

File No. 211177

Committee Item No. 4

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: May 12, 2022

Board of Supervisors Meeting:

Date: \_\_\_\_\_

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- Informational Hearing Referral, dtd 11/15/21
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Prepared by: Alisa Somera

Date: May 12, 2022

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Health Code - ~~Subacute~~Skilled Nursing Care Transfer Reporting Requirements]

2

3 **Ordinance amending the Health Code to require general acute care hospitals and**  
4 **hospital-based skilled nursing facilities in the City to report annually to the Department**  
5 **of Public Health the number of, and certain demographic information regarding,**  
6 **patients transferred to a health facility outside of the City to receive ~~subacute~~-skilled**  
7 **nursing care and patients who qualify for ~~subacute~~-skilled nursing care but are not**  
8 **transferred to a health facility outside of the City.**

9

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
12 **Board amendment additions** are in double-underlined Arial font.  
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
14 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
15 subsections or parts of tables.

13

14 Be it ordained by the People of the City and County of San Francisco:

15

16 Section 1. Article 3 of the Health Code is hereby amended by adding Sections 140  
17 through 140.3, to read as follows:

18

**SEC. 140. FINDINGS.**

19

*San Francisco has a shortage of subacute skilled nursing care beds in the City, which often*  
20 *necessitates transferring patients from general acute care hospitals in the City to subacute skilled*  
21 *nursing care facilities outside of the City. Some City residents who receive subacute skilled nursing*  
22 *care at facilities outside of the City, and their families, face hardships associated with traveling to, and*  
23 *receiving care at, these facilities. As the City strives to increase the number of subacute skilled nursing*  
24 *care beds in San Francisco, it is necessary to understand the full scope of the need for both subacute*  
25 *and general skilled nursing care beds based on the number of patients who qualify for either subacute*

1 or general skilled nursing care in an acute care hospital or hospital-based skilled nursing facility  
2 and are either transferred outside of the City or remain in the City in an acute care hospital or  
3 hospital-based skilled nursing facility. Accordingly, Section 140.2 requires public and private  
4 general acute care hospitals and hospital-based skilled nursing facilities in the City to report the  
5 number of and aggregated demographic information regarding qualified subacute and general skilled  
6 nursing care patients to the Department of Public Health.

7  
8 **SEC. 140.1. DEFINITIONS.**

9 For purposes of Sections 140 through 140.3 the following terms have the following meanings:

10 “City” means the City and County of San Francisco.

11 “Department” means the Department of Public Health.

12 “Director” means the Director of Health or the Director’s designee.

13 “Subacute Out-of-County Health Facility” means a health facility located outside of the City,  
14 whether public or private, and licensed as a general acute care hospital or skilled nursing  
15 facility, as those two terms are defined by Section 1250 of the California Health and Safety  
16 Code, as amended from time to time, and providing Skilled Nursing Care under Section  
17 14132.25 of the California Welfare and Institutions Code, as amended from time to time, to  
18 provide Subacute Care.

19 “Hospital Reporting Health Facility” means every health facility in the City, whether public or  
20 private, licensed as a general acute care hospital or hospital-based skilled nursing facility, as those  
21 two terms are defined by Section 1250(a) of the California Health and Safety Code, as amended from  
22 time to time.

23 “Subacute Skilled Nursing Care” means general skilled nursing care consisting of including  
24 but not limited to adult subacute care as defined by Section 14132.25 of the California Welfare  
25 and Institutions Code, as amended from time to time, which is a level of care designed for patients

1 who have an acute illness, injury, or exacerbation of a disease process, and pediatric subacute care,  
2 which is a level of care for patients under 21 years of age who use a medical technology that  
3 compensates for the loss of a vital bodily function.

4  
5 **SEC. 140.2. REPORTING TO THE DEPARTMENT OF PUBLIC HEALTH.**

6 (a) Reporting Health FacilitiesHospitals owned by the City or private entities shall disclose  
7 to the Department the following information in the form of a report to be submitted annually to the  
8 Department by January 31 for the preceding calendar year, except that the submission deadline for  
9 calendar year 2021 shall be ~~October 1, 2022~~April 30, 2022. The Department shall request such  
10 information from Reporting Health FacilitiesHospitals owned by non-City public entities. The report  
11 shall present patient information in aggregate, de-identified form consistent with state and federal laws  
12 governing the confidentiality of medical information.

13 \_\_\_\_\_ (1) The total number of patients who were City residents and the total number of  
14 patients who were not City residents, transferred by the Reporting Health FacilityHospital to an  
15 SubacuteOut-of-County Health Facility for the purpose of receiving SubacuteSkilled Nursing  
16 Care.

17 \_\_\_\_\_ (2) The total number of patients who were City residents and the total number of  
18 patients who were not City residents, who qualified for SubacuteSkilled Nursing Care while admitted  
19 to the Reporting Health FacilityHospital but were not transferred by the Reporting Health  
20 FacilityHospital to an SubacuteOut-of-County Health Facility.

