

Patrick Monette-Shaw

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June 14, 2022

Committee of the Whole, 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: Testimony **Laguna Honda Hospital Closure and Patient Relocation Plan**
(Agenda Item 62, File #220619)

Dear President Walton and Members of the Board of Supervisors,

The potential closure of Laguna Honda Hospital would not only be disastrous for the 686 residents at LHH as of May 6, 2022, it would also be disastrous to other San Franciscans who will likely need this City treasure for generations to come who may need in-county skilled nursing and end-of-life care.

1. **Continue Today's Hearing to the PSNS Committee for Follow-Up** First and foremost, at the conclusion of today's Committee of the Whole hearing on the potential closure of LHH, I urge you to introduce, entertain, and pass a motion to continue today's hearing to the call of the Chair of the Board of Supervisors Public Safety and Neighborhood Service (PSNS) Committee to ensure this Board continues to receive monthly updates on the status of the *LHH Closure Plan*. In particular, I also urge you to waive the Board of Supervisors Rule regarding the 30-day hold typically involved before holding Committee level hearings.

The PSNS Committee needs to be actively involved in receiving regular updates on the efforts to obtain recertification of LHH through the September 13 potential closure date so members of the public are kept adequately informed about efforts to preserve this legacy facility any of us may need as we age and our health declines.

2. **Review HMA Consultant Contract Scope of Services** In response to the *LHH Closure Plan*, the Health Commission approved on June 7 **two contracts totalling \$5.6 million** to assist SFDPH in getting LHH recertified by the Centers for Medicare and Medicaid Services (CMS). The Health Commission completed a \$1.8 million contract with *Health Services Advisory Group*. On June 13, SFDPH finally released the second \$3.8 million contract with *Health Management Associates* (HMA), which is for a 14-month period between May 9, 2022 through June 30, 2023. It is thought LHH will be submitting a recertification application for LHH to CMS by mid-September 2022, so it is unclear why the contract is for an additional nine months through June 2023. Spending \$5.6 million to regain CMS certification for LHH seems to be excessive.

The Board of Supervisors should review the HMA contract, because the contract seems overly-broad in terms of the scope of services to be provided. There are two "Tasks" described in the Scope of Services: Task 1 is to perform a "Comprehensive Assessment," and Task 2 involves efforts related to "CMS Recertification" of LHH. Task 1 involves:

"HMA, in coordination with the Department, will conduct a comprehensive "top to bottom" organizational, operational, and clinical assessment of LHH to identify current performance gaps in the provision of care, operational effectiveness, regulatory standards compliance, and quality outcomes. Focus areas will include, but not be limited to: Executive Leadership, Organizational Structure, Medical Staff, Nursing Operations,

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Laguna Honda Hospital Closure and Patient Relocation Plan (Board File 220619)

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Hospital Governing Body, Management, Administrative Operations, Care Models, Organizational Change Management, and Financial Analysis of Care Models.”

The scope of “top-to-bottom” assessment in Task 1 is apparently to determine how far LHH may have to go to satisfy federal standards, and suggests the HMA contract may involve a potential massive overhaul of LHH’s mission and operations beyond simply obtaining CMS recertification. The Board of Supervisors should review the scope of services in the HMA contract.

3. **Hold SF Department of Public Health Employees Fully Accountable** The Board of Supervisors should explore whether additional SFDPH staff and the Health Commissioners themselves need to be replaced and held accountable for the situation now threatening LHH’s existence.

Between October 2021 (when inspectors notified LHH that it needed to submit a plan of correction to fix substandard care deficiencies and submit a plan of correction) and April 2022, LHH and the Health Department responded to the increasing federal concerns about the situation at LHH by downplaying the seriousness of the problems, including by issuing press releases saying the state inspectors had found only *minor* deficiencies.

Five days after CMS halted LHH’s federal re-imbursement, during the Health Commission’s April 19, 2022 meeting Director of Public Health Dr. Grant Colfax continued to minimize the severity of the problem. Colfax claimed in his *Director’s Report* to the Commission that state surveyors had identified that week “*new issues not previously communicated to Laguna Honda leadership.*” Colfax pooh-poohed the new findings as being “*unrelated and technical individual infractions.*” That’s nonsense, because all of SFDPH’s senior leadership know full well that when state surveyors return for follow-up surveys, additional findings of new problems can be — and often are — identified.

During the six-month period between October and April, the Health Commission’s LHH Joint Conference Committee (LHH-JCC) — consisting of three health commissioners and LHH senior management — were briefed repeatedly about the substandard care violations and federal deficiencies at LHH. So, it’s clear LHH’s governing body — the Health Commission — was fully aware of the potential seriousness of the situation.

