



**BOARD OF DIRECTORS  
MEETING  
February 28, 2012**

**Health District Office Building  
120 Bristlecone Drive, Fort Collins**

**MINUTES**

**BOARD MEMBERS PRESENT:** Celeste Holder Kling, President  
Bernard J. Birnbaum, MD, Vice President  
Timothy S. O'Neill, Secretary  
Steven J. Thorson, MD, Treasurer  
Joe D. Hendrickson, Liaison to PVHS Board

**STAFF PRESENT:** Carol Plock, Executive Director  
Bruce Cooper, M.D., Medical Director  
Richard Cox, Communications Director  
Lorraine Haywood, Finance Director  
Chris Sheafor, Support Services Director  
Nancy Stirling, Assistant to Executive Director  
Lin Wilder, Community Impact/Health Promotion Director

**OTHERS PRESENT:** Rulon Stacey, Pres/CEO, PVHS  
Kendra Carberry, Attorney (via phone)  
Robin Foster, Attorney (via phone)

**CALL TO ORDER; APPROVAL OF AGENDA**

President Celeste Kling called the meeting to order at 5:55 p.m.

**MOTION:** To approve the agenda as presented.  
*Motion/Seconded/Carried Unanimously*

**PUBLIC COMMENT**

None.

**DISCUSSION AND ACTION**

**Operating Lease Amendment & Consent Agreement**

At the Board's January 30, 2012 Board meeting, the Board approved Resolution 2012-3 for the First Reading of the Operating Lease Amendments and Consent Agreement document between the Health District, Poudre Valley Health System, and the University of Colorado Health, with final approval to be considered after public input. Opportunities for public input included a Public Hearing that was held on February 16 and submission of written comments that were due by February 22. Eighty people attended the public hearing and 5 individuals spoke. Written comments were received, compiled, and provided to the Board in this meeting packet for their

review and consideration. Ms. Plock brought to the Board's attention two oral comments she received prior to the public input deadline; the attorneys suggested that they be entered into the record at this board meeting:

One comment was received from Ms. Lee Thielen, a former board member of both the Health District and PVHS. She congratulated the Board on what must have been a difficult process and negotiations. She noted that over time, she has realized the importance of the Health District Board's role in the lease. She expressed a concern about whether UCH will be as dedicated to charity/community care as PVHS has been. Her concern came partly from the decision that the University of Colorado Hospital made in the recent past to eliminate psychiatric beds, a decision apparently made on a financial rather than community basis, and which many felt contributed to the community's and the state's mental health treatment challenges. Ms. Thielen wanted to reiterate the importance of the [Health District] Board's role in monitoring the continued commitment of PVHS/UCH to the community and charity care.

Another comment was received from representatives of the Colorado Center on Law & Policy (CCLP), including Elisabeth Arenales, Director of Health Care Programs, George Lyford, Health Care Attorney, and Ed Kahn, Special Counsel. CCLP is a nonprofit advocacy organization in Denver for lower income Coloradans. Their question was whether UCH might have a different (possibly lower) commitment to (and record of) providing care for those without insurance coverage than PVHS, and whether their approach might lower the commitment of care that PVHS has historically made to the community. They offered 3 suggestions for strengthening the wording in the document to clarify expectations for assistance for those with low incomes and little or no health insurance: 1) clarify the definition of charity care, and add a phrase indicating that unless there are extreme circumstances, PVHS would continue to provide the same level of charity care as they currently provide, adjusted for changes through the years (such as population); 2) affirm the parties' intent that charity care relates to the provision of care for those with low incomes who do not have a payer source; and 3) establish a mechanism for measuring the level of charity care provided, to be administered the same way each year, so that the commitment can be monitored over time.

## **EXECUTIVE SESSION**

A motion was made to go into Executive Session.

**MOTION: For the purpose of discussion pertaining to negotiations pursuant to §24-6-402(4)(e) of the C.R.S., and for the purpose of discussion with an attorney for the district for the purpose of receiving legal advice on specific legal questions per §24-6-402(4)(b) of the C.R.S., related to PVHS.**

*Motion/Seconded/Carried Unanimously*

The Board retired to Executive Session at 6:08 p.m.

The Board came out of Executive Session at 6:35 p.m., and took a brief break. The regular meeting resumed at 6:40 p.m.

