

PRESS RELEASE

The Board of County Commissioners for Custer County wishes to address the allegations that have been made that it is “stalling” and refusing to take action on a proposal filed by the West Custer County Hospital District to modify its Service Plan. The proposal was filed on June 23, 2014, in the form of a letter from Joe Arbuckle, who was Chairman of the Board of Directors of the Hospital District at the time (Joe has since resigned from the Board). The letter requested that certain changes be approved, but it also candidly acknowledged that all the requested changes had already *“occurred well before our board assumed its duties and these changes should have been made at the time they were previously implemented.”*

Therefore, the Board of County Commissioners was essentially being asked to ratify modifications to the original Service Plan that had been in effect for a significant period of time rather than being asked to consider proposed changes and whether those proposed changes were in the best interest of this community. We declined to simply “rubber stamp” the unilateral actions of the Hospital District.

The Board of County Commissioners does not have any statutory authority to oversee or supervise the operations of the Hospital District. Whether we agree or disagree with how the Hospital District has been managed in the past or is being managed at the present time is immaterial. The West Custer County Hospital District was approved by the voters in 1988 and it became an autonomous political subdivision of the State of Colorado at that time. The only ongoing role the Board of County Commissioners has with respect to the operation of the Hospital District is to approve any modifications or amendments of the Service Plan that are proposed or to seek a court injunction to stop the proposed changes from being implemented.

The Colorado Department of Local Affairs has rendered an opinion that the Board of County Commissioners had 45 days from the date the petition was filed to either seek a court injunction or to take no action, and that if no action was taken within this 45-day period then the modified Service Plan would go into effect. Based on this opinion, the Hospital District has taken the position that its Amended Service Plan has gone into effect by default. The County Attorney has advised the Board that the relevant statutory language on this issue is rather ambiguous and confusing, and that it is not clear there was a 45-day deadline for the Board to take affirmative action to enjoin the “proposed” changes which were, in fact, a done deal long before the petition was filed. Nevertheless, the Board has decided to defer to the DOLA opinion. If we had chosen the option of seeking a court injunction after the Hospital District had already implemented the changes, we would have been in the position of trying to “unring the bell”. That would have been a futile effort and would have further exacerbated the controversy that has surrounded the operation of the Hospital District.

The Amended Service Plan filed by the Hospital District is, in the words of the executive director of the District, now in effect by default. We wish the current members of the Board of Directors of the Hospital District well as they work to resolve the problems that have beset the District in recent years. We should all be united in pursuit of the same goal: quality medical services for the citizens of Custer County. It is solely in the hands of the West Custer County Hospital District to assure that this goal is achieved. The Board of County Commissioners is not stalling or otherwise impeding this effort—by law we are simply concerned citizens now; we do not have any authority to say yes or no to the decisions made by the Hospital District Board.