



Colorado Department
of Public Health
and Environment

**COLORADO DEPARTMENT OF HEALTH CARE
POLICY AND FINANCING
AND
COLORADO DEPARTMENT OF PUBLIC
HEALTH AND ENVIRONMENT**

REPORT TO:

HOUSE HEALTH AND ENVIRONMENT COMMITTEE
SENATE HEALTH AND HUMAN SERVICES COMMITTEE
GOVERNOR

*ANNUAL REPORT OF EXPENDITURES
FROM THE NURSING HOME PENALTY CASH FUND*

C.R.S. 25-1-107.5

NOVEMBER 30, 2011

Cash Fund Report

Introduction

House Bill 09-1196 was passed during the 2009 session of the Colorado General Assembly. This is the second annual report created by the Department of Health Care Policy and Financing (HCPF) and the Department of Public Health and Environment (CDPHE), with assistance from the Nursing Facility Culture Change Accountability Board (Board).

The intent of the legislation is to authorize the use of a portion of the Nursing Facility Cash Penalty Fund, every fiscal year, for measures to improve the quality of life for nursing home residents. The purposes that can be used as a basis for consideration for distribution include but are not limited to:

- consumer education on assessing culture change in nursing facilities and recognizing whether a nursing facility uses person-centered care;
- training for state surveyors, supervisors, and the state and local long-term care ombudsman regarding culture change in nursing facilities;
- development of a newsletter and Web site detailing information on culture change in nursing facilities and related information; and
- education and consultation for the purposes of identifying and implementing culture change initiatives in nursing facilities.

The Board is established to review and make recommendations to the departments for the use of the authorized funds. In Fiscal Year (FY) 2009-10, \$200,000 was allocated for grant disbursements for such purposes. In subsequent years, 25 percent of the new monies from Civil Money Penalties (CMP) deposited in the fund the previous fiscal year are available for culture change grants. In 2010-11, \$81,922 was made available. Per Section 25-1-107.5 (4)(e), C.R.S. (2011), no more than 10 percent of the available funds can be used for Board administrative support.

Culture Change and Resident-Centered Care

Board members have provided the information in this section regarding culture change and resident-centered care in Colorado and the nation:

Resident-centered care is about treating the most vulnerable people in our communities with dignity and respect. Culture change and resident-centered care creates home, meaning, purpose, spontaneity, and the ability to give as well as receive care. Residents living in nursing homes where this philosophy has been adopted have choice in routines and schedules and a more home-like environment, providing for self determination, respect, dignity, and sometimes less reliance on psychoactive medications and decreasing likelihood of more restrictive living. This is a new model of care which will transform the traditional nursing home of the past, modeled after a hospital, to one that is centered on elder and disabled residents directing their choices, routines, schedules and environment. It focuses on creating a home and empowering residents and staff to create a place they want to live and work in respectively.

Colorado has always been seen as an innovative leader in the nursing home community. House Bill 09-1196 created new opportunities to transform the delivery of care in a facility-based environment to resident-centered care. The ability to use Nursing Home Penalty Cash Funds encourages wide-spread adoption of the new paradigm through all of Colorado's nursing homes and allied resources, especially enhancing current thinking for consumer education and setting new benchmarks. The Centers for Medicare and Medicaid Services (CMS) supports the use of CMPs, the source of funds in the State Nursing Home Penalty Cash Fund, to improve the quality of life for nursing home residents. CMS has provided guidelines that include directing CMP funds to entities other than nursing homes as long as funds are used in accordance with statutory intent. CMS is very interested in innovative practices that benefit nursing home residents. Colorado is one of 13 states using CMP funds for this purpose.

Nursing Facility Culture Change Accountability Board Appointment and Development

In August 2009, Governor Ritter appointed nine of the 10 members to the Board as required by law. Currently, there are four open positions on the Board: a member representing the disability community who is either a resident of a nursing home or a family member of a nursing home resident, a member representing the business community and two members employed in long term care nursing facilities. The Board applications submitted are being reviewed by Governor Hickenlooper's staff for new appointments.

