



COLORADO
Department of Health Care
Policy & Financing

Department of Health Care Policy & Financing
1570 Grant Street
Denver, CO 80203



COLORADO
Department of Public
Health & Environment

4300 Cherry Creek South
Denver, CO 80246

October 1, 2019

Governor Jared Polis
136 State Capitol
Denver, CO 80203

Dear Governor Polis:

Enclosed, please find the Department of Health Care Policy and Financing and the Department of Public Health and Environment's (the Departments') legislative report on the Nursing Home Penalty Cash Fund (NHPCF).

Section 25-1-107.5, C.R.S. requires the Departments to jointly submit an annual report to the Governor, the Senate Health and Human Services Committee, and the House Public Health Care and Human Services Committee regarding the expenditure of moneys in the NHPCF for the purposes described in Section 25-1-107.5(4)(c)(II), C.R.S. The report shall detail the amount of moneys expended for such purposes, the recipients of the funds, and the effectiveness of the use of the funds, and any other information deemed pertinent by the departments or requested by the governor or the committees.

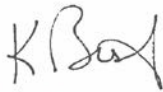
The NHPCF is managed in part by the Nursing Home Innovations Grant Board (the Board) which is comprised of 10 members representing the nursing home community as outlined in SB 14-151. The Board solicits, reviews and recommends grants for funding from the NHPCF. The Departments are pleased to submit this report on behalf of the Board. The Departments are supportive of the culture change initiatives and appreciate the Board's work on this important issue. The report describes the goals, costs, and results of active grants in SFY 2018-19 funded from the NHPCF. These projects benefit nursing home residents by improving their quality of life, as authorized by the statute. The report also describes the goals and proposed funding for SFY 2019-20 grants. Attachment A contains information on the remaining SFY 2016-17 projects funded by the grants. Attachment B contains information on all SFY 2017-18 projects funded by the grants. Attachment C contains information on the SFY 2018-19 grant projects. Attachment D contains information on SFY 2019-2020 project requests.

If you require further information or have additional questions, please contact Nina Schwartz, Department of Health Care Policy and Financing at 303.866.6912 or Randy



Kuykendall, Director, Health Facilities and Emergency Medical Services Division, Department of Public Health and Environment, at 303-692-2945.

Sincerely,



Kim Bimestefer
Executive Director
Department of Health Care Policy and
Financing

KB/RC

Sincerely,



Jill Hunsaker Ryan
Executive Director
Department of Public Health and
Environment

Enclosure(s): 2019 Nursing Home Penalty Cash Fund Report

CC: Elisabeth Arenales, Senior Health Policy Advisor, Governor's Office
Legislative Council Library
State Library
John Bartholomew, Finance Office Director, HCPF
Laurel Karabatsos, Interim Medicaid Director, HCPF
Tom Massey, Policy, Communications, and Administration Office Director, HCPF
Bonnie Silva, Community Living Office Director, HCPF
Parrish Steinbrecher, Health Information Office Director, HCPF
Stephanie Ziegler, Cost Control and Quality Improvement Office Director, HCPF
Rachel Reiter, External Relations Division Director, HCPF
Nina Schwartz, Legislative Liaison, HCPF
Randy Kuykendall, Director, Health Facilities & Emergency Medical Services Division,
CDPHE





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October 1, 2019

The Honorable Jonathan Singer, Chair
Public Health Care and Human Services Committee
200 E. Colfax Avenue
Denver, CO 80203

Dear Representative Singer:

Enclosed, please find the Department of Health Care Policy and Financing and the Department of Public Health and Environment's (the Departments') legislative report on the Nursing Home Penalty Cash Fund (NHPCF).

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Department of Health Care Policy and
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KB/RC

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Jill Hunsaker Ryan
Executive Director
Department of Public Health and
Environment

Enclosure(s): 2019 Nursing Home Penalty Cash Fund Report

CC: Representative Dafna Michaelson Jenet, Vice-Chair, Public Health Care and Human Services Committee
Representative Yadira Caraveo, Public Health Care and Human Services Committee
Representative Lisa Cutter, Public Health Care and Human Services Committee
Representative Serena Gonzales-Gutierrez, Public Health Care and Human Services Committee
Representative Cathy Kipp, Public Health Care and Human Services Committee
Representative Lois Landgraf, Public Health Care and Human Services Committee
Representative Colin Larson, Public Health Care and Human Services Committee
Representative Larry Liston, Public Health Care and Human Services Committee
Representative Kyle Mullica, Public Health Care and Human Services Committee
Representative Rod Pelton, Public Health Care and Human Services Committee
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Rachel Reiter, External Relations Division Director, HCPF
Nina Schwartz, Legislative Liaison, HCPF





