

1 [San Francisco Health Access Program]

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3 **Ordinance amending the San Francisco Administrative Code by adding Chapter 19,**  
4 **Sections 19.1 through 19.10, to create a pilot public program to provide a set of**  
5 **comprehensive health benefits for uninsured San Franciscans.**

6 Note: Additions are *single-underline italics Times New Roman*;  
7 deletions are *strikethrough italics Times New Roman*.  
8 Board amendment additions are double underlined.  
9 Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1. The San Francisco Administrative Code is hereby amended by adding  
11 Chapter 19, Sections 19.1 through 19.10, to read as follows:

12 **SEC. 19.1. THE SAN FRANCISCO HEALTH ACCESS PROGRAM.**

13 *(a) The San Francisco Department of Public Health shall create and oversee a San Francisco*  
14 *Health Access Program. The Program is not intended to serve as an insurance plan for participants.*  
15 *Under the Program, uninsured San Francisco residents may obtain medical care including, but not*  
16 *limited to, services in the areas of preventive, primary, and specialty care, as well as urgent and*  
17 *emergency care, from a network consisting of San Francisco General Hospital and the Department of*  
18 *Public Health's clinics, and community non-profit providers.*

19 *(b) The Program shall use the "Medical Home" model, in which a primary care physician,*  
20 *nurse practitioner or physician assistant develops and directs a plan of care for the participant,*  
21 *coordinates referrals for testing and specialty services, and monitors management of chronic*  
22 *conditions and diseases. The Program would assign a participant to a primary care physician, nurse*  
23 *practitioner or physician assistant, and provide services at a neighborhood facility (consisting of the*  
24 *Department of Public Health and Community Clinic Consortium service networks and private*  
25 *providers).*

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**SEC.19.2. ELIGIBLE PARTICIPANTS.**

*The Health Access Program shall be open to uninsured San Francisco residents, regardless of employment or immigration status. No eligible participant shall be excluded from the Program based on a pre-existing condition. Participants may be enrolled by their employers or may enroll themselves as individuals, with the terms of enrollment to be determined pursuant to Section 19.4(c)*

**SEC.19.3. PROGRAM SERVICES.**

*The Health Access Program shall provide medical services for the prevention, diagnosis, and treatment of medical conditions, excluding vision, dental, infertility, cosmetic, and outpatient mental health services. The San Francisco Health Commission may further define the services to be provided, except that such services must, at a minimum, include: professional medical services by doctors, nurse practitioners, physician assistants, and other health care providers, including preventive, primary, diagnostic and specialty services; inpatient and outpatient hospital services, including acute inpatient mental health services; diagnostic and laboratory services, including therapeutic radiological services; prescription drugs, excluding drugs for excluded services; home health care; and emergency care provided in San Francisco by contracted providers, including emergency medical transportation if needed.*

**SEC. 19.4. PROGRAM ADMINISTRATION.**

*(a) The Health Access Program shall be a partnership between the Department of Public Health and various private and public entities. It may be funded from a variety of sources, including payments from employers and individuals, and the City and County of San Francisco. City funding*

1 shall prioritize Program services for low and moderate income participants, and will subsidize where  
2 possible, participation by businesses with fewer than one hundred (100) employees.

3 (b) The Program shall be administered by a third-party vendor, in coordination with the  
4 Department of Public Health. The vendor shall administer program operations, including basic  
5 customer services, enrollment, tracking service utilizations, billing, and communication with the  
6 participants.

7 (c) The Department of Public Health shall develop rules and regulations to govern the  
8 operation of the Program, working in consultation with the third-party vendor administering the  
9 Program, and the Health Access working group referenced below in Section 19.5.

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11 **SEC. 19.5. HEALTH ACCESS WORKING GROUP.**

12 The Director of Public Health shall convene a working group to provide the Program with  
13 expert consultation and direction. Members shall be approved by the Mayor and the Board of  
14 Supervisors. The group shall be known as the Health Access working group. The body shall be  
15 advisory in nature and may provide the Program with input on determining how subsidies may be  
16 spent, setting membership rates; designing the range of benefits and health care services for  
17 participants, researching utilization, actuaries and costs, and preparing reports required under this  
18 ordinance for the San Francisco Health Commission, Mayor and Supervisors.

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20 **SEC. 19.6. IMPLEMENTATION.**

21 The first phase of the program shall be to offer the opportunity for employers to enroll their  
22 employees as participants by January 1, 2007, or as soon thereafter as is feasible under the  
23 circumstances, with individual enrollment to follow within six months.

1 **SEC. 19.7. REPORTING.**

2 *The Department of Public Health and the Program Administrator shall report on*  
3 *implementation of the Program, including any effect on services provided by the Department of Public*  
4 *Health, to the Board of Supervisors within six months of the effective date of this ordinance and*  
5 *annually thereafter. The Department of Public Health and the Program Administrator shall thereafter*  
6 *submit annual reports to the Board on the operation of the Program.*

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8 **SEC. 19.8. SEVERABILITY.**

9 *If any provision of this ordinance or the application thereof to any person or circumstances is*  
10 *held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions*  
11 *or applications or this ordinance which can be given effect without the invalid or unconstitutional*  
12 *provision or application. To this end, the provisions of this ordinance shall be deemed severable.*

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14 **SEC. 19.9. PREEMPTION.**

15 *Nothing in these sections shall be interpreted or applied so as to create any power, duty or*  
16 *obligation in conflict with, or preempted by, any federal or state law.*

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18 **SEC. 19.10. PROMOTION OF THE GENERAL WELFARE.**

19 *By creating a Health Access Program, the City and County of San Francisco is assuming an*  
20 *undertaking only to promote the general welfare and otherwise satisfy its obligation to provide care to*  
21 *the City's indigent population under applicable law. The City's operation and oversight of the Program*  
22 *should in no way be construed as an expansion of its existing obligations to provide health care under*  
23 *State and federal law and the City shall set all necessary criteria for enrollment consistent with its legal*  
24 *obligations. To the fullest extent permitted by law, the City shall assume no liability whatsoever. To*

1 the fullest extent permitted by law, any actions taken by a public officer or employee under the  
2 provisions of this Article shall not become a personal liability of any public officer or employee of the  
3 City.

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5 APPROVED AS TO FORM:  
6 DENNIS J. HERRERA, City Attorney

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8 By: ALEETA M. VAN RUNKLE  
9 Deputy City Attorney

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