



**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, 2020

Governor Jared Polis  
136 State Capitol  
Denver, CO 80203

Dear Governor Polis:

Enclosed please find the Department of Health Care Policy & Financing and the Department of Public Health & 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 ten 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 2019-20 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 2020-21 grants. Attachment A contains information on the remaining SFY 2017-18 projects funded by the grants. Attachment B contains information on all SFY 2019-20 projects funded by the grants. Attachment C contains information on the SFY 2020-21 grant projects. Attachment D contains the SFY 2019-2020 Nursing Home Innovations Grant Board roster.

If you require further information or have additional questions, please contact Jill Mullen, Department of Health Care Policy & Financing, at 303.866.6912, or Randy Kuykendall,

Our mission is to improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.  
[www.colorado.gov/hcpf](http://www.colorado.gov/hcpf)



Director, Health Facilities and Emergency Medical Services Division, Department of Public Health & 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): 2020 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  
Tracy Johnson, Medicaid Director, HCPF  
Tom Massey, Policy, Communications, and Administration Office Director, HCPF  
Parrish Steinbrecher, Health Information Office Director, HCPF  
Anne Saumur, Cost Control and Quality Improvement Division Director, HCPD  
Rachel Reiter, External Relations Division Director, HCPF  
Randy Kuykendall, Director, Health Facilities & Emergency Medical Services Division,  
CDPHE





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October 1, 2020

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

Dear Senator Fields:

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

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Department of Health Care Policy &  
Financing

KB/RC

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Jill Hunsaker Ryan  
Executive Director  
Department of Public Health &  
Environment

Enclosure(s): 2020 Nursing Home Penalty Cash Fund Report

CC: Senator Faith Winter, Vice Chair, Health and Human Services Committee  
Senator Larry Crowder, Health and Human Services Committee  
Senator Jim Smallwood, Health and Human Services Committee  
Senator Joann Ginal, Health and Human Services Committee  
Legislative Council Library  
State Library  
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October 1, 2020

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

Dear Representative Singer:

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Sincerely,



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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): 2020 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 Sonya Jacquez Lewis, 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  
Representative Emily Sirota, Public Health Care and Human Services Committee  
Representative Mary Young, Public Health Care and Human Services Committee  
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Health & Environment

4300 Cherry Creek South  
Denver, CO 80246

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

Dear Representative Lontine:

Enclosed please find the Department of Health Care Policy & Financing and the Department of Public Health & 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.*

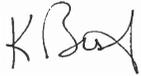
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Director, Health Facilities and Emergency Medical Services Division, Department of Public Health & Environment, at 303.692.2945.

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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): 2020 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 Buckner, Health and Insurance Committee  
Representative Dominique Jackson, Health and Insurance Committee  
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Randy Kuykendall, Director, Health Facilities & Emergency Medical Services Division,  
CDPHE



# Nursing Home Penalty Cash Fund Expenditure Report State Fiscal Year (SFY) 2019-2020

## Introduction

A Civil Money Penalty (CMP) is a monetary penalty imposed on nursing facilities by the Centers for Medicare & Medicaid Services (CMS). Penalties are imposed following surveys 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 & Environment (CDPHE) is the single state survey agency responsible for facility surveys and imposition of CMPs. The Department of Health Care Policy & Financing (HCPF) manages these funds according to federal regulation and State statute.

## Spending Authorities

Federal regulations<sup>1</sup> limit the use of 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 Bill established funding maximums and expanded the time period for which a project could be funded to three years.

In 2019, in response to the growing balance of the fund and changes in federal guidance, Senate Bill 19-254 lifted the funding maximum. Prior to the COVID-19 pandemic, CMS had expressed that States should work toward making 50% of the fund available for grant making.

