

B 007 04

EXECUTIVE ORDER

CREATING THE FITZSIMONS STATE VETERANS NURSING HOME ACCOUNTABILITY COMMITTEE

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order creating the Fitzsimons State Veterans Nursing Home Accountability Committee.

1. Background and Need

The Colorado State Veterans Nursing Home at Fitzsimons was created to provide a state-of-the-art, long-term care facility for Colorado's Front Range veterans. The facility—which received considerable support from the Governor's Office, Colorado General Assembly, the United States Department of Veterans Affairs (VA), Colorado's congressional delegation, and veterans—was built with the expectation that its residents would enjoy a high quality of life and receive superior medical care. The facility was licensed in September 2002 and admitted its first resident in October of 2002.

In the fall of 2003, the Colorado Department of Public Health and Environment and United States Department of Veterans Affairs issued separate reports that cited the nursing home with numerous and unacceptable violations of state and federal health standards. These violations were due in large part to operational and management deficiencies.

Prompted by concern over the standard of patient care at the nursing home, Governor Owens visited the facility, and subsequently appointed a cabinet-level task force in December 2003 to develop an institution-wide improvement plan for the Fitzsimons State Veterans Nursing Home.

Governor Owens directed the Task Force to work with the Colorado Department of Human Services (DHS) to find the most appropriate outside health care management group to operate the nursing home. The Task Force subsequently recommended that Pinon Management, a professional management organization that specializes in improving nursing homes that have been cited for substandard care, should be installed as a temporary manager of the nursing home.

Governor Owens immediately approved a contract with Pinon Management in December 2003 to take over the operation of the nursing home through June 2004. In June, DHS signed an extension to the Pinon contract through December 31, 2004. In September, the Governor's

office submitted, and the Joint Budget Committee approved, an emergency supplemental appropriation request that will extend Pinon's contract through June 30, 2005, at which time management of the facility is expected to return to the Department of Human Services.

These contract extensions are a recognition of the fact that Pinon, working closely with the Department of Human Services, has made significant positive progress at the nursing home since it began operation of the facility, and that significant work remains to meet federal standards and the expectations of the Governor, legislators, veterans, taxpayers, residents and their families.

In order to meet these expectations, I am dissolving the Task Force for the Fitzsimons State Veterans Nursing Home—which has effectively met its charge—and issuing this Executive Order to create the Fitzsimons State Veterans Nursing Home Accountability Committee (the Committee).

2. Mission and Scope

- a. The Committee will independently monitor Pinon Management's and the Department of Human Services' progress toward ensuring patient safety and financial viability at the Fitzsimons State Veterans Nursing Home.
- b. The Committee will meet monthly, or as needed, at the call of the chair, to conduct a review of specific qualitative and quantitative information requested in advance by the Committee, and submitted by Pinon Management and other entities as appropriate. This information shall include, but not be limited to, updated cash flow and census projections.
- c. The Committee will ensure that an adequate transition can occur from Pinon Management to the Department of Human Services.
- d. The Committee will focus on issues specific to Fitzsimons State Veterans Nursing Home, but also will evaluate the impact proposed solutions for Fitzsimons may have on other state veterans nursing homes.
- e. The Committee shall not exercise administrative authority with respect to Fitzsimons or the state Department of Human Services.
- f. The Committee will make recommendations to the Governor as deemed appropriate.

3. Resources

The Committee shall have the power to accept money and in-kind contributions from private entities only to the extent that such donations are necessary to cover its expenses. Any money

contributed to the Committee shall be directed to the Office of Governor and deposited with the Treasurer of the State of Colorado in an account within the Office of Governor's budget. Members of the Committee shall serve without compensation.

4. Membership and Organization

- a. The Committee shall consist of not more than 8 voting members appointed by the Governor. All members shall serve at the pleasure of the Governor. In the event of a vacancy, the Governor may appoint a new member to fill the vacancy.
- b. The Executive Director of the Department of Human Services shall serve as an ex-officio, non-voting member of the Committee.
- c. The Executive Directors of the Colorado Departments of Public Health and Environment, Health Care Policy and Financing and Human Services shall designate an employee from their department to serve as a non-voting staff member and technical resource to the Committee.
- d. The Governor shall appoint one member of the Committee to serve as the chair. The chair shall adopt such procedural rules as necessary to conduct Committee meetings and other business.
- e. A quorum shall consist of 5 Committee members and recommendations of the Committee submitted to the Governor shall be approved by at least 5 voting members.

5. Directive

The Fitzsimons State Veterans Nursing Home Accountability Committee is hereby established. The Task Force for the Fitzsimons State Veterans Nursing Home is hereby dissolved.

6. Duration

This Committee shall expire on July 1, 2005, unless otherwise extended or terminated by the Governor.

GIVEN under my hand and the
Executive Seal of the State
of Colorado, this _____
day of October, 2004.

Bill Owens
Governor