



April 30, 2010

Ned Calonge  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530

Dear Dr. Calonge,

The Colorado Center on Law and Policy, along with a number of other organizations listed below, is concerned about the recent takeover of operating authority at two Exempla Hospitals (Lutheran-Wheat Ridge and Good Samaritan-Lafayette). We believe it may result in the withdrawal or unavailability of procedures previously furnished, or a change in the way the hospitals have functioned in three areas: family planning, end of life procedures and medical directives and impact on GLBT patients and their partners

The recent change in management and the possibility that these hospitals and others may limit procedures available to the public which may be medically necessary is problematic. We believe that it requires an avenue with which to inform the public and the patient community. Specifically, they should be informed about which procedures will be available where, so that patients, with the assistance of their physicians, will be better able to exercise choice of facility should a change be necessitated by the lack of procedures or changed procedures.

For example, in the broad area of family planning, contraception and sterilization, patients are entitled to know whether their physician and hospital will perform specific procedures: whether they will perform a tubal ligation, if desired, after childbirth; what kind of FDA approved treatments affecting possible pregnancy are available in cases of rape; and whether advice concerning use of condoms or other "safe sex" procedures will be available to help prevent the spread of sexually transmitted diseases.

In the broad area of end of life treatment choices, hospitals and physicians should be required to disclose what their policies are with respect to a number of procedures: aggressive pain and symptom management, the ability of patients without interference, to voluntarily stop eating and drinking, palliative sedation, and the ability of the patient to refuse or direct the withdrawal of life prolonging interventions, including feeding tubes of various kinds, a ventilator, etc. Hospitals and physicians should be required to state whether they will or will not honor medical directives, and if not in all cases, what kinds of cases are excluded.

With respect to LGBT persons and families, hospitals and physicians should be required to disclose whether the hospital or physician will honor LGBT relationships, including medical

powers of attorney, whether the facility will limit or hinder visitation of or to such persons, and whether personal decisions, such as directions for the disposition of remains will be honored.

Therefore, the Colorado Board of Health should promulgate rules to carry out the goal of having hospitals and (if appropriate) other health care professionals expressly state what procedures in these areas they will provide or follow, and which they won't—when they will respect patient wishes and when they won't. The rule should require the disclosures to be timely, so that patients can make an informed decision as to choice of hospitals without undue time pressure.

Sincerely,

Ed Kahn, Special Counsel

*Additional Supporters:*

American Civil Liberties Union of Colorado

One Colorado

Colorado Consumer Health Initiative

Compassion and Choices

NARAL

NCJW

Boulder Valley Women's Health Center

AAUW Colorado

Colorado RCRC

The Freedom Fund

Colorado Organization for Latina Opportunity & Reproductive Rights (COLOR)