

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [De Asis, Edward \(BOS\)](#); [Lew, Lisa \(BOS\)](#); [Wong, Jocelyn \(BOS\)](#); [Harrell, Brittney \(BOS\)](#); [Hickey, Jacqueline \(BOS\)](#)
Subject: FW: copy of email sent to Supervisor Walton re Laguna Honda
Date: Monday, July 25, 2022 10:48:54 AM
Attachments: [image001.png](#)

File No. 220868 - Resolution urging United States Department of Health and Human Services Secretary Xavier Becerra to suspend a requirement by the Centers for Medicare and Medicaid Services on relocating and transferring vulnerable patients at Laguna Honda Hospital and Rehabilitation Center; and to extend coverage of Medicare and Medicaid payments until the end of year.

Arthur Khoo

Office of the Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-5184 | (415) 554-5163
board.of.supervisors@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

From: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Sent: Monday, July 25, 2022 10:11 AM
To: Hickey, Jacqueline (BOS) <Jacqueline.Hickey@sfgov.org>
Subject: FW: copy of email sent to Supervisor Walton re Laguna Honda

From: Debbie Huysentruyt <debbie.415@gmail.com>

Sent: Sunday, July 24, 2022 4:01 PM

To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>

Subject: copy of email sent to Supervisor Walton re Laguna Honda

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

Dear Supervisor Walton,

I am writing re Resolution #63 on this week's agenda. I am asking you to **support the Resolution** which urges US Secretary Xavier Becerra and the Department of Health and Human Services to suspend the requirement to relocate and transfer patients from Laguna Honda Hospital.

LH Hospital had been a model of excellent patient care and safety throughout the pandemic. They were praised often for the efforts they made with staff and patients to keep the virus out of the hospital. Now they are being threatened with closure.

CMS should pay for existing LHH residents through the end of December, when the recertification will likely take place. The City must assume payments for LH patients if CMS stops paying. Immediately, no further discharges of residents eligible for Nursing Facility care must take place. Those ineligible for Nursing-Facility care cannot be moved until safe arrangements are made for them.

Please support Resolution #63 when it arises

Thank you, Debbie Huysentruyt

363 Missouri St

94107

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [De Asis, Edward \(BOS\)](#); [Lew, Lisa \(BOS\)](#); [Wong, Jocelyn \(BOS\)](#); [Harrell, Brittney \(BOS\)](#); [Hickey, Jacqueline \(BOS\)](#)
Subject: FW: In support of Item 63, resolution calling for suspension of closure of Laguna Honda Hospital
Date: Monday, July 25, 2022 10:47:28 AM
Attachments: [image001.png](#)

File No. 220868 - Resolution urging United States Department of Health and Human Services Secretary Xavier Becerra to suspend a requirement by the Centers for Medicare and Medicaid Services on relocating and transferring vulnerable patients at Laguna Honda Hospital and Rehabilitation Center; and to extend coverage of Medicare and Medicaid payments until the end of year.

Arthur Khoo

Office of the Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-5184 | (415) 554-5163
board.of.supervisors@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

From: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Sent: Monday, July 25, 2022 10:10 AM
To: Hickey, Jacqueline (BOS) <Jacqueline.Hickey@sfgov.org>
Subject: FW: In support of Item 63, resolution calling for suspension of closure of Laguna Honda Hospital

From: Sue Vaughan <selizabethvaughan@gmail.com>

Sent: Monday, July 25, 2022 5:21 AM

To: Chan, Connie (BOS) <connie.chan@sfgov.org>

Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>

Subject: In support of Item 63, resolution calling for suspension of closure of Laguna Honda Hospital

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

Good morning Connie,

Thank you for sponsoring the resolution calling for suspension of the closure of Laguna Honda Hospital. I support this resolution.

Sue Vaughan

Lew, Lisa (BOS)

Subject: FW: Laguna Honda Hospital Call to Action, Week of July 25 ; File No. 220868
Attachments: 2022-07-25- Laguna Honda Hospital Call to Action.pdf; 2022-07-25- Laguna Honda Hospital Call to Action.docx

From: Teresa Palmer <teresapalmer2014@gmail.com>
Sent: Saturday, July 23, 2022 8:03 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Laguna Honda Hospital Call to Action, Week of July 25

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

Ms. Calvillo: Please file this in the correspondence
for File #

220868
To be heard at Full BOS July 26. 2022
THanks

Teresa Palmer M.D.
Family Medicine/Geriatrics
1845 Hayes St.
San Francisco, California 94117
Phone:415-260-8446
Fax: 415-292-7738
Email: Teresapalmer2014@gmail.com

From: **graypanther-sf** <graypanther-sf@sonic.net>
Date: Sat, Jul 23, 2022 at 6:33 PM



Laguna Honda Hospital Call to Action Week of July 25, 2022

Every San Franciscan is in danger of losing the public nursing home they paid for and may someday need for themselves. Current Residents at Laguna Honda Hospital are in danger from the plan to immediately transfer all patients out of the nursing home. **Please refer below to "Give Public Comment at Meetings and Other Things to Do" and "Talking Points" to take action.**

Background

Laguna Honda Hospital and Rehabilitation Center, the largest nursing home in San Francisco, which is owned and run by San Francisco, has lost its certification to operate. Federal government (CMS) payment for Medicare and Medi-Cal patients will be cut off,

and new admissions have been prohibited. As part of recertification, SF DPH intends to discharge all patients, many out-of-county or even out-of-state.