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4300 Cherry Creek South
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October 1, 2019

The Honorable Susan Lontine, Chair
Health and Insurance Committee
200 E. Colfax Avenue
Denver, CO 80203

Dear Representative Lontine:

Enclosed, please find the Department of Health Care Policy and Financing and the Department of Public Health and Environment's (the Departments') legislative report on the Nursing Home Penalty Cash Fund (NHPCF).

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Kuykendall, Director, Health Facilities and Emergency Medical Services Division, Department of Public Health and Environment, at 303-692-2945.

Sincerely,



Kim Bimestefer
Executive Director
Department of Health Care Policy and
Financing

KB/RC

Sincerely,



Jill Hunsaker Ryan
Executive Director
Department of Public Health and
Environment

Enclosure(s): 2019 Nursing Home Penalty Cash Fund Report

CC: Representative Yadira Caraveo, Vice Chair, Health and Insurance Committee
Representative Mark Baisley, Health and Insurance Committee
Representative Susan Beckman, Health and Insurance Committee
Representative Janet P. Buckner, Health and Insurance Committee
Representative Dominique Jackson, Health and Insurance Committee
Representative Sonya Jaquez Lewis, Health and Insurance Committee
Representative Kyle Mullica, Health and Insurance Committee
Representative Matt Soper, Health and Insurance Committee
Representative Brianna Titone, Health and Insurance Committee
Representative Perry Will, Health and Insurance Committee
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Rachel Reiter, External Relations Division Director, HCPF
Nina Schwartz, Legislative Liaison, HCPF



Randy Kuykendall, Director, Health Facilities & Emergency Medical Services Division,
CDPHE





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4300 Cherry Creek South
Denver, CO 80246

October 1, 2019

The Honorable Rhonda Fields, Chair
Health and Human Services Committee
200 E. Colfax Avenue
Denver, CO 80203

Dear Senator Fields:

Enclosed, please find the Department of Health Care Policy and Financing and the Department of Public Health and Environment's (the Departments') legislative report on the Nursing Home Penalty Cash Fund (NHPCF).

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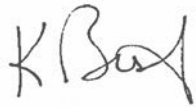
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Kuykendall, Director, Health Facilities and Emergency Medical Services Division, Department of Public Health and Environment, at 303-692-2945.

Sincerely,



Kim Bimestefer
Executive Director
Department of Health Care Policy and
Financing

Sincerely,



Jill Hunsaker Ryan
Executive Director
Department of Public Health and
Environment

KB/RC

Enclosure(s): 2019 Nursing Home Penalty Cash Fund Report

CC: Senator Brittany Pettersen, Vice-Chair, Health and Human Services Committee
Senator Larry Crowder, Health and Human Services Committee
Senator Jim Smallwood, Health and Human Services Committee
Senator Faith Winter, Health and Human Services Committee
Legislative Council Library
State Library
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Nina Schwartz, Legislative Liaison, HCPF
Randy Kuykendall, Director, Health Facilities & Emergency Medical Services Division,
CDPHE





Nursing Home Penalty Cash Fund Expenditure Report State Fiscal Year (SFY) 2018-2019

Introduction

A Civil Money Penalty (CMP) is a monetary penalty imposed on nursing facilities by the Centers for Medicare and Medicaid Services (CMS). Penalties are imposed following survey findings in which a facility is found to be out of compliance with one or more participation requirements for Medicare or Medicaid. A portion of collected CMPs are returned to the States to be reinvested in projects that benefit nursing facility residents. Colorado's Nursing Home Penalty Cash Fund (cash fund) is comprised of the State portion of CMP funds and interest income on the cash fund. The Colorado Department of Public Health and the Environment (CDPHE) is the single state survey agency responsible for facility surveys and imposition of CMPs. The Department of Health Care Policy and Financing (HCPF) manages these funds according to Federal regulations and State statute.

Spending Authorities

Federal Regulations¹ limit the use these funds to activities that protect or improve the quality of care for residents including:

- (a) Support and protection of residents of a facility that closes.
- (b) Time-limited expenses incurred in the process of relocating when a facility is closed or downsized.
- (c) Projects that support resident and family councils and other consumer involvement in assuring quality care in facilities.
- (d) Facility improvement initiatives approved by CMS.
- (e) Development and maintenance of temporary management or receivership capabilities.