21 \_\_\_\_\_ (3) The following aggregate demographic information for each category of patient: age,  
22 race/ethnicity, gender (as well as sexual orientation and gender identity, if normally collected by the  
23 Reporting Health FacilityHospital), patient's insurance provider (by way of example but not  
24 limitation, Medi-Cal, Medicare, or the specific private insurance provider), and housing status (by way  
25

1 of example but not limitation, people experiencing homelessness, marginally housed, or permanently  
2 housed).

3 (b) The Director may issue rules or guidelines regarding the information required by this  
4 Section 140.2 including the format by which ~~Reporting Health Facilities~~Hospitals will transmit the  
5 report.

6 (c) The Department shall ~~make~~annually submit a ~~written~~report on an annual basis to the  
7 Health Commission based on the annual reports submitted by the ~~Reporting Health~~  
8 ~~Facilities~~Hospitals to the Department. The Department's report to the Health Commission shall  
9 include not only statistical information but also such future plans and/or recommendations, as the  
10 Department deems appropriate, for provision of ~~Subacute~~Skilled Nursing Care in the City.

11  
12 **SEC. 140.3. PROMOTION OF THE GENERAL WELFARE.**

13 In enacting and implementing Sections 140–140.2, the City is assuming an undertaking only to  
14 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an  
15 obligation for breach of which it is liable in money damages to any person who claims that such breach  
16 proximately caused injury.

1 Section 2. Effective Date. This ordinance shall become effective 30 days after  
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
4 of Supervisors overrides the Mayor's veto of the ordinance.

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6  
7 APPROVED AS TO FORM:  
8 DAVID CHIU, City Attorney

9 By: /s/ Henry L. Lifton  
10 HENRY L. LIFTON  
Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**

(3/24/2022, Amended in Committee)

[Health Code - Skilled Nursing Care Transfer Reporting Requirements]

**Ordinance amending the Health Code to require general acute care hospitals and hospital-based skilled nursing facilities in the City to report annually to the Department of Public Health the number of, and certain demographic information regarding, patients transferred to a health facility outside of the City to receive skilled nursing care and patients who qualify for skilled nursing care but are not transferred to a health facility outside of the City.**

Existing Law

There is currently no legal requirement for hospitals or hospital-based skilled nursing facilities in the City to provide to the Department of Public Health (“DPH”) information regarding patients transferred to health facilities outside of the City to receive subacute or general skilled nursing care or patients who qualify for subacute or general skilled nursing care but are not transferred to health facilities outside of the City.

Amendments to Current Law

The Proposed Legislation would amend the Health Code to require general acute care hospitals and hospital-based skilled nursing facilities owned either by the City or private entities to report on an annual basis to DPH the number and aggregated demographics of patients transferred to health facilities outside of the City for either subacute or general skilled nursing care, as well as the number and aggregated demographics of patients who are eligible for subacute or general skilled nursing care but are not transferred to health facilities outside of the City. The Proposed Legislation would require DPH to request the same information from hospitals and skilled nursing facilities owned by non-City (i.e., state or federal) public entities. The Proposed Legislation would also require DPH to make an annual report to the Health Commission based on the information received from reporting health facilities.

Background Information

San Francisco has a shortage of subacute skilled nursing care, which often necessitates discharging patients from hospitals in the City to subacute health facilities outside of the City. The Proposed Legislation would provide information for DPH, the Health Commission, and the Board of Supervisors to inform future planning related to the provision of subacute care beds in the City.

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January 14, 2022

To: Public Safety and Neighborhood Services Committee-Hearing Jan 27, 10 a.m.

c/o Clerk: Alisa Somera

Email: [Alisa.Somera@sfgov.org](mailto:Alisa.Somera@sfgov.org)

cc: Supervisors Safai and Ronen

**MS. SOMERA:**

**Please put in**

**Legislative File for:**

ile #:

**211177**

Name:

Health Code -  
Subacute Care  
Reporting  
Requirements

Title:

Ordinance amending the Health Code to require general acute care hospitals in the City to report annually to the Department of Public Health the number of, and certain demographic information regarding, patients transferred to a health facility outside of the City to receive subacute skilled nursing care and patients who qualify for subacute skilled nursing care but are not transferred to a health facility outside of the City.

Sponsors:

[Ahsha Safai](#), [Hillary Ronen](#)

**We need an ordinance assuring that SFBOS will receive regular reports about how many San Francisco residents are involuntarily discharged out of county from acute hospitals and acute psychiatric facilities due to lack of services in San Francisco.**

This is an evidence based way of looking at the gaps in services and improving city-wide health planning. This information is easy to collect with modern hospital electronics records systems. SFDPH in past attempts was not able to get voluntary co-operation from some private hospitals, and has been less than co-operative in offering that information on a regular basis from ZSFGH with FOI requests.

Supervisors Safai and Ronen are commendably putting an ordinance about tracking out of county discharges from acute hospitals to Subacute Skilled Nursing Facility care. (These are ventilator dependent or high maintenance tracheostomy dependent people who need long term care. These facilities are for the medically complex people and are distinct from Subacute Psychiatric facilities).