When Nursing Home patients are forced to change location, the death rate from "transfer trauma" is high. We know that Laguna Honda cares for especially fragile people.

Great efforts are now being made to correct the deficiencies found by CMS at Laguna Honda. With an honest and well-managed effort to fix deficiencies, we have every reason to believe that Laguna Honda will be recertified and open for admissions by January of 2023.

Closure and Discharges out of Laguna Honda must stop, while efforts at recertification continue. CMS, Xavier Becerra and the Federal government are now aware that there is wide objection in the community to the cruel removal of Laguna Honda residents from their home. The Board of Supervisors will hear a resolution about this on July 26, just before they go into summer recess.

Current Status

- There are now about 600 residents at LHH who continue to require nursing home care.
- At least 4 residents have died shortly after transfer 3 at out-of-county nursing home, 1 at a Medical Respite Homeless Shelter.
- CMS (the federal government) is saying 3-person suites with a shared bathroom must become double, which would cut 120 beds. As the facility was built less than 15 years ago and each individual room is large and private this does not seem reasonable. There is no evidence that SFDPH has appealed.
- There have been major problems of truth and transparency from the managers of Laguna Honda and the larger San Francisco health department (see below).

Write your Supervisor Now, and Give Public Comment Next Tuesday Plus Other Things to Do

1. SF Supervisors Full Board Meeting Tuesday, July 26, 2 PM, will vote on a Resolution to CMS: Stop the dangerous resident transfers and fund Laguna Honda through 2022. We want every Supervisor to support this Resolution, so CMS takes it seriously.

Email your supervisor [Contact info](#), and send a copy to angela.calvillo@sfgov.org
Testify at the Board Meeting, either in-person (Rm 250, City Hall) or by phone: 415-655-0001, Meeting ID 2498 478 9694 ##. *3 to raise your hand.

The Resolution is Number 63 on the [Agenda](#) ("Urging United States Secretary Xavier Becerra and the Department of Health and Human Services to Suspend Requirement to Relocate and Transfer Patients from Laguna Honda Hospital") Being scheduled as item 63 could mean it would come up late afternoon, or it could be moved up in the Agenda.
Suggestion: Rather than sit glued to the phone, watch it at <https://sfgovtv.org> and phone in as our item comes up.

More information on the resolution is [here](#), Sponsors are Melgar; Peskin, Chan, Stefani, Mar, Preston and Mandelman.

2. Wednesday, August 3, 1:00-2:20 PM, CANHR Town Hall on Laguna Honda.

Updates, patient rights, and the fight to stop SF-DPH's dangerous transfer of patients from Laguna Honda Hospital. Read [more](#) on this plan. Sponsored by CANHR, The California Advocates for Nursing Home Reform, Legal Assistance for the Elderly and others. LHH residents, their representatives, the public, and the press are welcome.

Register [here](#)

3. Laguna Honda Residents and their Representatives: Stand up for your rights and don't be pressured into discharge if you want to stay. Use the resources at the end of this article. Do not be pressured into discharge if you want to stay-see resources below.

4. Email, call, or write to Xavier Becerra-Secretary of the Department of Health and Human Services, including CMS. Email xavier.becerra@hhs.gov, or call 1-877-696-6775, or write Xavier Becerra at 200 Independence Avenue, S.W. Washington, D.C. 20201. See Talking Point #1, below, for information pertinent to Sec. Becerra.

5. Email Nancy Pelosi, Speaker of the House and Representative for San Francisco, [here](#). (You will need to enter your 5 +4 zipcode.) See especially Talking Points #1 and #5 below, when communicating with Rep. Pelosi.

6. Email your State [Senator](#) and Assembly [Person](#) and [Gov Newsom](#).

Talking Points

After a meeting with extensive discussion on July 12, 2022 hosted by the San Francisco Gray Panthers, here are a set of demands and talking points which we feel is in the best interest of all San Franciscans:

(1) Laguna Honda Hospital must stay open for San Franciscans in need:

- No further discharges of residents ineligible for Nursing-Facility care until safe arrangements are made for them.
- Stop ALL discharges of residents eligible for Nursing Facility care.
- No forced closure of Laguna Honda by September 15.
- CMS must pay for existing LHH residents through the end of December, the likely date for recertification. (City, State and Federal officials must obtain this commitment from Becerra and CMS.)
- The City must assume payments for Laguna Honda patients if CMS stops paying.
- The City must apply for a waiver from CMS's 3-bed requirement. (No 120-bed reduction at LHH on top of San Francisco's shortage of Medi-Cal SNF beds in San Francisco.)

(2) The discharge and appeal rights of all current residents at Laguna Honda must be scrupulously honored.