In 2014, Senate Bill 14-151 established the Nursing Home Innovations Grant Board (the Board) to replace the Nursing Facility Culture Change Accountability Board established by House Bill 09-1196 in 2009. The Board established funding maximums and expanded the time-period for which a project could be funded to three years.

The Board solicits grants proposals supporting resident quality of care and offers recommendations to the CDPHE and HCPF for the expenditure of a portion of NHPCF funds. When the July 1st cash fund balance is greater than \$2 million, \$250,000.00 is allocated to the Board. When the balance is less than \$2 million dollars, the Boards received a lesser amount to ensure that at least \$1 million are always

¹ 42 CFR § 488.433 Civil money penalties: Uses and approval of civil money penalties imposed by CMS

maintained for emergencies or facility closures. The legislation additionally allows grant projects to be funded over a maximum of three years. Unused funds are returned to the cash fund.

Nursing Home Innovation Grant Board Activities

In October 2018, CMS launched an initiative attempting to standardize the Federal CMP grant approval process. The result was a drastic reduction in the number of grant proposals receiving Federal approval nationwide. CDPHE has partnered with other state survey agencies in the nation to request that CMS re-evaluate its approval process. The Board has been working to revise and resubmit grants for Federal approval. As a result of this new Federal stance on CMP grants, expenditures for SFY 2018 and 2019 were reduced.

SB 19-238 allowed for flexibility in grant funding in future years. This was a necessary development due to the increase in CMP collections in recent years. The Board has spent the last year continuing work on marketing, establishing internal processes, infrastructure, and planning for an increase in future grant making capacity. Additionally, the Board reviewed and updated its charter, and formalized board member training in compliance with HB 18-1198. The current NHIGB roster is attached. The Board is currently seeking applications for one vacancy who must be a resident of a nursing home, or a family member of a nursing home resident.

Grants Awarded and Funding Expended

The Board continues to receive and review applications from various organizations in Colorado including consultants, charitable organizations, nursing home providers, management companies, higher education organizations, government subdivisions and others. Upon project approval, the Board members review deliverables and assist grantees in coordinating projects. Board members perform on-site visits or in-person meetings with the grant recipient organization. Project results are made publicly available through the HCPF website.

Administrative Costs

SB 14-151 does allow for \$10,000 from the cash fund to be used annually for administrative costs of the Board; however, the board did not utilize any funds for administrative expenses in SFY 2018-2019. The board is reviewing options for website development to better disseminate the results of projects.

Grant Funds

In SFY 2017-2018 the Board oversaw projects approved in the eighth grant cycle (2016-2017), and ninth grant cycle (2017-2018). The Board also reviewed grant applications and made recommendations for the tenth (SFY 2018-2019) and eleventh (SFY 2019-2020) grant cycles.

Cycle Eight

During the eighth grant cycle (SFY 2016-2017) the Board received eleven applications and awarded grants to four organizations. Two of these projects continued into SFY 2018-2019. Both were completed in SFY 2017-2018. The grant recipients, amounts awarded, purposes and results of these grant projects are summarized on **Attachment A** of this document.

For SFY 2016-2017:

- \$250,000 were made available.
- \$242,830 in Grant Fund were awarded

Cycle Nine

During the ninth cycle (SFY 2017-2018) the Board received seven applications and three were approved. One of these projects continued into SFY 2017-2018 and is expected to be complete in 2020. The grant recipients, amounts awarded, purposes and results of this grant project is summarized on **Attachment B** of this document.

For SFY 2017-2018:

- \$250,000 were made available.
- \$133,437 in Grant Fund were awarded

Cycle Ten

Cycle ten applications were received in April 2018. The Board received thirteen applications. Six applications were approved by the Board and are awaiting CMS approval. The grant recipients, amounts awarded, purposes and results of the grant projects for SFY 2018-2019 are summarized on **Attachment C** of this document.

For SFY 2018-2019 (pending CMS approval)

- \$250,000 were made available.
- \$270,216.02 in Grant funds were recommended for funding.
- To date \$10,000 in funds have been approved by CMS

Cycle Eleven

Cycle eleven applications were received and reviewed in September 2018. The Board received 17 applications of which 6 have been approved. The grant recipients, amounts awarded, purposes and results of the grant projects for SFY 2019-2020 are summarized on **Attachment D** of this document.

