

Talks aim for hospital compromise

Ways sought to provide services with Catholic deal

By Myung Oak Kim

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Lawyers are negotiating ways to provide reproductive services at two metro area hospitals despite restrictions imposed by the hospitals' pending Catholic takeover.

The discussions have been going on over the past month between lawyers for Kaiser Permanente, the Kansas Catholic organization poised to take control of the hospitals, Exempla Healthcare and Community First Foundation, the nonprofit that is selling its share of the hospitals.

The proposed transaction, expected to be completed in January, has come under growing opposition from doctors and patient advocacy groups because Catholic regulations would ban certain medical procedures. Organizations, including the board of Exempla, which manages the hospitals, have asked state Attorney General John Suthers to block the sale.

Exempla Good Samaritan Medical Center in Lafayette and Exempla Lutheran Medical Center in Wheat Ridge are about to come under the complete control of Sisters of Charity of Leavenworth Health System, which already owns part of the hospitals and outrightly owns Exempla St. Joseph Hospital in Denver. Community First is selling its shares to Sisters of Charity for \$311 million.

If the sale is completed, medical staff at Good Samaritan and Lutheran hospitals must follow Catholic ethical and religious directives. Those rules include not performing tubal ligations, vasectomies or abortions unless those procedures are deemed necessary to protect the health of the mother or father. The directives also prohibit removing feeding tubes from someone in a persistent vegetative state.

The medical staff at Lutheran opposes the sale because of the medical restrictions. There would be no hospital in Jefferson County providing the procedures if the sale went through.

A coalition of advocacy groups, including the American Civil Liberties Union and the Colorado Center on Law and Policy, contend that the sale violates state laws regarding use of donor money. They are considering filing a lawsuit to stop the sale.

Sisters of Charity and Community First Foundation say the sale brings huge benefits to the region because of

the investment in hospital expansions and upgrades. They say the prohibited medical procedures will be provided at nearby clinics and therefore would not compromise medical care.

The negotiations are focused on what is known as a "carve out" - a section of the hospitals or a place in the parking lot or across the street that would be owned by another entity and would provide the prohibited services.

Carve outs have been used in numerous Catholic hospitals in other states.

Exempla attempted to design a carve out earlier this year but couldn't find a workable plan because of licensing and safety problems, said CEO Jeff Selberg.

Attorneys for the parties involved in the transaction are exploring all the options, said Christine Woolsey, spokeswoman for Sisters of Charity.

Palmer Pekarek, spokesman for Community First, said lawyers are looking at a possible carve out at both hospitals.

Kaiser is trying to find ways to provide the prohibited medical procedures to meet contractual obligations to employers and members, spokeswoman Amy Smith said.

"At this time we do not have a solution that we believe meets the needs of our members," she said.

Suthers can stop the sale if he determines that it violates a law regulating the sale of nonprofit hospitals. He has until Dec. 30 to decide.

The Exempla board president asked Suthers in a Dec. 4 letter to delay his decision 90 days. But Suthers' spokesman, Nate Strauch, said his office intends to issue a decision by Dec. 28.

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Key dates

* **State Attorney General John Suthers**, who can stop the sale if he determines it violates a law regulating the sale of nonprofit hospitals, intends to announce his decision by Dec. 28. * **The owners have delayed** the completion of the sale until Jan. 31. Patients would not be affected until after that, officials said.

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