CPMC/Sutter closed the last Subacute SNF facility in the city (at St. Luke's) in 2018 after stopping all new admissions for at least a year before that-so all new candidates for Subacute SNF care must leave the city and county.

However Subacute SNF hospital discharges are less than 1% of total hospital discharges. **What about other folks who are transferred away from their community and support system due to lack of adequate post-discharge/post acute services here in San Francisco?**

**Supervisors Mar, Stefani and Haney: please speak to this on December 27. We need to do this right.**

Thank you, Teresa Palmer M.D.

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## Patrick Monette-Shaw

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February 9, 2022

Public Safety and Neighborhood Services Committee, Board of Supervisors

The Honorable Gordon Mar, Chair

The Honorable Catherine Stefani, Member

The Honorable Matt Haney, Member

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

**Agenda Item #1, Board File 211177: Subacute Care Reporting Requirements**

Dear Chair Mar and Members of the Public Safety and Neighborhood Services Committee,

On November 9, 2021 Supervisor Ahsha Safai's introduced a draft Ordinance to require public- and private-sector hospitals operating in San Francisco report a limited amount of data about out-of-county discharges, but only for patients being discharged out-of-county who need sub-acute level of care.

While Safai's draft legislation may be a commendable and long-overdue first effort, it's woefully inadequate as currently written and introduced. And his legislation totally ignored previous testimony from community- and healthcare-advocates about what the legislation should include.

Along with other health care advocates including Dr. Palmer and others, I have been requesting this legislation since at least 2018. Indeed, for the Board of Supervisors PSNS Committee hearing on September 26, 2019, testimony was presented for agenda item #4 titled "*Hearing - Sub-Acute Care in San Francisco*" [File #190725].

For instance, *San Franciscans for Healthcare, Housing, Jobs and Justice* (SFHHJJ, or alternatively H2J2) submitted [written testimony](#) to the PSNS Committee dated June 18, 2019 urging that the Health Commission and Board of Supervisors:

*"Direct the Department of Public Health to collect to the maximum extent feasible from all acute care hospitals and SNF facilities located within San Francisco comprehensive and specific data and information, for the past three years and prospectively, about all San Francisco residents who have been discharged to out-of-county facilities to receive SNF, Subacute SNF care, or RCFE care; to support the enactment of legislation by the Board of Supervisors to mandate all acute care hospitals and SNF facilities in San Francisco to provide such data and information; to prepare and publicly publish, within four months a written report covering all such data and information collected ..."*

Of note, H2J2 specifically requested that SFDPH collect from all acute care hospitals and all SNF's, and obtain data for the previous three to five years to provide historical context about just how severe the out-of-county discharge problem is.

We need an ordinance assuring that SFBOS will receive regular reports about how many San Francisco residents are discharged out of county from acute hospitals and acute psychiatric facilities due to the lack of services and severe lack of appropriate facilities in San Francisco.

The importance of collecting out-of-county discharge data goes way beyond Safai's single focus on the issue of just requiring data reporting about the number of patients discharged out-of-county who need sub-acute SNF level of care. How can we know if we are properly planning to care for the longer term physical and mental health issues of our senior citizens and people with disabilities if we have no idea who — and how many people — are getting dumped out of county for sub-acute SNF, psychiatric, and all other types of long term care? This is an interest that seniors, disability, and mental health advocates all agree on.

This proposed legislation would go a long way toward helping collect evidence-based data for looking at the gaps in services, improving citywide healthcare planning, and help identify the types of in-county facilities that are in severely short supply to assist in finding sources of funding to build out additional in-county capacity. It would also go a long way towards helping City officials craft San Francisco's *Health Care Master Services Plan*, which identifies current and

projected needs for *health care* services for *San Franciscans*, with a focus on vulnerable populations.

Dr. Palmer has testified this information is easy to collect with modern hospital electronic healthcare records systems. She notes SFDPH's past attempts were unable to get voluntary cooperation on reporting out-of-county discharge data from private-sector hospitals, even though those hospitals have state-of-the-art EHR systems that could be easily mined to collect and report the data. Indeed, given SOTF's ruling DPH has refused to provide out-of-county discharge data for now two full years illustrates that SFDPH, itself, has been less than cooperative providing FOIA-requested information on a regular basis of SFGH's own out-of-county discharge data.

CPMC/Sutter closed the last remaining sub-acute SNF facility in the city at St. Luke's Hospital in 2018 after stopping all new admissions from only its affiliate CPMC hospital chain for at least a year before then, so all new patients — even from CPMC's affiliate hospitals who need sub-acute SNF level of care — were forced to leave the City and County of San Francisco for at least the past four years. But it's much worse than that, because CPMC stopped admitting patients from any other San Francisco hospital way back in 2012.