For SFY 2019-2020 (pending CMS approval)

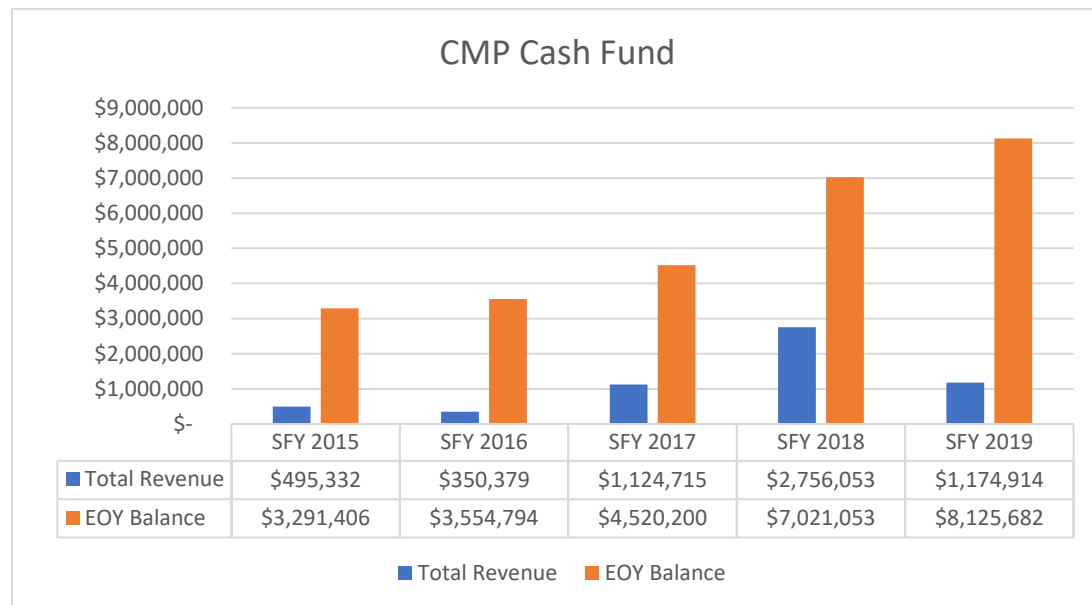
- \$250,000 were made available.
- \$256,693 in Grant funds were recommended for funding.

Additional Expenditures

Colorado did not need to access the cash fund for any facility closures or emergency relocations in SFY 2017-2018.

Nursing Home Penalty Cash Fund Finances

Total CMPs imposed in SFY 2019 declined to \$1,002,278 and at the conclusion of SFY 2019, the balance of the cash fund was \$8,125,682. HCPF in consultation with the Board will be implementing updated regulation related to funds available for grant making. This is expected to result in a substantial increase in funding available for reinvestment in Colorado Nursing Homes.



	CMPs Collected	Interest Income	Expenditures	EOY Balance
SFY 2016	\$318,264	\$32,114	(\$36,548)	\$3,554,793
SFY 2017	\$1,081,387	\$43,327	(\$175,816)	\$4,520,199
SFY 2018 ²	\$2,661,732	\$94,320	(\$185,110)	\$7,021,053
SFY 2019	\$1,002,278	\$172,636	(\$70,286)	\$8,125,682

Impacts/Opportunities

The implementation of a new review process at the Federal level severely impacted the Board ability to fund projects in SFY 2018-2019. The Board, HCPF and CDPHE have engaged with CMS to define new interpretive requirements at the Federal level. Additionally, CDPHE has partnered with other state survey agencies to pressure CMS for clarity. The board did see progress late in the year and is optimistic that CMS will adjust its stance to re-establish greater usage of CMP funds for grant making. The board will be encouraging the resubmission of cycle 10 projects for Federal reconsideration.

The board has utilized it's time in establishing guidance and partnerships with community organization in anticipation of expanded funding access in the next few years. This includes defining direction for

² Figures have been revised to reflect payables that were outstanding in previous year's report.

funding that will have more widespread impact for future grants, establishing tools for greater dissemination of project results and establishing connections with more organizations for future applications. One challenge will be board capacity as a greater number of funds are available. The Board has not utilized administrative funding in recent years as the operational and administrative work has been absorbed by CDPHE and HCPF employees. As funding increases, the number of grants and their scope will also increase. Board infrastructure for communications will need to be re-assessed as will the usage of administrative funds to support Board operations.