## **Further Discussion and Board Action:**

The Board indicated its readiness to take action on the Resolution, which would approve the proposed Operating Lease Amendment and Consent Agreement.

**MOTION: To approve Resolution 2012-4, approving on second and final reading a Consent Agreement between the District, Poudre Valley Health Care, Inc., and University of Colorado Health, as presented.**  
*Motion/Seconded/Carried Unanimously*

Board members expressed appreciation to Ms. Plock and the staff who worked on this issue, for their dedication and efforts to help craft an agreement that they believe does help to protect the community and the intent of the original Hospital Operating Lease Agreement. Appreciation was also expressed towards the Board members of both the Health District and PVHS, PVHS management, and attorneys for the many extra hours and meetings they participated in throughout the whole process and their dedication to due diligence, getting all questions answered, and good open honest communication leading to agreements that are believed to be in the best interest of the community for the long term.

### **Policy**

Ms. Lin Wilder, Community Impact Director, announced that the Health District received very good response to the search to fill the Policy Coordinator position and that interviews are currently underway. Ms. Wilder distributed a bill summary sheet to the Board and briefly reviewed the bills that the Board was interested in that had died as well as brief updates of bills which the Board had previously taken a position.

Bills which staff wanted to obtain further information from the Board on included:

- **HB12-1052 – Health Care Work Force Data Collection.** As health care reform is implemented, the need for work force data will become even more important. Every 3 years Health District staff spend a substantial amount of time gathering data to determine whether our community qualifies for various Health Provider Shortage Area (HPSA) designations. With this bill, it is presumed that the data collected will be robust and available to us and would reduce staff time spent on HPSA designation requirements. One amendment to the bill has been made, where “required” was changed to read “request.”

**MOTION: To SUPPORT House Bill 12-1052.**  
*Motion/Seconded/Carried Unanimously*

- **SB12-134 – Hospital Payment Assistance Program.** Staff provided for the Board’s review a fact sheet written by the Colorado Center on Law and Policy concerning this bill which includes the key components of the Hospital Assistance Program (see fact sheet for full details). The bill has been amended, and the hospital association is now in support of the bill. The bill does not yet have a House sponsor.

**MOTION: To SUPPORT Senate Bill 12-134.**  
*Motion/Seconded/Carried Unanimously*

- **HB12-1103 – Emissions bill.** Dr. Cooper provided a Pro/Con analysis of this bill which would allow a board of county commissioners to exclude any or all parts of the county from the enhanced motor vehicles emissions program if it already meets certain specified standards. (See analysis for full details.) Locally, this bill could affect either Weld and/or

Larimer County. The analysis looks at state and federal air quality standards for ozone and other air pollutants and considers what effects, if any, exclusion may have to public health.

**MOTION: To OPPOSE House Bill 12-1103.**  
*Motion/Seconded/Carried (1 Abstention: S.Thorson)*

- **SB12-037 – Electronic Prescription for Controlled Substances.** A Pro/Con analysis was provided for the Board’s review. The proposed procedures under the bill appear to meet the DEA’s regulations - which provide practitioners with the option of writing prescriptions for controlled substances electronically but require “Assurance Level 3 identity proofing and two-factor authentication” – which the DEA believes will provide security commensurate with the current paper based prescription system. The changes reduce burden on patients who now must come to the physician’s office to pick up the prescription, then take it to the pharmacy. While e-prescribing is becoming more common, and is being actively promoted, some remain concerned about the potential of a technology security breach. The bill is supported by many physician organizations. This bill has moved rapidly through the Senate and on to the House. The Board did not feel it necessary to take a position on this issue and requested that staff just continue to monitor it.
- **SB12-130 – Governance of Child Development Programs.** Staff just obtained the new language to this bill and therefore has not had the opportunity to fully review it. Handouts of “Frequently Asked Questions” concerning Early Childhood Governance and its structure were distributed to the Board for their information. Staff will review the new language and discuss with the Board at the next meeting.
- **HB12-1257 – Consumer and Provider Protections.** This is one of the bills being sponsored by one of our local representatives, Rep. John Kefalas. It was sent to the State, Veterans and Military Affairs Committee. Staff will Monitor.
- **HB12-1210 – Out of State Professionals to Practice.** The bill would allow recognition of out-of-state physicians to practice. Those in opposition of the bill cite differing standards between states, among other concerns. Staff will provide further analysis on this bill if it continues.
- **SB12-068 – Trans Fats in Schools.** This bill was amended to exempt fundraisers and small schools, and gives an extra year to comply by 2013. It appears to be moving along.
- **HB12-1140 – Suicide Prevention for Minors.** Interest in this bill is falling, particularly since the language was gutted by replacing “shall” with “may,” significantly weakening its impact.
- **SB12-078 – Protection of At-Risk Adults.** The language of the bill has been pulled because comprehensive amendments are being negotiated. Although Colorado is one of only four states without mandatory reporting, the bill may change so that it sets up a Task Force to study the issue rather than create mandatory reporting. One issue of concern are the costs for investigating; similar bills have been killed in the past due to the fiscal note. Staff will continue to monitor.