- Laguna Honda must Inform residents they can file objections, and how.

- The Laguna Honda care team must support the well-being of the individual over pressure from city administrators.
- CMS is not demanding a "quota" of discharges, nor is it demanding that the facility be emptied of residents. CMS is certainly not demanding that residents' rights and safety be trampled upon.

(3) Residents eligible for Nursing Facility care should NEVER be transferred unless:

- All Nursing Facility transfers are within County unless the resident or a representative family FREELY chooses otherwise.
- All Nursing Facility transfers are to high quality licensed facilities .
- (No transfers to Brius or Rockport, or similar low quality "for-profit" chains.)

(4) Future Admission Policies and Practices:

- The "flow" project must stop. This "project" has prioritized hard-to-place patients from San Francisco General Hospital, some of whom are unsafe to themselves or others at Laguna Honda,
- Laguna Honda Medical and Nursing Staff must be free of pressure from SFDPH/SFGH. They must screen all potential admissions and freely reject persons the facility cannot safely care for.
- Laguna Honda admissions should be open to any SF resident in need of a Nursing Facility bed. Laguna Honda administration must be transparent about the waiting list.
- SFDPH and related agencies must offer sufficient residential mental health and substance use services with beds for persons with disabilities. This will provide an alternative to inappropriate placement at Laguna Honda.

(5) Truth and Transparency. SFDPH and Laguna Honda must stop their lies:

- The discharges are NOT voluntary.
- The discharges are NOT safe.
- Laguna Honda can NOT discharge all its Residents safely.
- Residents DO have appeal rights.

All Residents can file a 30-day appeal for a hearing, during which care must be paid. It is illegal for the City to tell them otherwise.

Conclusion

San Franciscans need Laguna Honda. There is frequently a long wait for those who need a nursing home bed at Laguna Honda. There is a severe shortage of nursing homes in San Francisco who, like Laguna Honda, are willing to take Medi-Cal, the

government payment for long term residency at a nursing home. Since a nursing home costs between 10,000 and 18,000 dollars a month, only the very rich can avoid "spending down" to Medi-cal once they need to live in a nursing home.

Resources

[List :Legal Rights of LHH Residents and Families, plus resources \(from 7/13 CANHR town hall\)](#)

[Change.org Petition to Becerra on Forced Transfers from Laguna Honda](#)

[Dr. Derek Kerr 's important articles on Laguna Honda in Westside Observer](#)

SF Gray Panther Meeting "Saving Laguna Honda, Part 2, (90 minutes)

(Copy <https://www.youtube.com/watch?v=IjZ40EpFRwk> into your browser)

This alert can be downloaded from the internet at

bit.ly/LHH-ACTION

Patrick Monette-Shaw

975 Sutter Street, Apt. 6
San Francisco, CA 94109
Phone: (415) 292-6969 • e-mail: pmonette-shaw@earthlink.net

July 26, 2022

San Francisco Board of Supervisors

The Honorable Shamann Walton, Board President
The Honorable Connie Chan, Supervisor, District 1
The Honorable Catherine Stefani, Supervisor, District 2
The Honorable Aaron Peskin, Supervisor, District 3
The Honorable Gordon Mar, Supervisor, District 4
The Honorable Dean Preston, Supervisor, District 5
The Honorable Matt Dorsey, Supervisor, District 6
The Honorable Myrna Melgar, Supervisor, District 7
The Honorable Rafael Mandelman, Supervisor, District 8
The Honorable Hillary Ronen, Supervisor, District 9
The Honorable Ahsha Safai, Supervisor, District 11

1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Resolution Urging U.S. DHHS Secretary Xavier Becerra to Suspend Requirement to
Discharge and Transfer Residents From LHH (File # 220868, Agenda Item 63)

Dear President Walton and Members of the Board of Supervisors,

Rather than this non-binding Resolution, an injunctive relief Federal lawsuit might do the trick faster at halting discharges!

I acknowledge the alternative use of “*patients*” and “*residents*” when referring to people who live at LHH. I remember from my employment at LHH that employees were taught the preferred term in most instances was to use “*residents*” since that is their home. That said, for purposes of this Resolution, and given the context, I suggest you revise the title of this Resolution to use the term “*Residents.*”

Second, I am disappointed that Supervisors Ronen, Safai, and Walton did not join their Board colleagues — Supervisors Melgar; Peskin, Chan, Stefani, Mar, Preston, and Mandelman — as initial co-sponsors of this Resolution to Secretary Becerra, even if the vote today ends up being unanimous.

Although I am generally supportive of this Resolution, I am afraid it will have little impact on Mr. Becerra. I say that because news has surfaced that when Mayor London Breed may have talked by phone with Becerra during the Board of Supervisors Government Audit and Oversight Committee on July 21, that he was reportedly “*annoyed*” that San Francisco doesn’t want to follow CMS’ rules, some of which Roland Pickens asserts may be “unwritten” rules. Mayor Breed appears to believe entreaties to Federal elected officials and to CMS and Mr. Becerra are not working so far.

