

LLS No. 16-0439 _AMENDMENT #17

HOUSE SUNSET COMMITTEE AMENDMENT

Committee on Health, Insurance & Environment Committee.

LLS No. 16-0439 be amended as follows:

1 Amend LLS No. 16-0439, page 8, after line 8 insert:

2 "SECTION 10. In Colorado Revised Statutes, 12-37-109, amend
3 (3) as follows:

4 **12-37-109. Assumption of risk - no vicarious liability -**
5 **legislative declaration - professional liability insurance required.**

6 (3) (a) If the director finds that liability insurance is available at an
7 affordable price, registrants shall be required to carry such insurance.

8 (b) (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
9 REGULATORY AGENCIES SHALL CONVENE A WORKING GROUP TO
10 INVESTIGATE WAYS OF MANAGING RISKS IN THE PRACTICE OF MIDWIFERY.
11 THE WORKING GROUP SHALL CONSIST OF INDIVIDUALS WITH EXPERTISE IN
12 RISK MANAGEMENT AND KNOWLEDGE OF THE PRACTICE OF MIDWIFERY.
13 THE WORKING GROUP SHALL ASSESS POTENTIAL MECHANISMS FOR
14 MANAGING RISKS, INCLUDING METHODS FOR MITIGATING LIABILITY;
15 PROFESSIONAL LIABILITY INSURANCE; THE CREATION AND OPERATION OF
16 A JOINT UNDERWRITING AUTHORITY; A RISK RETENTION GROUP; LETTERS
17 OF CREDIT; AND POSTING SURETY BONDS OR OTHER FINANCIAL
18 INSTRUMENTS OR ARRANGEMENTS THAT COULD BE USED TO SATISFY A
19 CLAIM BASED ON PROFESSIONAL NEGLIGENCE.

20 (II) THE WORKING GROUP SHALL REPORT ITS FINDINGS TO THE
21 EXECUTIVE DIRECTOR BY OCTOBER 1, 2016. THE EXECUTIVE DIRECTOR
22 SHALL PROVIDE THE REPORT AND ANY RECOMMENDATIONS FOR
23 LEGISLATION TO THE HEALTH, INSURANCE, AND ENVIRONMENT
24 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND
25 HUMAN SERVICES COMMITTEE OF THE SENATE BY NOVEMBER 1, 2016.

26 (III) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE DECEMBER 1,
27 2016."

28 Renumber succeeding section accordingly.

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