That means it has now been a full decade since patients needing sub-acute SNF level of care have endured being *dumped* out-of-county. No other county in California has *zero* in-county sub-acute facility capacity in their jurisdictions, as San Francisco now has.

And four years after CPMC shut down any new admissions to its temporary replacement sub-acute SNF moved to CPMC's Davies Hospital campus, San Francisco has still not identified and opened yet any of the 70- to 90-projected sub-acute SNF beds anywhere else in the City that DPH has documented to the Board of Supervisors the City desperately needs. Efforts to open any new sub-acute SNF beds in San Francisco have stalled for four years, since former-Director of Public Health Barbara Garcia — who had been working to solve the problem — was unceremoniously fired.

### **Recommended Amendments to the Legislation**

As Dr. Palmer recently testified to the PSNS Committee, hospital discharges to sub-acute SNF facilities “*are less than 1% of total hospital discharges.*” Obviously, Safai's first draft of a proposed Ordinance requiring hospitals to report data only on the number of discharges to out-of-county facilities to receive sub-acute level of care is going to miss the vast universe of discharges to facilities that provide levels of healthcare *other than* sub-acute SNF care. The legislation should **not** apply only to patients needing sub-acute care.

Safai's legislation must be vastly amended — or replaced entirely with a revised Ordinance containing a much broader scope — while the Board of Supervisors has this long-overdue opportunity to do so.

Particular recommendations include, but are not limited to:

- **Require Data Reporting Focus on San Franciscans:** Safai's first draft requested stratifying the number of patients facing transfer out-of-county for sub-acute SNF level of care for both city residents and non-city residents. That stratification — which is rightfully important, and might help illuminate regional needs and trends particularly for out-of-county patients admitted to San Francisco's only Level 1 Trauma Center at SFGH — should focus primarily on San Francisco residents facing out-of-county disenfranchisement and displacement from their surrounding neighborhoods. The data to be collected should focus only on San Francisco residents at the time of their hospital, or other facility, admission. Filtering for only San Franciscans is thought to be accomplished easily.
- **Expand Facilities That Will Be Required to Report Data:** Safai's first draft required only “*general acute-care hospitals*” report out-of-county discharge data to San Francisco's Department of Public Health. That must be broadened to require all public- and private sector acute-care medical hospitals (including UCSF and Benioff Children's Hospital), acute psychiatric hospitals, Long-Term Care Acute Hospitals (LTACHs) like Kentfield on St. Mary's Hospital campus (think Ken Zhao, who Kentfield discharged out-of-county), and hospital-based skilled nursing facilities (LHH and the Jewish Home) report the same data.

- **Expand the Types of Facilities Patients Are Discharged To:** Safai’s first draft required San Francisco facilities collect and report data on patients discharged out-of-county *only* for those who are discharged for sub-acute SNF level of care, and failed to stratify the types of care to be provided.

Aggregate data must be reported on 1) The **types of facilities** patients are discharged to [including to other acute care facilities, long-term care acute hospitals, skilled nursing facilities (SNF), sub-acute skilled nursing units (sub-acute SNF), Residential Care Facilities for the elderly (RCFE’s), other types of assisted living facilities, etc.]; 2) The **type and level of care to be provided** out-of-county (acute medical care vs. skilled nursing care, psychiatric care, custodial care, etc.); 3) The **number of patients discharged to each named facility** (aggregating data on the names of each facility); and 4) The **name of the City** patients are discharged to — all to identify trends.

- **Change “Request Data Reporting” to “Require Data Reporting”:** Safai’s first draft stipulated SFDPH would have to *request* the data annually from the reporting hospitals. That must be changed to require the reporting hospitals and facilities to provide the data annually, without DPH having to request annually that the reporting hospitals do so.
- **Require Data Mining from Hospital’s Electronic Healthcare Records (EHR) Databases:** Given that hospitals are required to have robust electronic healthcare database as part of federal requirements for Medicare and Medicaid billing reimbursement, the legislation should direct all hospitals provide this data by “data mining” from their Electronic Healthcare Records (EHR) database systems such as “Epic,” and Epic’s “*Care Everywhere*” module that is widely used by hospitals across California and also used by SFDPH. Several hospitals in San Francisco also use Epic as their EHR database.
- **Require Annual Health Commission Public Hearings:** Although Supervisor Safai’s first draft of this legislation stated DPH will have to deliver a written report to the Public Health Commission, there is no language clearly requiring the Health Commission hold a public hearing. There’s also no requirement SFDPH or the Health Commission submit the data to the Board of Supervisors, as other legislation has done in the past. For instance, then-District 7 Supervisor Sean Elsbernd managed to pass a Board of Supervisors Ordinance requiring LHH to submit detailed quarterly and annual reports to the Board of Supervisors on the number of Laguna Honda Hospital admissions, discharges, and other patient demographic and outcome data to the Board of Supervisors, which was required and produced for over eight years.
- **Require Annual Board of Supervisors Public Hearings:** Safai’s first draft of this legislation did not include — or bother to even mention — requiring the Board of Supervisors or its Public Safety and Neighborhood Services Committee to hold a public hearing on the out-of-county data collected to help identify and document the severe shortage of various types of in-county facilities available in San Francisco in order to assist with identifying potential sources of funding to build out additional capacity of facilities in-county.
- **Specified Reports Format:** Safai’s first draft asserted the Director of Public Health could issue rules or guidelines regarding the amount of information and the format of the reports Hospitals would be required to report to DPH and the Health Commission. That provision must be struck out entirely, replaced with mandated report elements each hospital or other reporting facility is required to report.
- **Retrospective Data:** Despite many healthcare advocates’ assertions for at least the past four years that data to be collected for previous years retrospectively to help identify trends, Safai’s legislation ignored those advocates and requires nothing in the way of collecting retrospective data. That, too, must be corrected.
- **Create a “Certificates of Preference” Repatriation Program:** Safai’s first draft of this legislation did not include creating a *Certificates of Preference* program to expatriate San Francisco residents involuntarily discharged out-of-county, so they have preference for being returned to San Francisco as additional facility capacity becomes available in-county.

