

Cynthia Coffman, Esq.
Attorney General of the State of Colorado
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, Colorado 80203

January 7, 2016

Re: Master Plan of Conversion, Total Community Options, Inc. d/b/a InnovAge

Dear Attorney General Coffman:

Easter Seals Colorado and the Colorado Respite Coalition support the comments provided below by the Chronic Care Collaborative (CCC) on the Plan of Conversion filed November 7, 2015 by Total Community Options, Inc. d/b/a InnovAge (InnovAge).

The CCC members are 34 voluntary health organizations that advocate for the 1 in 4 Coloradans living with a chronic disease. We are guided by five priorities, the first being: advocating for long term care upon a foundation of integrated home and community based services, we want nursing homes to not be the only option for Coloradans who need such care. InnovAge represents a substantial resource and options to our Colorado for independent living. The CCC is concerned by InnovAge's statements that a post conversion Foundation would grant money anywhere in the United States even though InnovAge was founded as a Colorado non-profit with years of funding from Coloradans.

We are supportive of the InnovAge conversion to for profit status, however; we do have concerns regarding the conversion of a service provider for the Program for the All Inclusive Care for the Elderly (PACE). PACE is funded with public money from Medicare and Medicaid and it is imperative that the conversion process is as open and transparent as possible.

PACE clients are usually dually eligible for both Medicare and Medicaid, these individuals are generally elderly and low-income. Due to the vulnerability of these individuals, the Attorney General should exercise extreme care in evaluating the proposed conversion. To qualify for PACE a person must be 55 or older, meet nursing facility level of care, live in a service area of PACE, and for a person to be able to live in a community without risking their health or safety. The post-conversion foundation should be held to the same standards when making grants in Colorado and not exclude any grants for persons or groups who would qualify for PACE, such as the disabled.

As InnovAge converts we are concerned that the information provided in the Master Plan of Conversion about the future conversion foundation is not a sufficient guide to ensure that the converted foundation will continue the charitable purpose of the former nonprofit. The Board of Directors of the converted Foundation should include voting members who come from and represent the communities served by the PACE program who are not directly related to the current InnovAge. While the Plan calls for a community board, no specifics are provided on how that community board will be achieved. We respectfully request that the Attorney General require additional specifications on the appointment of a community board that includes details on timeline and appointments.

We encourage the Attorney General to establish an Ombudsman for the for-profit InnovAge. An independent Ombudsman should be set up for the benefit of clients (and their caretakers/advocates) to address problems with delivery of services.

We also want to thank the Attorney General for providing the public comment hearing on December 17th.

In support of the Chronic Care Collaborative,

Easter Seals Colorado

Colorado Respite Coalition

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