I am doubtful this Resolution — as an entreaty — will also not work and may further annoy Becerra.

This non-binding Resolution is a nice “feel good” action, but what is really needed now is for the Board of Supervisors to direct our City Attorney file an actual lawsuit in Federal court rapidly, seeking injunctive relief to halt further discharges and transfers of Laguna Honda residents during the pendency of appeals already filed with a Becerra Administrative Law Judge, which won’t reach a determination on the appeals until late October at the earliest, or in November or December.

The City Attorney’s Three Administrative Appeals

I acknowledge I am obviously not a lawyer.

Although few details of any appeals San Francisco may have submitted to date were announced during the GAO’s hearing on July 21 when Deputy City Attorney Anne Pearson acknowledged the City Attorney has filed three administrative appeals, she provided no further information to members of this Board.

I have obtained copies of City Attorney Chiu’s three appeals (that total 30 pages) dated successively on February 15 — four

months *after* the October 14 State survey inspection — April 25, and May 25, 2022, and Mr. Pickens’ seven-page “*Informal Dispute Resolution*” request to CDPH dated December 27, 2021, fully two-and-a-half months after the October 14 LHH inspection. All four documents pooh-pooh the F-Tag 689 citation assessed against LHH beginning on October 14 with a “*severity-and-scope*” rating of “H” — meaning a pattern had been identified at LHH. Of note, of the 8 survey inspections the State surveyors conducted at LHH between October 14, 2021 and April 13, 2022, State surveyor’s cited LHH 5 times on CMS Survey Form 2567 during on-site inspections over F-Tag #689, titled “*Free of Accident Hazards/Supervision/ Devices,*” not just on October 14.

Pickens’ initial “*Informal Dispute Resolution*” (IDR) request to CDPH on December 27, 2021 made essentially the same claims that City Attorney Chiu raised in his subsequent appeals to the U.S. DHHS Administrative Law Judge. It is thought the “*Informal Dispute Resolution*” process precedes filing any formal Appeal, which tends to suggest Pickens may have lost his IDR case, so the City Attorney filed his first appeal basically regurgitating the same arguments Pickens had floated (because Pickens’ dispute resolution request was most likely written by a Deputy City Attorney, and is almost identical in rationale as the City Attorney’s appeals that followed).

First, the City Attorney’s three appeals try to claim the F-Tag 689 deficiency does not rise to the level of “*substandard quality of care,*” which is patently ridiculous precisely because the F689 tag is printed in red on the *Federal Regulatory Groups for Long Term Care* list of 211 F-tag numbers — red text explicitly defined as, and signaling, being “*substandard quality of care*” deficiencies received and assessed with a level for *severity-and-scope* of F, H, I, J, K, or L. Indeed, F-Tag 689 is one of the 17 F-Tags included in the “*Quality of Care*” group in the Federal Code of Regulations §483.25 among the other 20 Federal Regulatory Groups applicable to Long-Term Care Facilities. The entire 17 F-Tags in the “*Quality of Care*” group are all set in red text as being substandard quality of care, so City Attorney Chiu’s claim Tag 689 doesn’t involve substandard level of care is totally misplaced, if not moot.

Second, Chiu ridiculously claimed the incidents that prompted state surveyors to reach for F-Tag 689 was wrong because the incidents didn’t involve actual “*accidents.*” But Chiu ignored the word “*hazards*” in the title of F-Tag 689. It’s a mistake to believe hazards only involve environmental hazards, assistive devices that may contribute to falls and falls prevention, and electrical safety.

State surveyors view F-Tag 689 as useful in identifying, evaluating, and analyzing **hazard(s)** and risk(s); and implementing and modifying interventions when necessary to reduce hazard(s) and risk(s).

There are several types of accident hazards incorporated within the F-Tag 689 regulation, including patients smoking — particularly near oxygen tanks and equipment — including patient supervision, resident-to-resident altercations, elopement, and patients’ vulnerability.

Access to igniters (cigarette lighters) pose safety hazards that can cause combustion and fire in the building, placing all residents and LHH’s staff un an unsafe living or working environment, and the hazards of negative health outcomes.

Chiu also completely ignored that the F-Tag 689 was cited against LHH October 14 with a “*severity-and-scope*” rating of “H” — a pattern of actual harm that is not immediate jeopardy — and by the March 28, 2022 LHH Re-Survey, State surveyors again found F-Tag 689 violations on October 14 had risen to a “*severity-and-scope*” rating of “K” — a pattern of “*Immediate Jeopardy to Resident Health and Safety,*” the 11th highest of 12 “*severity-and-scope*” ratings. The “*severity-and-scope*” rating of “K” involved a patient on oxygen smoking in their room, rather than in a designated outdoor smoking area. It’s absurd for any lawyer to argue that lighting cigarettes near an oxygen tank does **not** pose a hazard, or a risk for hazards.