Please incorporate these recommendations into this proposed Ordinance, either via substantial amendments or by introducing a completely revised replacement Ordinance.

Respectfully submitted,

February 9, 2022

**Agenda Item #1, Board File 211177: Subacute Care Reporting Requirements**

Page 4

**Patrick Monette-Shaw**

*Columnist*

*Westside Observer* Newspaper

cc: The Honorable Connie Chan, Supervisor, District 1  
The Honorable Aaron Peskin, Supervisor, District 3  
The Honorable Dean Preston, Supervisor, District 5  
The Honorable Myrna Melgar, Supervisor, District 7  
The Honorable Rafael Mandelman, Supervisor, District 8  
The Honorable Hillary Ronen, Supervisor, District 9  
The Honorable Shamann Walton, Supervisor, District 10  
The Honorable Ahsha Safai, Supervisor, District 11  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Clerk of the Public Safety and Neighborhood Services Committee  
Daisy Quan, Legislative Aide to Supervisor Gordon Mar  
Edward Wright, Legislative Aide to Supervisor Gordon Mar  
Li Miao Lovett, Legislative Aide to Supervisor Gordon Mar  
Alan Wong, Administrative Aide to Supervisor Gordon Mar  
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April 14, 2022

Public Safety and Neighborhood Services Committee, Board of Supervisors

The Honorable Gordon Mar, Chair

The Honorable Catherine Stefani, Member

The Honorable Matt Haney, Member

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Re: **Agenda Item #3: Skilled Nursing Care Transfer Reporting Requirements**

Dear Chair Mar and Members of the Public Safety and Neighborhood Services Committee,

Because the scope of this proposed legislation requiring the reporting of out-of-county discharge information still remains far too narrow in scope and doesn't capture nearly enough data about the broader amount of out-of-county discharges, I urge the Chairperson of the PSNS Committee to issue an Order to Duplicate this File.

The PSNS Committee should Table further consideration of Legislative Version 2 of this proposed Ordinance, and instead introduce additional amendments to the Duplicated file to expand the scope of data to be reported and collected.

After all, the Hospital Council of Northern and Central California (hereafter referred to as the Hospital Council) should not be restricting the data to be reported by the Council's member hospitals. That's like the fox guarding the henhouse.

As testimony previously submitted to this Committee has noted, "*you can't fix what you don't measure.*" Without expanding the scope of the data to be reported, the Board of Supervisors will be unable to fix multiple out-of-county discharge problems.

It's become quite obvious that the scope of the proposed legislation to require hospitals doing business in San Francisco to report out-of-county discharges to additional types facilities, other than just skilled nursing facilities, has been severely and knowingly constrained by Supervisor Ahsha Safai in consultation with the Hospital Council. Several e-mails obtained from Safai's office in response to a public records request are troubling:

### **Supervisor Safai's Desire to Keep Legislation Narrowly Focused**

At Enclosure 1 is a February 10, 2022 e-mail from Geoffrea Morris, a former Legislative Aide to Supervisor Safai sent to the Department of Public Health and courtesy copied to Supervisor Gordon Mar regarding possible amendments to the *Sub-Acute Reporting Requirements Ordinance* (File #211177). The e-mail clearly indicated that "*Supervisor Safai is more inclined to **keep his legislation narrowly tailored** to only address sub-acute beds and skilled nursing facilities.*"

In other words, since at least February 10, Safai has unilaterally all but ruled out incorporating amendments to expand the data to be collected that community-based public health advocates have been requesting for well over five years.

### **DPH's False Assertion SNF Patients Are Not Likely to Be Transferred Out-of-County**

At Enclosure 2 is a March 18, 2022 e-mail from Sneha Patil, Director of Policy and Planning at San Francisco's Department of Public Health to Supervisor's Safai's Chief of Staff, Bill Barnes, claiming that Kelly H. mentioned "*it is likely **not often someone would be transferred from a SNF to** [sic: an] **out of county facility.***" "Kelly H." is thought to be Kelly Hiramoto.

