

Coalition: Hospital deal violates law

By Myung Oak Kim

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A coalition of advocacy groups contends that the pending sale of two metro-area hospitals to a Catholic organization would violate state law.

In a letter to state Attorney General John Suthers on Monday, the Colorado Center on Law & Policy said that the Catholic takeover would be illegal because donor money would be spent on operations it was not meant for. The coalition also asked Suthers to step aside until a court considers the issue.

No move has been made to put the proposed sale before a judge.

Under the proposed deal, which is scheduled to close at the end of January, Exempla Lutheran Medical Center in Wheat Ridge and Exempla Good Samaritan Medical Center in Lafayette would come under the complete ownership of Sisters of Charity of Leavenworth Health System, already a part owner. Community First Foundation of Arvada wants to sell its share for \$311 million to the Kansas Catholic organization.

Ed Kahn, special counsel at the Center on Law & Policy in Denver, argues that charitable donations were made to provide non-sectarian medical care at both hospitals. If the sale goes through, both hospitals would become Catholic facilities and medical care would be restricted, Kahn said. Doctors would have to follow religious directives against performing tubal ligations, vasectomies and abortions, and not remove feeding tubes from patients in a vegetative state.

Opponents also contend that the seller, the Community First Foundation, would spend money from the transaction on non-health care-related operations. That would violate the general Nonprofit Corporations law and the Uniform Management of Institutional Funds Act, Kahn said.

Kahn wrote the letter on behalf of the ACLU of Colorado, the state chapters of Compassion & Choices and the National Council of Jewish Women, the National Women's Law Center and other groups.

Suthers is considering a law that governs the sale of nonprofit hospitals. He has until the end of December to decide whether the sale would cause a material change in services.

Doctors groups at both hospitals and the board of Exempla, which operates both facilities, have urged Suthers' office not to approve the sale. They argue that the Catholic takeover would hurt medical care, particularly at Lutheran, because patients have no other nearby hospital where they could receive services prohibited by the religious directives.

The Sisters of Charity and the Community First Foundation say the sale would help the community and wouldn't cause a reduction in medical services because patients could get the care at other medical offices. Kahn said the parties involved in the sale must first receive approval on the donor issues before Suthers gets involved.

Palmer Pekarek, spokesman for the Community First Foundation, would not comment on the allegations of potential legal violations. A spokeswoman for the Sisters of Charity declined to comment.