Finally, Chiu claimed that “most” incidents didn’t constitute “actual harm.” After acknowledging that four of the incidents State surveyors identified during the October 14 survey incidents involved behavior changes (and two hospitalizations) involved “actual harm,” Chiu then claimed the *majority* of the other deficiency findings did not constitute “actual harm.” Chiu claimed CDPH had acknowledged (apparently verbally, not in writing) that the findings listed in sections “b-d” only involved “*potential*” harm.

Chiu raised the issue of whether patients’ right to privacy, dignity, and self-determination, including to make choices about

their life in the facility, might be violated through patient clinical safety searches to prevent drugs and contraband from entering LHH is worrisome. Dismissing the drug use and drug smuggling into LHH as inconsistent with protecting a handful patients' rights to privacy and self-determination is somewhat shocking, when contrasted with preventing hazards posed to all patients. From my perspective, that could lead to LHH becoming the City's next Tenderloin neighborhood.

While protecting residents civil rights is clearly a San Francisco value, Chiu seems to forget that in a congregate setting like LHH, one resident's civil rights to self-determination "*floor*," is another resident's civil rights to be free from hazards "*ceiling*."

Board of Supervisors Not Informed of Pickens' Informal Dispute Resolution Request and CAO's Three Appeals

On June 14, during the Board of Supervisors Committee of the Whole hearing on the *LHH Closure and Patient Transfer and Relocation Plan*, Mr. Pickens stated: "*So, again, our goal is to be transparent. We have nothing to hide*" (at 4:39:28 on [videotape](#)).

Pickens didn't inform the Board of Supervisors on June 14 that he had filed an *Informal Dispute Resolution*" (IDR) request to CDPH on December 27, 2021 or how that IDR had been resolved, nor did he inform the Board of Supervisors on June 14 that the City Attorney had filed three separate appeals with the U.S. DHHS by May 25.

Then, during the July 21 GAO Committee hearing Pickens didn't pipe up and mention — while DCA Pearson was racking her brains — anything about Pickens' IDR or the CAO's three appeals had already been filed, months before. And Pickens didn't mention those efforts had *not* sought injunctive relief to halt the premature discharges and patient transfers that eventually killed four LHH residents.

Pickens also didn't mention what the outcome of his December IDR request to CDPH had been, and SFDPH has stalled replying to a records request seeking the outcome of Pickens' IDR until August 5, although they must surely have those records easily available, once again seeking opaqueness rather than transparency, as if they have something to hide.

That suggests to me Pickens *was* trying to hide information from the Board of Supervisors *and* members of the public in both the June and July Board of Supervisors hearings that he *had* to have known had been filed and settled months before.

When Will the Consolidated Appeals Be Heard?

Chiu's three appeals to the U.S. DHHS' Departmental Appeals Board in DHHS's Civil Remedies Division were consolidated into a single appeal on June 2, 2022. CMS' prehearing exchange (additional documents) are due on August 31, and LHH's prehearing exchange documents are due on October 5. The new docket of the three combined appeals has not been scheduled for a hearing date, as far as is known, so the hearing may not be held until late October or November, depending on the Administrative Law Judge's calendar. By then, a good share of LHH's residents will already have been discharged, transferred, or died.

Of note, Chiu's appeals only seek administrative remedies he hopes may overturn the inspection survey discrepancies, and hopefully overturn the loss of LHH's CMS provider participation agreement and certification (which hopefully might then restore the elimination of 120 beds from LHH with the imposition of the two-patients per room drastic penalty).

Chiu's appeals did not seek injunctive relief — as far as I can tell — to halt the discharges and transfers from LHH during the pendency of the appeals process. So, discharges and transfers of LHH resident will likely continue during August and September, potentially involving more transfer trauma and resident deaths post-discharge.

Board of Supervisors Must Demand Chiu File a Federal Lawsuit, Rapidly

Pearson apparently didn't know whether during the pendency of the Appeals process Chiu will separately file an actual Federal lawsuit against DHHS, CMS, or CDPH — perhaps naming Becerra as a Respondent — to seek injunctive relief in the interim, when it is most needed now, to enjoin further discharges at LHH from happening until the appeals process plays out.

July 26, 2022

Resolution to Suspend Requirement to Discharge and Transfer LHH Residents

Page 4

What might get Becerra's attention — and stop his annoyance with Breed during his phone call to the Mayor during the GAO hearing on July 21 — that San Francisco doesn't want to follow the (apparently unwritten rules, per Pickens) is for Chiu to grab Becerra's attention by filing an actual injunctive relief lawsuit naming Becerra as a party to the Defendants.

In my mind, Chiu needs to pursue obtaining injunctive relief now, and not sit on his hands until he gets the now consolidated three appeals scheduled for a hearing date in late October, November, or December.

The Board of Supervisors should demand an injunctive relief lawsuit be filed before going out on August recess. And they should delay going out on recess to ensure such an injunctive relief lawsuit is actually filed.