That's patently ridiculous for several reasons. First, consider the case of Ken Zhao. Media reports revealed Ken had been hospitalized at Laguna Honda Hospital for skilled nursing care. After his medical condition deteriorated, he wound up eventually being discharged out-of-county to Seton Hospital in Daly City.

In addition, Ms. Patil and Ms. Hiramoto — along with Supervisors Safai, Ronen, and Mar — must all surely know that patients at CPMC's sub-acute SNF unit at St. Luke's Hospital were, in fact, transferred to out-of-county facilities when CPMC closed its sub-acute unit at St. Luke's and CPMC moved other patients to Davies Hospital.

April 14, 2022

**Agenda Item #3: Skilled Nursing Care Transfer Reporting Requirements**

Page 2

Second, as I have previously documented for the PSNS Committee and the full Board of Supervisors, as of January 31, 2022 SFDPH has provided data about the number of out-of-county discharges, which shows that between July 1, 2006 and April 14, 2021 there has been at least 1,746 out-of-county discharges, about half of which (825) were from a small handful of private-sector hospitals in San Francisco.

Of the remaining 921 patients discharged out of county, 617 (67%) were SFGH patients and 304 (33%) were SNF patients at LHH. To the extent LHH has discharged patients out-of-county, it is more likely than not that Ms. Hiramoto is wrong about whether private-sector SNF's in San Francisco have also had to discharge patients out-of-county. After all, SNF patients whose health may have declined like Mr. Zhao's health declined and who need sub-acute SNF level of care have *not* been admitted to CPMC's sub-acute SNF unit at Davies Hospital and probably also faced out-of-county discharges.

It's not the first time claims made by Hiramoto turned out to be false.

By narrowly tailoring this legislation to exclude reporting by private-sector SNF's, Safai may be shooting himself in the foot and missing collecting data on SNF patients discharged to out-of-county sub-acute SNF facilities, just one example of *not being able to fix what you don't measure*.

**Hospital Council Squashes Robust Data Reporting**

For over 20 years, San Francisco's Department of Public Health has all too frequently deferred to the Hospital Council — which is essentially a trade association for hospitals. Hospitals pay hefty annual "membership dues" to the Council. As I wrote in my December 2017 *Westside Observer* article "Temporary Reprieve From Exile," Supervisor Safai has been misled by the Hospital Council (which led the *Post-Acute Care Collaborative*) during a Board of Supervisors "Committee of the Whole" (CoW) hearing on September 12, 2017 about the closure of St. Luke's sub-acute SNF.

The Hospital Council has helped slow-walk opening a replacement sub-acute SNF facility in San Francisco. The Hospital Council and its member hospitals are responsible, in part, for the delay in getting San Francisco's hospitals to jointly fund opening a replacement sub-acute skilled nursing facility (SNF).

At Enclosure 3 is a March 22, 2022 e-mail from Michon A. Coleman, Regional Vice President of the San Francisco-Marin Section of the Hospital Council to Supervisor Safai and his Chief of Staff, Bill Barnes, sent just two days before the PSNS Committee's last hearing on March 24. Coleman claimed "(1) there is not one, uniform electronic health records [database] systems used across all hospitals, and (2) not every system is built to track the data as currently proposed."

Coleman is incorrect. There is not just one database system used by all 14 of the public- and private-sector hospitals located in San Francisco. There are two database systems — Epic and Cerner — as shown in Table 1.

**Table 1: Electronic Health Record Systems Used in San Francisco's 14 Hospitals**

Hospital Chain / Facility Name		Epic	
		Systems	Other EHR Database
CPMC	Davies	1	Epic
CPMC	Mission Bernal	2	Epic
CPMC	UCSF Benioff Children's SF	3	Epic
CPMC	Van Ness	4	Epic
	SFGH	5	Epic
	LHH	6	Epic
UCSF	University of California San Francisco	7	Epic
UCSF	Nancy Friend Pritzker	8	Epic
UCSF	Langley Porter Psychiatric Institute	9	Epic
	Kaiser Permanente San Francisco	10	Epic
Dignity	St. Mary's	11	Cerner — Millennium
Dignity	St. Francis Memorial Hospital	12	Cerner — Millennium
Dignity	Health McAuley Adolescent Inpatient Unit	13	Cerner — Millennium
	Chinese Hospital	14	Cerner — Community Works

Source: Telephone survey of each hospital conducted by Patrick Monette-Shaw.

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Table 1 illustrates:

- 10 (71.4%) of the 14 hospitals use the Epic EHR system from Epic Corporation.
- 4 (28.6%) of the 14 hospitals use the Cerner's EHR systems.