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<sup>1</sup> 42 C.F.R. § 488.433, Civil money penalties: Uses and approval of civil money penalties imposed by CMS

## Emergency Expenditures

On February 11, 2020, CDPHE issued a summary suspension of the nursing home license for Union Printers Home in Colorado Springs. The following day, a temporary license was issued to a receivership for the purposes of closing the building and safely relocating residents of that facility. CDPHE and HCPF sought and received federal approval to utilize CMP funds for the purposes of operating the receivership and safely relocating residents and their possessions to new homes of their choosing. The initial appropriation of funds covered operating expenses necessary to ensure the continuation of services to the residents of Union Printers Home.

Under supervision by CDPHE and HCPF, the receivership successfully transferred all residents from the home by March 27, 2020 without incident. Under supervision by the Colorado 4th Judicial District, HCPF is currently reviewing revenues and expenditures of the receiver and former ownership group to finalize expenses. The process includes ensuring accurate accounting of Medicare, Medicaid, and third-party payer revenues, and ensuring that all CMP funds were used for expenses related to the receivership and protection of residents and their possessions. For the purposes of this report, the current expenditures include an estimate of related expenses that is likely to be reduced once all revenues are accounted for. The Department's estimate is approximately \$1,000,000 and will be adjusted once this process is finalized. An attachment related to this accounting will be provided in the 2021 cash fund report.

## Nursing Home Innovations 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. Prior to the COVID-19 pandemic, the Board had worked successfully to revise and resubmit grants for federal approval; however, safety measures related to the pandemic placed many of these grant projects on hold. Additionally, CMS put a hold on reviewing grant proposals unrelated to the pandemic.

Senate Bill 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 House Bill 18-1198. The SFY 2019-2020 Nursing Home Innovations Grant Board roster is attached (see **Attachment D**). The Board is currently seeking applications for one vacancy to be filled by a resident of a nursing home or a family member of a nursing home resident.

## COVID-19-related grants

In March 2020, in response to the COVID-19 pandemic, the Board recognized a need to mitigate isolation in Colorado nursing homes. Following discussion with CMS, the Board secured approval for spending up to \$700,000 towards the purchase of communication devices for every nursing home in the State. Facilities were given the opportunity to purchase laptops and/or tablets capable of video conferencing solely for resident usage. Every facility in the State was given the opportunity to purchase up to \$3,000 in equipment and disinfectant supplies for the equipment. The Board has continued to

review and approve grant funds throughout the summer. Facilities started making purchases in April and continued throughout the summer; however, reimbursement began in August, so funds utilized for this purpose will be reflected in the 2021 cash fund report.

## 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. In 2020, the Board has been working with grant recipients to adjust or delay implementation while nursing homes respond to the COVID-19 pandemic.

### Administrative Costs

Senate Bill 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 2019-2020.

### Grant Funds

In SFY 2019-2020, the Board oversaw projects approved in the ninth grant cycle (SFY 2017-2018) and eleventh grant cycle (SFY 2019-2020). In addition to the COVID-19 technology grant, the Board also reviewed grant applications and made recommendations for the twelfth grant cycle (SFY 2020-2021).

#### Cycle Nine

During the ninth cycle (SFY 2017-2018) the Board received seven applications and approved three. One of these projects continued into SFY 2019-2020 and was completed in June 2020. The grant recipients, amounts awarded, purposes, and results of this grant project are summarized in **Attachment A**.

#### For SFY 2017-2018:

- \$250,000 were available within the statutory spending cap.
- \$133,437 in grant funds were awarded.

#### Cycle Ten

All Cycle Ten projects were completed prior to SFY 2019-2020 and were covered in past reporting.

#### Cycle Eleven

Cycle Eleven applications were received and reviewed in September 2018. The Board received 17 applications, of which it approved five. The grant recipients, amounts awarded, purposes, and results of the grant projects for SFY 2019-2020 are summarized in **Attachment B**.

#### For SFY 2019-2020

- \$250,000 were available within the statutory spending cap .