- **SB12-020 – Immunity for Reporters of Overdoses.** The bill has gained bipartisan support with good sponsors in both Houses.

**MOTION: To STRONGLY SUPPORT Senate Bill 12-020.**  
*Motion/Seconded/Carried Unanimously*

- **SB12-117- Driving While Under the Influence of Alcohol or Drugs.** Is similar to a bill that was presented in last year’s legislative session; the Board did not take a position at that time. Efforts are being made to determine some criteria for THC levels. The bill has a significant fiscal note. Staff will take a closer look at this bill.
- **HB12-1242 – Biometric System Monitor Prescription Drugs.** The bill would utilize biometric system to monitor Rx drugs, a method which many think might be invasive. With much opposition to this bill, it is believed that it will die.

The Board and staff determined that the March 9 special meeting will likely be cancelled because the key legislative proposals have already been presented to the board. If Board input is needed on any legislative items in the interim between this board meeting and the next regular board meeting, the Board gave authorization to Board President Celeste Kling to take a position on behalf of the Board or to call a phone meeting if needed.

## **UPDATES & REPORTS**

### **PVHS Liaison Report**

Mr. Hendrickson reported that the next meeting of the PVHS Board, in preparation for its April retreat in Austin, Texas, will include the compilation of a list of questions regarding what the restructure (PVHS, UCH, and UC Health) will mean for PVHS and MCR. Up for consideration will be issues such as the future role for the PVHS and MCR Board, in some specificity, and the PVHS board’s role in relation to the new UHealth board. PVHS is also working on a site for a Greeley-based emergency department, to provide a location for the Greeley Medical group, which is no longer allowed to access NCMC.

## **CONSENT AGENDA**

- ~~Approval of Draft December 2011 Financial Statements~~
- Approval of the ~~October 25~~, November 15, 2011 and ~~January 30, 2012~~ Board Meeting Minutes

The Draft December 2011 Financial Statements were removed from the consent agenda as they do not need to be approved since they are drafts.

The October 25 and January 30 board minutes were removed from the consent agenda; they were not included in the board packet.

**MOTION: To approve the consent agenda as amended.**  
*Motion/Seconded/Carried Unanimously*

Mr. Hendrickson noted an error on the summary page of the Draft December financials, which will be corrected.

## **ANNOUNCEMENTS**

- March 9, 7:00 am (Friday) – Board of Directors Special Meeting (likely cancelled)
- March 27, 5:30 pm – Board of Directors Regular Meeting
- April 4, 11:30 am – 1:00 pm – Health District Employee Appreciation Luncheon at the Northside Aztlan Community Center

Board members will receive an invitation to the annual Employee Appreciation Luncheon.

Ms. Plock commented that there will definitely be an election this year. There are three candidates, in addition to Dr. Birnbaum and Dr. Thorson, for the two open Board Member positions. They are Debbie Healy, Jack Irving, and Matt Fries.

## ADJOURN

**MOTION: To adjourn the meeting.**  
*Moved/Seconded/Carried Unanimously*

The meeting was adjourned at 8:12 p.m.

Respectfully submitted:

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Nancy L. Stirling, Assistant Secretary

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Celeste Holder Kling, President

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Bernard J. Birnbaum, MD, Vice President

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Timothy S. O'Neill, Secretary

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Steven J. Thorson, MD, Treasurer

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Joe D. Hendrickson, PVHS Board Liaison