Respectfully submitted,

Patrick Monette-Shaw

Columnist,

Westside Observer Newspaper

cc: Angela Calvillo, Clerk of the Board

From: [Calvillo, Angela \(BOS\)](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: FW: Support for Today's Laguna Honda Hospital Resolution
Date: Tuesday, July 26, 2022 4:03:37 PM

From: Carol Bettencourt <evictiondefense@sbcglobal.net>
Sent: Tuesday, July 26, 2022 2:05 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Support for Today's Laguna Honda Hospital Resolution

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

Below is a copy of an email I sent to Supervisor Peskin supporting today's resolution regarding Laguna Honda Hospital.

I understand this is Item 63 on the agenda for today's Board of Supervisors Meeting.

Dear Supervisor Peskin:

I understand that you are one of the sponsors of the proposed resolution asking CMS to stop the transfer and discharge of Laguna Honda patients and to continue funding at least through the end of December.

As a long time San Francisco resident of District 3, I am relieved to see that you are part of this effort. I find it distressing that there hasn't been more attention paid to the possible closure of Laguna Honda Hospital.

It would be a tragedy if Laguna Honda Hospital closed. For years it has been an invaluable resource for some of the neediest residents of San Francisco.

The Board of Supervisors should do anything they can to keep this from happening, including at least short term funding to keep the hospital open if Medicare and Medi-Cal funding ends even temporarily.

I find it alarming that in the midst of trying to regain certification the hospital staff has also been required to do discharge planning for the residents. The uncertainty and the stress of the discharge planning process is putting needless pressure on residents and their families and diverting time and attention from attending to the residents' needs and the effort to regain certification.

I am especially saddened by the fact that at least 4 patients have already died within days of being transferred from Laguna Honda Hospital to other facilities.

If residents are transferred to other facilities and the hospital regains certification, those residents should be offered the right to return to Laguna Honda Hospital.

Furthermore, the City needs to put more resources into housing and community alternatives for residents of Laguna Honda Hospital who might be able to return to live in the community with sufficient supports.

Sincerely,

Carol Bettencourt
1137 Hyde Street, Apt G
San Francisco, CA 94109

From: [Castro, Blanca@CDA](mailto:Castro.Blanca@CDA)
To: [Benson Nadell: Board of Supervisors, \(BOS\)](#)
Cc: [Robert Manes](#)
Subject: RE: Board of Supervisors July 267, 2022 Agenda Item # 63
Date: Tuesday, July 26, 2022 2:05:53 PM
Attachments: [image001.png](#)

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

Benson

Thank you for sharing your statement. I appreciate the tone and your advocacy.

Blanca

From: Benson Nadell <bnadell@felton.org>
Sent: Tuesday, July 26, 2022 1:44 PM
To: bos@sfgov.org
Cc: Castro, Blanca@CDA <blanca.castro@aging.ca.gov>; Robert Manes <rmanes@felton.org>
Subject: Board of Supervisors July 267, 2022 Agenda Item # 63

Subject: Laguna Honda Closure and Relocation Plan

From Benson Nadell San Francisco Long Term Care Ombudsman Testimony to be entered into Public Record

Transfer assessment and care plan information is generic and not person centered with adequate review of risks of transfer trauma and fact sheet on transfer trauma

Sincerely

Benson Nadell
Co Coordinator
San Francisco Long Term Care Ombudsman
Felton Institute'
6221 Geary Blvd
San Francisco, Ca 94121
415 533 6099
415 751 9788



From: [Donna DEufemia](#)
To: [MelgarStaff \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: URGENT - PLEASE STOP THE PATIENT TRANSFERS AT LAGUNA HONDA HOSPITAL
Date: Tuesday, July 26, 2022 1:55:13 PM

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

Hello:

I am adding my voice to the cause for the urgent situation at Laguna Honda Hospital in San Francisco. As you likely know by now, the mandate to transfer over 700 patients by September 2022 has already resulted in four deaths.

I am urging the BOS to rally to stop these lethal transfers of innocent patients and separate the issue of transfer of over 700 medically fragile patients from the other issues that CMS and the CDPH are demanding for the recertification for Laguna Honda.

I implore you to call on Secretary Becerra to stop this decision now before more patients die.

Thank you

~Donna D'Eufemia~

***A.A. Liberal Arts, CaCMT, Trainer,
Masters in Intuition Medicine (Candidate)***

*~Deep Tissue, Swedish, Energy Clearing,
PreNatal, Lymphatic, Cupping~*

San Rafael Office: 415.302.8010

Resonance Marin, Corte Madera: 415.891.3328

From: [Benson Nadell](#)
To: [Board of Supervisors, \(BOS\)](#)
Cc: [Castro, Blanca@CDA](#); [Robert Manes](#)
Subject: Board of Supervisors July 267, 2022 Agenda Item # 63
Date: Tuesday, July 26, 2022 1:44:07 PM
Attachments: [image001.png](#)
[July26 BOS.docx](#)
[Halifax Summary, Transfer Trauma and Laguna Honda Residents.docx](#)

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

This message was sent securely using Zix®

Subject: Laguna Honda Closure and Relocation Plan

From Benson Nadell San Francisco Long Term Care Ombudsman Testimony to be entered into Public Record

Transfer assessment and care plan information is generic and not person centered with adequate review of risks of transfer trauma and fact sheet on transfer trauma

Sincerely

Benson Nadell
Co Coordinator
San Francisco Long Term Care Ombudsman
Felton Institute'
6221 Geary Blvd
San Francisco, Ca 94121
415 533 6099
415 751 9788



This message was secured by Zix®.