The Board met for the first time on December 14, 2009. A Chairperson and Vice Chair were elected by the Board. Shelley Hitt, Long-Term Care Ombudsman, is serving as Board Chairperson and Carolyn Mickey, administrator of Washington County Nursing Home, is serving as Vice Chair. Board organization, structure, responsibilities, accountability and administrative support were determined with input from stakeholders, HCPF, and CDPHE. Since this initial meeting the Board has met monthly, identified a process for stakeholder education and input, developed criteria for grants and timelines, and developed processes for application submissions, disbursement of funds, reporting, communication, and Board meetings. The Board has provided education about culture change and resident-centered care. The Board directed legal questions and inquiries to HCPF.

During the past year the Board continued to meet, selected a new chair, reviewed newly submitted grant applications, conducted on site visits for current grants, developed protocols for quarterly reporting and final reports, identified Board fiscal responsibilities and made recommendations to HCPF and CDPHE for new grants. The Board also worked through fund disbursements with HCPF staff and met with the new HCPF Executive Director, Susan Birch, to introduce her to Board members and familiarize her with the legislation and associated Board activities.

Grants and Moneys Expended

Grant criteria and applications continue to be posted on HCPF's and CDPHE's Web sites and those of various state and stakeholder organizations throughout Colorado.

In FY 2010-11 the Board received and reviewed 10 applications from various organizations in Colorado including consultants, charitable organizations, nursing home providers, management companies, higher education, government agencies and others. The applications were thoroughly reviewed and scored by the Board using uniform criteria. The Board made recommendations to HCPF and CDPHE for four organizations to receive funds. The recommended grants met the statutory standard and spirit, were innovative, were replicable, were able to be evaluated, were sustainable and would impact multiple nursing homes and/or residents. Both departments approved the Board recommendations. Some organizations received only a portion of the funds requested in their original proposals. Rarely were administrative costs funded and no capital improvement requests were funded.

The proposals that were not selected did not meet pre-defined criteria or did not address furthering culture change concepts and practices in the long-term care community. The Board will increase their efforts to educate stakeholders on culture change concepts and grant criteria.

The grant recipients, amounts awarded and purposes of the grants for FY 2010-11, are summarized on Attachment A of this document. The table below identifies the financial accounting for the funds available for this cycle of grants.

Total CMP Fund receipts in FY 2009-10	\$ 327,690.00
Total Funds Available in FY 2010-11	\$ 81,922.50
Grants Funds Awarded	\$ 77,400.00
Board Expenses and Surety Bond Expense	\$ 628.00
Undisbursed funds	\$ 3,894.50

The undisbursed funds remained in the Nursing Home Penalty Cash Fund.

Effectiveness of the Use of the Funds

The projects funded by the FY 2009-10 grants were all completed with all quarterly reports received and reviewed by the Board. Two of the grants were approved through September 30, 2011 for extensions to complete their work. Quarterly reports included updates on grant deliverables and financial accounting of how grant funds were spent. Board members were assigned to liaison between each grantee organization and the Board. The Board conducted on site visits or in person meetings with seven of the 10 organizations receiving grants. Results were impressive, sustainable and replicable. A summary follows.

Colorado Culture Change Coalition Grant amount \$50,600

Many Board members attended the Colorado Accord, a conference funded by the grant to educate providers and their staff, regulators and policymakers about resident-directed care and

culture change. Over 400 people attended this conference and heard about many best practices and innovative approaches from national and local experts. Some of the presenters were grant recipients who shared their work and the outcomes and impact of their grants.

This organization also received funding for a Web site and printed materials to begin a campaign to educate consumers on resident-directed care in Colorado. The Web site and materials were so well received that the Pioneer Network, a national organization whose mission is to promote resident-directed care, now uses the materials for consumer education.

Colorado State and Veterans Nursing Home
Grant amount \$10,050

This grant was used to train 12 Eden Educators to deliver Eden Associate training to the staff of six nursing homes managed by the grant recipient. This was the first grant completed and initial impact has been significant, as it provided the opportunity to train all existing and new employees in the resident-directed care principles of the Eden Alternative, impacting 565 residents living in the Colorado State and Veterans Nursing Homes and their families.

Edu-Catering
Grant Amount \$2,500

Edu-Catering is a Colorado-based consulting and education organization lead by Carmen Bowman, a national expert on culture change and resident-directed care. This grant provided education to State nursing home surveyors on resident-directed care and regulations that may be a barrier to achieving resident-directed care. CMS regional office staff also attended. The dialogue with surveyors was held in two hour-long sessions. Reports indicate there was a genuine interest from the surveyors in resident-directed care.

