improvement.

16 (4.5) "HEALTH FACILITY" MEANS A HEALTH FACILITY LICENSED OR  
17 CERTIFIED PURSUANT TO SECTION 25-1.5-103 (1).

18 **SECTION 5.** In Colorado Revised Statutes, 25-52-104, **amend**  
19 (5), (6)(a) introductory portion, (6)(a)(III), and (6)(a)(IV); and **add**  
20 (6)(a)(V) as follows:

21 **25-52-104. Colorado maternal mortality review committee -**  
22 **creation - members - duties - report to the general assembly - repeal.**

23 (5) The department shall:

24 (a) Compile reports of aggregated, nonindividually identifiable  
25 data on a routine basis for distribution in an effort to further study the  
26 causes and problems associated with maternal mortality that may be  
27 distributed to policymakers, health-care providers, ~~and~~ HEALTH facilities,

1 behavioral health providers, public health professionals, THE HEALTH  
2 EQUITY COMMISSION CREATED IN SECTION 25-4-2206, and others  
3 necessary to reduce the maternal mortality rate;

4 (b) Serve as a link with maternal mortality review teams  
5 throughout the country and participate in regional or national maternal  
6 mortality review team activities; and

7 (c) ~~Request~~ INCORPORATE input and feedback from:

8 (I) Interested and affected stakeholders, WITH A FOCUS ON  
9 PERSONS WHO ARE PREGNANT OR IN THE POSTPARTUM PERIOD AND THEIR  
10 FAMILY MEMBERS;

11 (II) MULTIDISCIPLINARY, NONPROFIT ORGANIZATIONS  
12 REPRESENTING PERSONS WHO ARE PREGNANT OR IN THE POSTPARTUM  
13 PERIOD, WITH A FOCUS ON PERSONS FROM RACIAL AND ETHNIC MINORITY  
14 GROUPS; AND

15 (III) MULTIDISCIPLINARY, COMMUNITY-BASED ORGANIZATIONS  
16 THAT PROVIDE SUPPORT OR ADVOCACY FOR PERSONS WHO ARE PREGNANT  
17 OR IN THE POSTPARTUM PERIOD, WITH A FOCUS ON PERSONS FROM RACIAL  
18 AND ETHNIC MINORITY GROUPS; AND

19 (d) MAKE RECOMMENDATIONS TO IMPROVE THE COLLECTION AND  
20 PUBLIC REPORTING OF MATERNAL HEALTH DATA FROM HOSPITALS, HEALTH  
21 SYSTEMS, MIDWIFERY PRACTICES, AND BIRTHING CENTERS, INCLUDING:

22 (I) DATA ON RACE AND ETHNICITY CORRELATED WITH CONDITIONS  
23 AND OUTCOMES; DISABILITY CORRELATED WITH CONDITIONS AND  
24 OUTCOMES; UPTAKE OF TRAININGS ON BIAS, RACISM, OR DISCRIMINATION;  
25 AND INCIDENTS OF DISRESPECT OR MISTREATMENT OF A PREGNANT  
26 PERSON; AND

27 (II) DATA COLLECTED THROUGH STORIES FROM PREGNANT AND

1 POSTPARTUM PERSONS AND THEIR FAMILY MEMBERS, WITH A FOCUS ON  
2 THE EXPERIENCES OF MARGINALIZED GROUPS INCLUDING PERSONS OF  
3 RACIAL AND ETHNIC MINORITY GROUPS.

4 (e) STUDY THE USE OF RESEARCH EVIDENCE IN POLICIES RELATED  
5 TO THE PERINATAL PERIOD IN COLORADO AND, NO LATER THAN  
6 SEPTEMBER 1, 2023, REPORT TO THE SENATE COMMITTEE ON HEALTH AND  
7 HUMAN SERVICES AND THE HOUSE OF REPRESENTATIVES COMMITTEE ON  
8 HEALTH AND INSURANCE, OR THEIR SUCCESSOR COMMITTEES, ON THE USE  
9 OF RESEARCH EVIDENCE IN POLICIES RELATED TO THE PERINATAL PERIOD  
10 IN THE STATE USING THE IMPLEMENTATION SCIENCE FRAMEWORK. THE  
11 DEPARTMENT MAY CONTRACT WITH A THIRD-PARTY TO FULFILL THE  
12 REQUIREMENTS OF THIS SUBSECTION (5)(e).