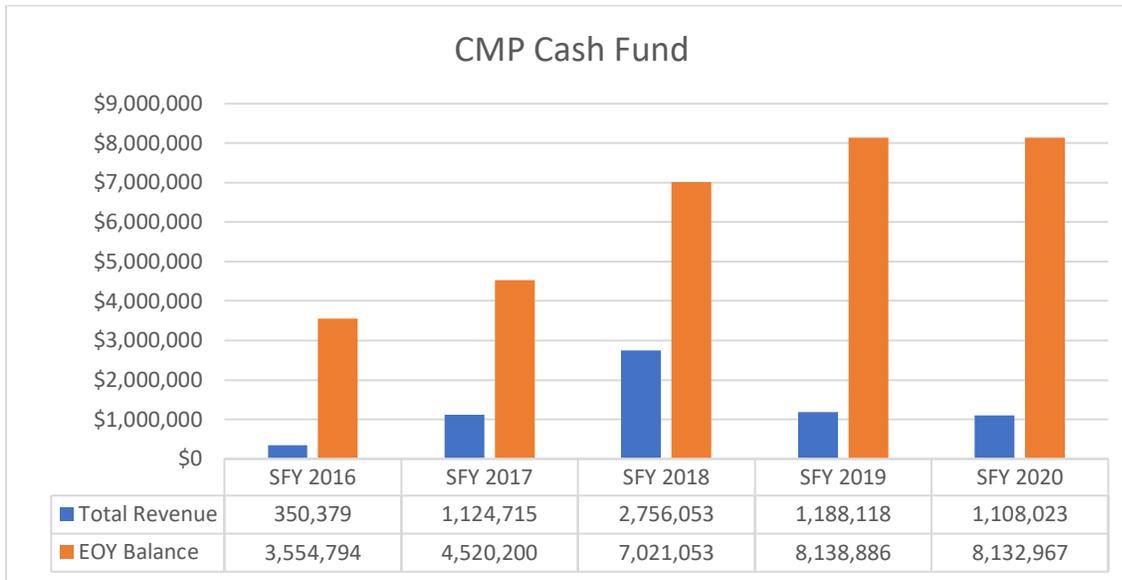
- \$213,593 in Grant funds were awarded.

#### Cycle Twelve

Cycle Twelve grants were received and reviewed in September 2019 with an anticipated start date of July 1, 2020. Cycle Twelve represents the first grant cycle without the \$250,000 spending cap in place. The Board received 20 applications and has obtained federal approval for 13 projects totaling \$1,064,465.94 over three years. The start dates for many of these projects have been delayed while facilities battle the COVID-19 pandemic, and the Board is in the process of redeveloping timelines for project implementation.

## Nursing Home Penalty Cash Fund Finances

Total CMPs imposed in SFY 2019-2020 declined to \$919,824, and at the conclusion of SFY 2019-2020, the balance of the cash fund was \$8,132,966.



	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	\$2,661,732	\$94,320	(\$185,110)	\$7,021,053
SFY 2019 <sup>2</sup>	\$1,002,278	\$188,840	(\$70,286)	\$8,138,886
SFY 2020	\$919,824	\$188,199	(\$1,113,942) <sup>3</sup>	\$8,132,966

<sup>2</sup> Figures have been revised to reflect revenue and payables that were outstanding in last year's report.

<sup>3</sup> Number includes cash outlays provided for the closure of Union Printers Home. This figure is expected to be revised downward as revenues are collected by the court-appointed receiver.

### Impacts/Opportunities

The Board has a substantial number of projects planned for the upcoming year that will support infection control, behavioral health, and quality of life initiatives in Colorado's nursing facilities; however, the Board will still fall short of CMS's goal to utilize 50% of the funds. Over the summer, the Board approved over 150 small grants supporting technology, revisited training-based grants that were put on hold because of COVID-19, and arranged for an online conference targeting Colorado facilities following the cancellation of a Denver-based conference.

Expanding the grant program to meet the CMS goal will be a challenge for the Board under the existing statutory cap on administrative spending specified in SB14-151 (\$10,000 of cash fund per year). The existing cap limits the Board's ability to conduct sufficient outreach and grantee monitoring if the Board were to increase grants by 1500% and achieve the CMS goal. Revising the statutory cap on administrative costs would enable the Board to properly expand the grant program and be good stewards of state resources. CMS has approved utilizing cash funds for staff dedicated to managing the fund, as is done in other states. Utilizing the cash fund in this way offers the opportunity to maximize federal approvals for reinvestment into Colorado nursing facilities with no General Fund impact.