Edu-Catering
Grant Amount \$23,000

This was a second grant for Edu-Catering to provide education through webinars, conference calls and group sessions over the course of one year. Twenty-one nursing homes brought teams of their staff to attend an initial educational one-half day session on resident-directed care using the Artifacts of Culture Change Assessment as the baseline evaluation for their nursing home and identifying areas of opportunity to improve their resident-directed care initiatives. The remainder of the conference calls focused on improvement in the identified areas. Final accomplishments were provided through a webinar on September 30, 2011 to all nursing homes in Colorado and other interested parties.

Exempla Colorado Lutheran Home
Grant amount \$3,600

Aromatherapy and sleep were the focus of this grant, using lavender-essential oil to promote sleep for elders, rather than use of sleeping medications which can have numerous negative

effects. The Board reviewed this grant with an on site visit to Colorado Lutheran Home. Statistics and graphs were provided, demonstrating the impact of the aromatherapy on residents' sleep patterns. An aromatherapy consultant and registered nurse conducted the study. Evidence indicated two positive outcomes of increasing sleep and decreasing the need for sleep medications for project participants. The facility will continue to offer the aromatherapy as an alternative to pharmacological sleep aides.

The Gay, Lesbian, Bisexual and Transgender (GLBT) Community Center of Colorado
Grant Amount \$12,500

This grant provided for collaboration between a nursing home, the nursing home management company and the GLBT Community Center to identify ways to erase fears and overcome barriers for gay, lesbian, bi-sexual and transgender elders living in nursing homes. The grant focused on resources to nursing homes, language shifts, a pretest and resultant revisions of policies and procedures that would identify and begin to break down fears and barriers as well as developing education focused on these specific areas.

Highline Rehabilitation & Care Community
Grant Amount \$10,165

This nursing facility developed numerous therapeutic and complimentary therapy approaches to care for the residents including, aromatherapy, relaxation and meditation experiences, horticulture and gardening, therapeutic touch and validation therapy. The Board performed an on site review of Highline in June 2011. The project manager reviewed the statistical results with the Board and demonstrated the use of a special room using the different therapy approaches enjoyed by many of their elders for relaxation. Eight percent of psychoactive drugs were able to be discontinued for the thirty study participants, over the period of this grant.

The Legal Center
Grant Amount \$47,800

This grant was used to redesign and produce 2000 Resident's Rights board games, an interactive method for educating nursing facility residents and their families. The updates added and enhanced resident-directed care elements in the game. The newly designed games are available to Colorado's nursing facilities for use with residents, family and staff. This grant was extended for completion by September 30, 2011 by the Board. The game will be widely available and used across the state and nation, based on current inquiries to The Legal Center for People with Disabilities and Older People.

North Star Community
Grant Amount \$4,782

North Star Community, a nursing facility in Denver, developed and implemented a drumming/music program. The grant provided for training of a facilitator who would develop the drumming/music program to share with others at North Star Community and in northern

Colorado. The facilitator presented the program at numerous educational programs including one which the Board attended. The results met the intent of the grant and continue to provide many other facilities and residents the leisure enjoyment and therapeutic benefits of drumming.

Pinon Management

Grant Amount \$30,000

The funds from this grant were used to design a curriculum for Neighborhood Guides from six of Pinon Management's nursing facilities. Four staff members from each community were invited to participate to become Neighborhood Guides. This is an innovative and advanced team development initiative centered on resident-directed care with 25 one hour training modules. The Neighborhood Guide approach was presented at the Colorado Accord in April 2011 and at the Pioneer Network annual conference in August 2011 in St Charles, Missouri. This approach funded by the grant will have far-reaching positive effects for elders and staff working in Colorado's and the nation's nursing homes to transform resident-directed care. The grant funding provided necessary training modules in a workbook format allowing this approach to be replicable and sustainable.

Summary

The Board continued to meet throughout FY 2010-11 to define processes, review quarterly reports and review new grant applications. Each grant recipient was required to identify in the organization's grant application: organizational information, including financial statement, a budget for the project, project information, project impact and a project evaluation plan, including the impact on nursing home residents. The grantees received their funds on or before June 30, 2011. All new grant projects are in process and will be completed by June 30, 2012. At this time, all grants have reported on the initial project development.