ATTACHMENT A
SFY 2016-17 NURSING HOME INNOVATIONS GRANT BOARD DISBURSEMENT
FROM THE NURSING HOME CASH PENALTY FUND ACTIVE IN SFY 2017-2018

1. Colorado Health Care Association-Music and Memory

Amount requested and recommended: \$ 146,875.00

Project Summary: The project goal is improve the lives of those suffering from dementia through Music and Memory program. This project is to provide certification of music and memory program, training and support, iPod devices and related equipment, and the purchase of digital music files.

The project would offer to implement the Music and Memory program in 75 nursing homes in the state of Colorado over a two-year period. Each participating nursing home would first complete the Music and Memory certification classwork. The certification course teaches the background of the Music & Memory program, explains the benefits to residents, family members and nursing home staff, and provides direct guidance on best practices for implementing the program in a nursing home. This is a three-year project expected to conclude in June 2019.

Results: The program provided training for facilities with dementia-care units to implement a music and memory program. All facilities that completed a certification course were provided supplies free of charge. The project did receive a lower number of participating facilities than expected, unutilized funds remained in the cash fund.

2. Edu-Catering-Validation dementia training

Amount requested and recommended: \$ 23,060.52

Project summary: The goal of this project is for professionals to be gifted with knowledge of regulatory requirements and best practices namely successful Validation techniques. The project will provide training on the New CMS Dementia Care Focused Survey and Validation® communication techniques.

The project will be a two-year grant to provide statewide education to nursing home professionals on:

- 1) The New CMS Dementia Care Focused Survey;
- 2) Validation®-Truly Successful Communication with Persons with Dementia.

Each course will be an all-day training at six locations in the state over two years for a total of 12 workshops. The grant will conclude no later than June 30, 2019. Curriculum will be turned over to the Colorado Nursing Home Innovations Board to be made publicly available.

Results: 12 workshops were delivered on best practices and communication strategies for dementia care. Trainings were delivered directly to care givers in 6 different regions of the state. Trainings were delivered at no cost to the facilities or participants. Curriculum will be made available free of charge for statewide usage.

ATTACHMENT B
SFY 2017-2018 NURSING HOME INNOVATIONS GRANT BOARD
RECOMMENDATIONS FOR DISBURSEMENT FROM THE
NURSING HOME CASH PENALTY FUND ACTIVE IN SFY 2017-2018

1. Aponi Partners - The Leadership Chautauqua

Amount requested and recommended: \$ 125,000.00

Project summary: The Leadership Chautauqua is a multi-disciplined and innovative approach to leadership development for long-term care facility leaders. Funds will be used to host nursing facility leadership training conferences in four diverse geographic regions in Colorado. The trainings are designed to support leader renewal and growth for improved quality care outcomes. The program will serve 180 Colorado cross-functional long-term care facility leaders and seek to include participants from CDPHE Survey Team and DRCOG Ombudsmen to work collaboratively with facility teams to identify ways long-term care quality can be improved in Colorado. The project, including planning and follow-up, has a three-year timetable to be completed no later than June 30, 2020.

ATTACHMENT C

NURSING HOME INNOVATIONS GRANT BOARD

CMS approved Projects for SFY 2018-2019

Brookside Inn: \$10,000.00 (Approved)

Weighted Blankets for Anxiety Reduction

Brookside Inn aims to use weighted blankets to help individuals with stress or anxiety achieve a reduction in psychotropic medication usage. The facility will train staff on safe weighted blanket usage prior to initiating the project. Brookside Inn will monitor behaviors and medication usage over the course of a year and provide a report of their results for public use.

ATTACHMENT D

**SFY 2019-20 NURSING HOME INNOVATIONS GRANT BOARD
RECOMMENDED PROJECTS**

Mesa Vista of Boulder: \$52,937.00

In2L program

Colorado Health Care Association: \$72,100

Specialized Infection Prevention Training in Nursing Homes

Vivage Senior Living: \$29,670

Reading2Connect

Union Printers Home: \$63,000

Taking Pause/Giving Pause

Union Printers Home: \$9,500

Union Printers Home for Caring Paws

Southeast Colorado Hospital District: \$14,251

Movement and Mobility Benefits the Human Body

Someren Glen: \$44,635

Certified Eden Associate Training