Coleman doesn't seem to realize that a properly written "cross-tab" database query — which could easily produce data showing the number of out-of-county discharges from each hospital to a wide range of types of facilities, including to RCFE's, ARF's, LTCAH's, other acute hospitals, SNF's, sub-acute SNF's, and other types of facilities — could be shared with and used by all 10 of the hospitals using the Epic EHR database. It's thought the Cerner EHR packages are also able to use "cross-tab" queries to generate similar detailed data on the broader types of facilities patients are discharged to. Therefore, Coleman is incorrect in asserting both of the two EHR systems may not track the data. That's hogwash!

Coleman also raised a straw man argument that is essentially a red herring: Coleman asserted that the data needs to be "streamlined" to provide the data "efficiently," and reporting the data must be "balanced against the operational capacity of [the reporting] hospitals." That, too, is hogwash: Once a properly-written "cross-tab" database query is developed, having to run the query periodically or annually should not affect routine operations of any of the hospitals, and would not be burdensome on any of the reporting hospitals to do so.

Clearly, the intention of this legislation is to help identify gaps in post-hospitalization care and services in San Francisco. So, it remains critically important that this legislation must be exceptionally inclusive and broadly — not narrowly — construed, in the types of out-of-county facilities patients are discharged to that are tracked and reported to the Department of Public Health.

It is essential that San Francisco track and document who is getting dumped out of town, to what kind of facilities, and for what level of care (medical vs. nursing, or both), if for no other reason than to plan for what various categories of care is necessary for San Franciscans.

Please add additional amendments to expand the types of out-of-county facilities patients are discharged to in a Duplicated File, and table any further consideration of Legislation Version #2 as currently narrowly written. Otherwise, this legislation and the Board of Supervisors will not be able to fix what is ***not*** measured and collected.

Respectfully submitted,

**Patrick Monette-Shaw**

*Columnist*

*Westside Observer* Newspaper

cc: The Honorable Connie Chan, Supervisor, District 1  
The Honorable Aaron Peskin, Supervisor, District 3  
The Honorable Dean Preston, Supervisor, District 5  
The Honorable Myrna Melgar, Supervisor, District 7  
The Honorable Rafael Mandelman, Supervisor, District 8  
The Honorable Hillary Ronen, Supervisor, District 9  
The Honorable Shamann Walton, Supervisor, District 10  
The Honorable Ahsha Safai, Supervisor, District 11  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Clerk of the Public Safety and Neighborhood Services Committee  
Daisy Quan, Legislative Aide to Supervisor Gordon Mar  
Edward Wright, Legislative Aide to Supervisor Gordon Mar  
Li Miao Lovett, Legislative Aide to Supervisor Gordon Mar  
Alan Wong, Administrative Aide to Supervisor Gordon Mar  
Lee Hepner, Legislative Aide to Supervisor Aaron Peskin



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**Enclosure 1: Supervisor Safai Is Inclined to Keep Legislation Narrowly Tailored February 10, 2022**

**From:** Morris, Geoffrea (BOS) <[geoffrea.morris@sfgov.org](mailto:geoffrea.morris@sfgov.org)>

**Sent:** Thursday, February 10, 2022 4:14 PM

**To:** Validzic, Ana (DPH) <[ana.validzic@sfdph.org](mailto:ana.validzic@sfdph.org)>; Hiramoto, Kelly (DPH) <[kelly.hiramoto@sfdph.org](mailto:kelly.hiramoto@sfdph.org)>

**Cc:** Mar, Gordon (BOS) <[gordon.mar@sfgov.org](mailto:gordon.mar@sfgov.org)>; Wong, Alan (BOS) <[alan.wong1@sfgov.org](mailto:alan.wong1@sfgov.org)>; Chung, Lauren (BOS) <[lauren.l.chung@sfgov.org](mailto:lauren.l.chung@sfgov.org)>; Jones, Ernest (BOS) <[ernest.e.jones@sfgov.org](mailto:ernest.e.jones@sfgov.org)>; Berenson, Samuel (BOS) <[sam.berenson@sfgov.org](mailto:sam.berenson@sfgov.org)>; Safai, Ahsha (BOS) <[ahsha.safai@sfgov.org](mailto:ahsha.safai@sfgov.org)>

**Subject:** Mar and Safai meeting with DPH

Hello All,

Supervisor Safai and Supervisor Mar recently discussed possible amendments to Supervisor Safai's sub-acute ordinance.

Supervisor Safai wants to schedule a meeting with public health to see the department's position on expanding the ordinance to include other areas of hospital discharge and additional data points. **Supervisor Safai is more inclined to keep his legislation narrowly tailored to only address sub-acute beds and skilled nursing facilities.**

However, Supervisor Safai has told Supervisor Mar that he is open to further discussing possible amendments. In efforts to come to a consensus, Supervisor Safai wants both offices to have a meeting with Department of Public Health. Since Supervisor Safai and Supervisor Mar both sit on Budget, they cannot attend a DPH discussion together unless the meeting is publicly noticed.

As a result, my colleague, Sam Berenson, the Supervisor's scheduler, will schedule two meetings with DPH. One with Supervisor Mar and with a Safai staffer in attendance and one with Supervisor Safai with a Mar staffer in attendance. After these two meetings are held, then the two staffers can work with one another to reach a compromise on this legislation.