**ATTACHMENT A**  
**SFY 2017-2018 NURSING HOME INNOVATIONS GRANT BOARD**

**NURSING HOME CASH PENALTY FUND PROJECTS ACTIVE IN SFY 2019-2020**

**1. Aponi Partners - The Leadership Chautauqua**

Amount requested and recommended: \$ 125,000.00

Project summary: The Leadership Chautauqua was a multi-disciplined and innovative approach to leadership development for long-term care facility leaders. Funds were used to host nursing facility leadership training conferences in four diverse geographic regions in Colorado. The trainings are designed to support leadership renewal and growth for improved quality care outcomes. The program helped long-term care facility leaders, including participants from the Survey Team and Denver Regional Council of Governments Ombudsmen, to work collaboratively with facility teams to identify ways to improve the quality of long-term care in Colorado. The project, including planning and follow-up, had a three-year timetable and was completed in June 2020.

## **ATTACHMENT B**

### **SFY 2019-2020 NURSING HOME INNOVATIONS GRANT BOARD**

#### **PROJECTS UNDERWAY IN SFY 2019-2020**

##### **Mesa Vista of Boulder: \$52,937.00**

###### **It's Never Too Late (iN2L)**

Mesa Vista of Boulder will be purchasing iN2L technology for resident usage. The facility will have multiple systems for use in resident activities and therapy, and to support communication with family members. The facility-wide incorporation of the tool will include monitoring of impact on resident behaviors, symptoms, and therapy participation.

##### **Colorado Health Care Association (CHCA): \$72,100**

###### **Specialized Infection Prevention Training in Nursing Homes**

Starting in October 2019, CHCA is coordinating Infection Preventionist certification for up to 150 long-term care staff. CMP funds will be utilized to ensure no-cost professional development for Colorado's long-term care workforce. Courses are offered online and result in an Infection Preventionist certificate. The project has been extended to maximize participation.

##### **Vivage Senior Living: \$29,670**

###### **Reading2Connect**

Seven facilities in Colorado will participate in the Reading2Connect project. The program provides accessible books for nursing facility residents. Funds will be used to purchase equipment, books, and training for staff.

##### **Southeast Colorado Hospital District: \$14,251**

###### **Movement and Mobility Benefits the Human Body**

Southeast Colorado Hospital District purchased equipment and activities to encourage residents to make use of the outdoor common areas at the facility. Promoting activities and movement allows the facility to incorporate physical therapy goals and improve whole self wellbeing for facility residents. The facility is a rural non-profit, and the grant helps ensure access to non-medical equipment that would otherwise be unavailable.

##### **Someren Glen: \$44,635**

###### **Certified Eden Associate Training**

Building off a previous project for Clermont Park, Christian Living Communities seeks to certify staff in the Eden Alternative. The program incorporates culture change and person-centered care approaches for nursing facility settings. Someren Glen will be certifying staff as Eden Educators in order to incorporate facility-wide Eden Education certifications.

**ATTACHMENT C**  
**SFY 2020-21 NURSING HOME INNOVATIONS GRANT BOARD**  
**RECOMMENDED PROJECTS**

**The Eden Alternative: \$198,225**

**The Eden Alternative Online Conference for Colorado Long Term Care Workers**

The Eden Alternative is offering an online conference for long-term care employees, ombudsmen, and state surveyors. The Eden Alternative training provides person-centered care approaches to nursing facilities and has been shown to improve health outcomes. The online conference will offer a variety of synchronous courses for up to 330 Colorado participants.

**EDU-Catering: \$53,730**

**Validation® Training in Four Colorado Nursing Homes and Beyond**

With the aim of creating a safer environment, the project will provide education to direct care workers on research-based interaction techniques aimed at reducing stressors in individuals with dementia-related disorders. The project builds on a previous grant that received substantial positive feedback from participants. Facilities will have access to training topics in varying hours in an effort to capture workers across all shifts.