The process for grant awards for FY 2011-12 is in progress. Grant applications were due on October 14, 2011. The amount available for awards disbursement in FY 2011-12 is \$61,874, which is 25 percent of the \$247,497 received in FY 2010-11.

Opportunities

Throughout FY 2010-11 the Board and HCPF met and worked on processes to disburse funds by June 30, 2011. The Colorado Culture Change Coalition, a non-profit organization, agreed to become the fiscal agent for the funds and contracted with HCPF to disburse the funds prior to the close of the fiscal year. The FY 2010-11 contracting and disbursement processes presented timing challenges similar to those identified in the prior year's grant cycle. As a result, some Board members, who were part of the stakeholder group initiating the original legislation, identified the need for potentially revising the legislation for a more efficient and effective disbursement process in the future. Currently HCPF has identified new processes with the Board for funding grants. In FY 2011-12 and successive years, organizations approved for grants by the Board, will be reimbursed for expenses rather than receiving funds in advance. The Board has also created a timeline with the intention of identifying and completing recommendations for grants earlier in the fiscal year.

Currently the Colorado Culture Change Coalition, Colorado Health Care Association, HCPF and CDPHE are collaborating to identify Board members representing the disability community, business community and additional nursing facility representatives, as identified in the statute.

The Board continues to reach out and inform the greater community about the available grant funds.

ATTACHMENT A

ORGANIZATIONS RECEIVING FY 2010 -11 DISBURSEMENTS FROM THE NURSING HOME PENALTY CASH FUND

1. Quality Life Management (QLM), Bob Jones
Grant Amount \$20,000

QLM is committed to providing a continuum of specialized health care services to residents and their families. QLM's request is to create a program worthy of duplication that will assist:

- Residents in feeling that they are cared for, respected, and valued
- Residents in realizing their purpose and passion
- Residents improving their quality of life
- Residents in sharing their life story with friends and family
- Care givers in effectively conveying care, interest and empathy, and
- Care givers in obtaining heightened job satisfaction

Objectives will be achieved by obtaining a baseline from which to measure improvements, collecting stories from residents in order to identify individual purpose and passions by staff, and reading residents' biographies to share. The grant will also bring in presenters and subject matter experts to assist staff with gaining a new perspective and encouraging them to become excited about the project's purpose. This will assist workers who are suffering from "compassion fatigue". Results will be measured on a quarterly basis using a third party company. The research and program development, along with implementation specifics, would be available in a tool-kit format to share with other organizations and facilities.

2. Arapahoe Community College, Sue Treitz
Grant Amount \$21,100

The grant will provide scholarship funds for 24 certified nursing assistants (CNA) who wish to enroll and complete the Eldercare Specialist Certificate program at the College. The program is intended to expand the role of CNAs to become specialists in the concepts of culture change with the intent of becoming leaders in transforming nursing homes to the neighborhood and household model.

3. Colorado Coalition for Elder Rights and Adult Protection (CCERAP), Helen Davis
Grant Amount \$6,300

CCERAP serves as a key resource for information, education, advocacy, and training for professionals working with elders and their families. The requested grant will allow CCERAP to expand its programs, training, outreach, and community collaboration to educate its traditional audience. This will be accomplished through dedication of space

on CCERAP's Web site for Culture Change Collaboration; specific training for students in the health care curriculum of community and career colleges, as well as for social work students and nurses in higher education; and presentations by CCERAP's coordinator to service organizations, faith groups, civic organizations, senior centers, etc.

4. Bessie's Hope, Sharon Brandrup
Grant Amount \$30,000

Bessie's Hope was created to provide continuing and long-term beneficial effects on the quality of life of residents in nursing facilities and to provide consumer education to promote resident-centered care. The grant would provide 10 scholarships for one year of service to long-term care providers for the "Dreams Can Still Come True" program. This is an intergenerational program providing an outlet for residents to establish relationships and socialize with others outside the nursing home. It is intended to alleviate loneliness, helplessness, and boredom while providing continued contact with children facilitating loving companionship.

Total Amount Disbursed

\$77,400