From: [Barbara Fugate](#)
To: [Calvillo, Angela \(BOS\)](#)
Subject: Fw: Keep Laguna Honda open copy of letter to Supervisor Safai.
Date: Tuesday, July 26, 2022 12:38:14 PM

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

From: Barbara Fugate <mousecollector@msn.com>
Sent: Tuesday, July 26, 2022 12:36 PM
To: Ahsha Safai Safai <safaistaff@sfgov.org>
Subject: Keep Laguna Honda open

Dear Ahsha - I am very concerned that the state is potentially closing Laguna Honda. This safety net for those of us without family to care for them. Did you know Laguna Honda had the lowest Covid rates? It would also be a shame to have wasted all those tax payer dollars used to build a brand new facility right before Covid.

I had to transfer my mother during Covid because her residential care was closing. This was very difficult for her and I now understand "transfer trauma" much better. I was saddened but not surprised that three patients died soon after transfer. Please help keep Laguna Honda open. They need to update their admission policy but otherwise the staff do a wonderful job.

Regards,
Barb Fugate

From: [Elizabeth Zirker](#)
To: [Board of Supervisors, \(BOS\)](#)
Cc: [Andy Imparato](#)
Subject: Resolution 220868 [Urging United States Secretary Xavier Becerra and the Department of Health and Human Services to Suspend Requirement to Relocate and Transfer Patients from Laguna Honda Hospital]
Date: Monday, July 25, 2022 5:04:35 PM
Attachments: [Comments re Resolution 220868 from Disability Rights California 7-25-22.pdf](#)
[Re LHH Decertification and Closure and Transfer Plan 6-28-22.pdf](#)

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

Please see the attached comments in advance of tomorrow's Board of Supervisors' Hearing.

Thank you,

Elizabeth Zirker

Elizabeth Zirker (she/her)
Managing Attorney
Legal Advocacy Unit
Disability Rights California
Mailing Address: 2111 J St., #406, Sacramento, CA 95816
Main Telephone: (510) 267-1200
Direct Line: (510) 267-1263
Fax: (510) 267-1201
TTY: [\(877\) 669-6023](tel:8776696023)
E-mail: elizabeth.zirker@disabilityrightsca.org
Intake Line: [800-776-5746](tel:8007765746)

The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Any inadvertent disclosure does not waive the attorney-client privilege. Thank you

The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Any inadvertent disclosure does not waive the attorney-client privilege. Thank you

From: [Marie Jobling](#)
To: [Chan, Connie \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Mar, Gordon \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [RonenStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Stefani, Catherine \(BOS\)](#)
Cc: [Calvillo, Angela \(BOS\)](#)
Subject: Urging passage of the resolution to stop discharges at Laguna Honda
Date: Monday, July 25, 2022 1:11:40 PM
Attachments: [Community Living Campaing Letter on LHH.pdf](#)

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

The Community Living Campaign would like to add its voice to others urging all action be taken to stop the discharges at Laguna Honda, stop the disrespect of its residents and workers, and urge funding that maintains this important link in San Francisco's continuum of long term care services and supports.

Letter attached.



Marie Jobling
Co-Executive Director
1663 Mission Street, San Francisco, CA 94103
(415) 821-1003 x101 * (415) 640-8239 (cell) www.sfcommunityliving.org
Close the Digital Divide for seniors & people with disabilities.
Sign the [petition](#) and [learn more how you can help](#).

CLC believes our workplace and our leadership should be representative and inclusive of the communities we serve. This improves our ability to identify and understand community needs and to increase the impact of our work. [Full statement and more on DEIB at CLC.](#)

From: [Michele Gloor](#)
To: [Preston, Dean \(BOS\)](#)
Cc: [Calvillo, Angela \(BOS\)](#)
Subject: Laguna Honda
Date: Monday, July 25, 2022 11:50:04 AM

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

To Sup. Dean Preston

Thank you for sponsoring **Resolution to CMS: Stop the dangerous resident transfers and fund Laguna Honda through 2022.**

I worked at Laguna Honda Hospital for 23 years (1980-2003, physical therapist), including the AIDS years. As you know, a really useful & helpful & respectful place, & I guess unique, with a fascinating mix of residents. It is absolutely necessary that it continue its good work.

Thank you for your help with this.