**Devonshire Acres: \$8250**

**Devonshire Acres Greenhouse Project**

Devonshire Acres is utilizing multiple sources of funding for the construction of an accessible greenhouse that will allow residents to garden and grow fresh food. The grant board funds will be used towards the costs of tools, seeds and seasonal equipment.

**Crisis Prevention Institute: \$352,550**

**Crisis Prevention Institute's Colorado Skilled Nursing Facility Initiative**

Crisis Prevention Institute will train and certify instructors in Nonviolent Crisis Intervention for 55 facilities in Colorado. The program focuses on de-escalation techniques towards individuals in crisis and equips employees with the knowledge and skills to safely resolve the situation. Training certifications will allow educators to certify all staff in the building for up to 4 years, which will firmly establish the skillset among Colorado's direct care workforce. The program aims to reduce incidents of injury towards care providers, staff and residents.

**Volunteers of America: \$28,500**

**VOA Nursing Homes Virtual Reality Initiative**

The project will contribute towards the purchase of virtual reality headsets and software in two western slope facilities aiming to reduce the effects of isolation as well as supplement activity and therapy goals. Volunteers of America will develop recommendations for usage and best practices and evaluate impacts on resident behaviors for other Colorado facilities to consider.

**Grand River Health, E. Dene Moore Care Center: \$18,100**

**Equine assisted therapy and non-verbal communication**

The project provides a dual benefit to residents and staff at the facility by providing equine therapy for residents and non-verbal communication training for the facility's staff. Non-verbal communication can be critical in caregiving for residents living with dementia. The project includes the development of a guidebook for staff as an onsite reference after the offsite training with horses is delivered, ensuring reinforcement of the hands-on training over time.

**Colorow Care Center: \$84,406.97**

**The Culture Change Revolution - Equipping The Western Slope**

Colorow Care Center will be coordinating Eden Alternative training and certification opportunities for western slope nursing facilities. The Eden Alternative applies person-centered care practices to nursing home settings and has been shown to improve quality and resident satisfaction in nursing facilities.

**Holly Heights Nursing Home: \$36,644.73**

**Daffodils for Dementia**

The Daffodils for Dementia program will provide nursing home staff with a deeper understanding of the dementia disease process and specialized training in effective techniques for assessing the needs and behavior of residents in order to provide appropriate care interventions.

**Cherrelyn Health Care: \$11,865**

**Telling Life's Stories**

The proposed project will provide residents with the opportunity to reminisce on their life and record important memories on video and in printed form. Presenting and sharing resident stories will improve staff and resident relationships, while increasing residents' engagement and social interaction. As a result, the project will directly improve resident's overall quality of life.

**Lifeshare Technologies: \$26,784 \*Pending federal approval**

**Improving Quality of Life through Engaged Communities**

The project aims to provide technology supporting resident orientation and communication with family members. LifeShare Technologies will supply facilities with screen-based devices that aid in communication of visual schedules, facility-based events and pictures to support residents in the facility as well as allow family members to keep up on happenings by utilizing a mobile app. The project is currently pending federal approval.

**Focus Consultation: \$218,992**

**The Live Oak Project**

The project aims to provide continuous training and support in culture change and person-centered care initiatives for 10 facilities in Colorado. The culture change brought about by the Live Oak Project will provide improvements to quality of life focused on meaning, growth, empowerment, connection and engagement for all residents regardless of physical and mental capacity.

**iAging: \$98,089.40**

**End of Life Dialogues and Program Development for Skilled Nursing Homes**

The project aims to provide education towards dialogues about end of life planning. The project will directly benefit nursing home residents by providing staff with training on best practices in end of life programming, including creating a space and place for residents and staff to discuss end of life planning.

**Colorow Care Center: \$32,175**

**The Equine Therapy Program**

Funds will be used towards the implementation of an equine therapy program for facility residents. Providing residents interaction with horses will decrease resident depression and agitation through animal companionship and increase quality of life by combating loneliness and providing outdoor engagement.