In conclusion, Sam will work with Alan Wong on Supervisor Mar's team to find a time that fits with Supervisor Mar's schedule and then Sam will send an email to DPH with times for the two potential meetings to occur and what staffer will be attending what meeting.

Thanks in Advance,  
Geoffrea (Jah-free-ah)

General Description of the legislation in question

File # 211177

[Health Code - Subacute Care Reporting Requirements]

Sponsors: Safai; Ronen

Ordinance amending the Health Code to require general acute care hospitals in the City to report annually to the Department of Public Health the number of, and certain demographic information regarding, patients transferred to a health facility outside of the City to receive subacute skilled nursing care and patients who qualify for subacute skilled nursing care but are not transferred to a health facility outside of the City.

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**Enclosure 2: DPH E-Mail to Bill Barnes March 18, 2022**

**From:** Patil, Sneha (DPH)  
**To:** Barnes Bill (BOS)  
**Subject:** Re: Checking in on subacute care  
**Date:** Friday, March 18, 2022 1:29:42 PM

Hey Bill,

I just tried you but am going to be out of the office the rest of the afternoon. Can we check-in Monday AM? Henry shared that you approved to move the deadline to October, thank you!

I am still **concerned about the private for-profit SNF reporting** because 1) we don't have relationships with them or any legal authority over them which means they are very unlikely to comply with the ordinance  
2) **Kelly H. mentioned** that it is likely **not often someone would be transferred from a SNF to out of county facility**.

Hope we can check-in in Monday to talk further.

Thank you!

Sneha Patil, MPH  
Director, Office of Policy and Planning  
San Francisco Department of Public Health  
[sneha.patil@sfdph.org](mailto:sneha.patil@sfdph.org) | 415-554-2795

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**Enclosure 3: Hospital Council E-mail to Supervisor Safai March 22, 2022**

**From:** Michon Coleman <mcoleman@hospitalcouncil.org>  
**Sent:** Tuesday, March 22, 2022 5:19 PM  
**To:** Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>  
**Cc:** Barnes, Bill (BOS) <bill.barnes@sfgov.org>  
**Subject:** Hospital Council | File No. 211177 (Health Code: Subacute Care Reporting Requirements)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisor Safai:

I write on behalf of the Hospital Council regarding File No. 211177 (Health Code: Subacute Care Reporting Requirements).

Our hospitals understand the overarching desire to assess the need for subacute and other skilled nursing care in San Francisco, with the goal of ensuring residents have access to that level of care within the county. Collectively, our members want to work in partnership to provide data that will meaningfully inform these inquiries and decisions.

**Over the past several months hospital teams have appreciated the opportunity to meet with DPH staff** to discuss this scope of this legislation. These conversations are similar and often related to data requests stemming from the current study of subacute care in San Francisco. As hospitals attempt to report these data some challenges have emerged primarily related to the ability and ease of culling the data. While it is true that hospitals utilize electronic health records, there are two important considerations: **(1) there is not one, uniform electronic health record system used across all hospitals; and (2) not every system is built to track the data as currently proposed.** These are factors that should be considered when exploring and determining the feasibility of reporting requirements.

Although we are turning the page on the COVID pandemic, San Francisco's hospitals continue to deliver care and stay prepared for future surges while faced with drastically reduced staffing. With these scarce human resources top of mind, we appreciate exploring ways to report data that are streamlined and can be provided efficiently. We believe further discussion can **yield strategies to meet the county's data needs balanced against the operational capacity of hospitals.**

For these reasons, we would ask that you consider allowing more time for the good faith conversations between hospitals and DPH teams to continue. Our understanding is that the amendments offered at this Thursday's meeting are substantive, therefore extending this item at least to the next hearing. We would appreciate the opportunity to connect with you in the interim to share our perspective.

Please always feel welcomed to be in touch directly if I can provide some additional context or information in advance of the hearing.

Thank you,  
Michonne

Michon A. Coleman  
Regional Vice President | San Francisco-Marin Section

Hospital Council Northern & Central California  
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## MEMORANDUM

TO: Dr. Grant Colfax, Director, Department of Public Health

FROM: Alisa Somera, Clerk, Public Safety and Neighborhood Services Committee  
Board of Supervisors

DATE: November 15, 2021

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Safai on November 9, 2021:

**File No. 211177 Health Code - Subacute Care Reporting Requirements**

Ordinance amending the Health Code to require general acute care hospitals in the City to report annually to the Department of Public Health the number of, and certain demographic information regarding, patients transferred to a health facility outside of the City to receive subacute skilled nursing care and patients who qualify for subacute skilled nursing care but are not transferred to a health facility outside of the City.

You are being provided this informational referral since the legislation may affect your department.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Greg Wagner, Department of Public Health  
Dr. Naveena Bobba, Department of Public Health  
Sneha Patil, Department of Public Health  
Ana Validzic, Department of Public Health