13 (6) (a) No later than July 1, 2020, and July 1 every three years  
14 thereafter, the department shall submit a report to the house of  
15 representatives committees on public AND BEHAVIORAL health care and  
16 human services and health and insurance and the senate committee on  
17 health and human services, or their successor committees. The report  
18 must include:

19 (III) A prioritization of a limited number of causes of maternal  
20 mortality that are identified as having the greatest impact on the pregnant  
21 and postpartum population in Colorado and as most preventable; ~~and~~

22 (IV) In consultation with the designated state perinatal care  
23 quality collaborative, recommendations for clinical quality improvement  
24 approaches that could reduce the incidence of pregnancy-related deaths  
25 or maternal mortality or morbidity in prenatal, perinatal, and postnatal  
26 clinical settings and recommendations for how to spread best practices to  
27 clinical settings across the state; AND

1 (V) (A) FOR THE REPORT SUBMITTED NO LATER THAN JULY 1,  
2 2023, INFORMATION STUDIED PURSUANT TO SUBSECTIONS (5)(c) AND  
3 (5)(d) OF THIS SECTION.

4 (B) THIS SUBSECTION (6)(a)(V) IS REPEALED, EFFECTIVE  
5 SEPTEMBER 1, 2024.

6 **SECTION 6.** In Colorado Revised Statutes, **add** 25.5-4-424 as  
7 follows:

8 **25.5-4-424. Providers - health-care services related to labor**  
9 **and delivery - reimbursement.** (1) THE STATE DEPARTMENT SHALL  
10 REIMBURSE ALL ELIGIBLE PROVIDERS THAT PROVIDE HEALTH-CARE  
11 SERVICES RELATED TO LABOR AND DELIVERY IN A MANNER THAT:

12 (a) PROMOTES HIGH-QUALITY, COST-EFFECTIVE CARE AND  
13 PREVENTS RISK IN SUBSEQUENT PREGNANCIES; AND

14 (b) DOES NOT DISCRIMINATE BASED ON THE TYPE OF PROVIDER OR  
15 FACILITY.

16 **SECTION 7.** In Colorado Revised Statutes, 25.5-5-201, **add** (4.5)  
17 as follows:

18 **25.5-5-201. Optional provisions - optional groups.**

19 (4.5) (a) SUBJECT TO \_\_\_\_\_ THE RECEIPT OF FEDERAL FINANCIAL  
20 PARTICIPATION, TO THE MAXIMUM EXTENT ALLOWED UNDER FEDERAL  
21 LAW, A PERSON WHO WAS ELIGIBLE FOR ALL PREGNANCY-RELATED AND  
22 POSTPARTUM SERVICES UNDER THE MEDICAL ASSISTANCE PROGRAM FOR  
23 THE SIXTY DAYS FOLLOWING THE PREGNANCY REMAINS CONTINUOUSLY  
24 ELIGIBLE FOR ALL SERVICES UNDER THE MEDICAL ASSISTANCE PROGRAM  
25 FOR THE TWELVE-MONTH POSTPARTUM PERIOD.

26 (b) THE STATE DEPARTMENT SHALL SEEK ANY \_\_\_\_\_ PLAN  
27 AMENDMENT NECESSARY TO IMPLEMENT A TWELVE-MONTH POSTPARTUM

1 BENEFIT PURSUANT TO THIS SUBSECTION (4.5) AND SHALL IMPLEMENT THE  
2 BENEFIT ONLY UPON RECEIPT OF FEDERAL AUTHORIZATION AND FINANCIAL  
3 PARTICIPATION.

4 **SECTION 8.** In Colorado Revised Statutes, 25.5-8-109, **add** (5.5)  
5 as follows:

6 **25.5-8-109. Eligibility - children - pregnant women.**

7 (5.5) (a) SUBJECT TO \_\_\_\_\_ THE RECEIPT OF FEDERAL FINANCIAL  
8 PARTICIPATION, TO THE MAXIMUM EXTENT ALLOWED UNDER FEDERAL  
9 LAW, A PERSON WHO WAS ELIGIBLE FOR THE PLAN WHILE PREGNANT AND  
10 WHO REMAINS ELIGIBLE FOR ALL PREGNANCY-RELATED AND POSTPARTUM  
11 SERVICES UNDER THE PLAN FOR THE SIXTY DAYS FOLLOWING THE  
12 PREGNANCY REMAINS CONTINUOUSLY ELIGIBLE FOR ALL SERVICES UNDER  
13 THE PLAN FOR THE TWELVE-MONTH POSTPARTUM PERIOD.

14 (b) THE DEPARTMENT SHALL SEEK ANY \_\_\_\_\_ PLAN AMENDMENT  
15 NECESSARY TO IMPLEMENT A TWELVE-MONTH POSTPARTUM BENEFIT  
16 PURSUANT TO THIS SUBSECTION (5.5) AND SHALL IMPLEMENT THE BENEFIT  
17 ONLY UPON RECEIPT OF FEDERAL AUTHORIZATION AND FINANCIAL  
18 PARTICIPATION.

19 **SECTION 9. Act subject to petition - effective date.** This act  
20 takes effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly; except  
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
23 of the state constitution against this act or an item, section, or part of this  
24 act within such period, then the act, item, section, or part will not take  
25 effect unless approved by the people at the general election to be held in  
26 November 2022 and, in such case, will take effect on the date of the  
27 official declaration of the vote thereon by the governor.