Sincerely,

Michele Gloor

1271 11th Ave. Apt. 1

San Francisco, CA 94122

From: [Marc Bruno](#)
To: [Board of Supervisors, \(BOS\)](#)
Cc: [Marc Bruno](#); hilary.ronen@sfgov.org; [Mar. Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Angulo, Sunny \(BOS\)](#)
Subject: This message re Laguna was read on KQED's Forum
Date: Thursday, July 21, 2022 1:19:05 PM

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

This message re Laguna was read on KQED's Forum:

From: Marc Bruno <marcabruno@yahoo.com>
To: Forum Mail <forum@kqed.org>
Sent: Monday, July 18, 2022, 09:42:39 AM PDT
Subject: In Support of Laguna

Dear Forum / Alexis Madrigal:

I don't think anyone's yet given a sense of what it is like to **BE** in Laguna Honda. I've worked at UCSF, General Hospital and the National Institutes of Health, as an investigator for an office protecting patients. **Laguna Honda is an amazing place.**

Volunteering at Laguna for the past 20 years, both in the old building and new, I find no more committed and competent staff, and I'm comparing it to UCSF and General. Laguna Honda, a hospital for the poorest of the poor, offers more psychological care-per-patient-hour than the best rehab centers in the country.

This aspect of Laguna Honda also models an inspired answer to homelessness: More psychological care for those facing mental health issues. Instead of closing Laguna Honda, we should expand its competencies and bring its experiences to the street. If we did this, we would have an answer for many people living without a home or direction.

Marc Bruno
St Vincent de Paul Society of San Francisco
(415) 434-1528 (Home/ Landline)

Patrick Monette-Shaw

975 Sutter Street, Apt. 6
San Francisco, CA 94109
Phone: (415) 292-6969 • e-mail: pmonette-shaw@earthlink.net

July 27, 2022

San Francisco Board of Supervisors

The Honorable Shamann Walton, Board President
The Honorable Connie Chan, Supervisor, District 1
The Honorable Catherine Stefani, Supervisor, District 2
The Honorable Aaron Peskin, Supervisor, District 3
The Honorable Gordon Mar, Supervisor, District 4
The Honorable Dean Preston, Supervisor, District 5
The Honorable Matt Dorsey, Supervisor, District 6
The Honorable Myrna Melgar, Supervisor, District 7
The Honorable Rafael Mandelman, Supervisor, District 8
The Honorable Hillary Ronen, Supervisor, District 9
The Honorable Ahsha Safai, Supervisor, District 11

1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear President Walton and Members of the Board of Supervisors,

While I appreciate Supervisor Ronen's and Supervisor Safai's Johnny-come-lately decisions to sign on as co-sponsors to the Resolution urging U.S. DHSS Secretary Becerra to suspend and halt transfer of LHH's patient discharges pending re-certification of LHH in CMS' Medicare and Medicare provider participation program, Supervisor Ronen seems to be factually incorrect that the Board of Supervisors and the City has "*done everything we can*" just before today's unanimous vote was taken passing the Resolution to Becerra.

Ever since CMS terminated LHH's participation in CMS reimbursement program on April 14, 2022 the Board and the City have failed during the past three-and-a-half months to file a Federal lawsuit seeking injunctive relief to immediately stop discharges of residents of LHH during the pendency of LHH regaining CMS certification.

That failure to file a federal lawsuit **cannot** possibly be considered to have been doing "*everything that we can.*" Such a lawsuit should have been filed months ago.

To be fair, a rightly outraged Ronen to her credit was, of course, absolutely correct to have asked "*Where are of you?*" of Senator Feinstein, Vice President Harris, Speaker Pelosi, and Governor Newsom, among others. Oddly, Ronen didn't include asking Mayor Breed "*Where are you?*"

Prior to Tuesday's vote on the Resolution to Becerra, a "rumor" from a reliable source *after* the 7/26 agenda was published on 7/21 indicated Supervisor Melgar might ask the Board of Supervisors to call on San Francisco's Health Officer Susan Phillips at the San Francisco Department of Public Health to issue a *Declaration of Emergency* to stop the discharges at LHH during the Board of Supervisors July 26 hearing.

Instead, Melgar — also to her credit — reportedly gained unanimous Board approval to ask the Director of the California Department of Public Health, Tomás Aragón, and Governor Newsom to declare an emergency to stop the closure and relocation of LHH residents after she determined the issue met the definition of an emergency and CDPH was the responsible entity with the jurisdiction and power to do so. Why wasn't that done earlier (months and months ago) as doing "*everything that we can,*" **before** the four patient deaths of LHH residents following their discharges from LHH?

Why wasn't that done long before reaching out to Becerra via the Resolution passed today? Why hadn't the City Attorney told the Board of Supes to do that **before** passing a Resolution today to Becerra? Wasn't that the most logical first step?

July 26, 2022

Resolution to Suspend Requirement to Discharge and Transfer LHH Residents

Page 2

Unfortunately, the issue of asking the CDPH to declare an emergency was not publicly noticed on the July 26 meeting agenda, a potential violation of the City's Sunshine Ordinance.

Given the four patients deaths following discharge from LHH so far, I have to wonder whether families of the four deceased LHH residents believe City officials had done "*everything that they could*"?

Shouldn't the Board of Supervisors have appealed to, and approached, Aragón months ago, not at this late date just before going out on August recess?

Respectfully submitted,

Patrick Monette-Shaw

Columnist,

Westside Observer Newspaper

cc: Angela Calvillo, Clerk of the Board