On April 14 — the same day CMS froze payment to LHH from Medicare and Medicaid reimbursement and halted new admissions to LHH — the [San Francisco Chronicle](#) published an article about LHH’s potential closure, in which the *Chronicle* attributed to LHH CEO Michael Phillips as having said “... *that there will be no changes to hospital staffing.*” Oddly, Phillips stepped down (or was removed) as LHH CEO a month-and-a-half later on June 2, ironically making him the first change to LHH’s staffing.

It should not be just Mr. Phillips who is replaced. In response to an excellent May 20, 2022 [SFStandard.com](#) article by Matt Smith titled “*The Last Alms House: Laguna Honda Faces Daunting Overhaul,*” political consultant Jack Davis posted an on-line comment¹ saying “[This is] *Outrageous given the battles and money spent to redo Laguna Honda. Fire the City’s Health Director [Grant Colfax] and entire Health Commission.*”

Mr. Davis is on to something. Colfax and the Health Commission had known about the systemic problems at LHH and had downplayed the severity of the problems. They should also be replaced, as Mr. Phillips was.

Respectfully submitted,

Patrick Monette-Shaw

Columnist,

Westside Observer Newspaper

cc: Angela Calvillo, Clerk of the Board

¹ <https://sfstandard.com/public-health/the-last-almshouse-laguna-honda-faces-daunting-overhaul-to-satisfy-federal-regulators/>

From: [Board of Supervisors. \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [BOS Legislation. \(BOS\)](#)
Subject: FW: SF Board of Supervisors Meeting June 14, 2022. •••• agenda 62 ••Board File 220619 ••• Lagune Honda Hospital
Date: Wednesday, June 15, 2022 3:29:01 PM

From: m. cleary Monley <mcmoney@gmail.com>
Sent: Monday, June 13, 2022 11:09 PM
To: Chan, Connie (BOS) <connie.chan@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Dorsey, Matt (BOS) <matt.dorsey@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>
Subject: SF Board of Supervisors Meeting June 14, 2022. •••• agenda 62 ••Board File 220619
••• Lagune Honda Hospital

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SF Board of Supervisors Meeting June 14, 2022. •••• agenda 62 ••Board File 220619 ••• Lagune Honda Hospital

Save Laguna Honda Hospital

Our son is a resident at Laguna Honda Hospital - since September 2019. He is a quadriplegic who had been living on his own at Serra House - run by Mercy housing - since 1987 as the result of gun violence. It has been a struggle, but he has weathered many crises and challenges. As his health has been deteriorating after 34 years in a wheelchair, and with the problems inherent in the securing attendant help through the IHHS system in this difficult economy in this expensive city, there is no way he could have survived the pandemic and the its disruptions. Getting into Laguna Honda was a life-saver. We are forever grateful for the care he continues to receive at this wonderful institution and for the dedication of the staff. But now with Laguna Honda being threatened with closure because of the loss of funding from Medicare and HHS his safety and security and health are threatened.

The federal government's mandate that a plan be put in place to move nearly 700 residents to non-existent care facilities is unreasonable, even impossible. Other appropriate facilities are just not to be found in the Bay Area, state or country. The distant government auditors have no idea of what a service Laguna Honda provides for the community and what an amazing institution it is. I visit Laguna Honda regularly and see it as a well-organized, well-run, caring institution that provides for the health and emotional needs of a fragile population in a clean modern - even beautiful - facility. Our son is safe and well-cared for at Laguna Honda. He can even thrive there. Cruel threats to forcibly remove these residents because of infractions by a few residents are beyond belief.

Those who decide the fate of Laguna Honda must not ignore the success of this nursing home - one of the largest in the nation - in fighting the Covid -19 crisis with low infection/death rates that have been a

model for the nation.

The supervisors and the other elected city officials are surely aware of the situation faced by this major San Francisco institution and of its vital importance to the residents and their families, not to mention the livelihoods of up to over 1000 dedicated employees. It is now time for action by our elected officials to convince Medicare, Medicaid and HHS Secretary Becerra to proceed with the recertification of Laguna Honda - to keep it open as a safe home for 700 San Franciscans. Thank you.

Michael and Karen Monley
Glen Park

Somera, Alisa (BOS)

From: Teresa Palmer <teresapalmer2014@gmail.com>
Sent: Thursday, June 16, 2022 9:32 AM
Subject: Fwd: Laguna Honda: correcting the record about the current troubles

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From: **Teresa Palmer** <teresapalmer2014@gmail.com>
Date: Thu, Jun 16, 2022 at 9:21 AM
Subject: Laguna Honda: correcting the record about the current troubles
To: <Connie.Chan@sfgov.org>, Stefani, Catherine (BOS) <Catherine.Stefani@sfgov.org>, Peskin, Aaron (BOS) <Aaron.Peskin@sfgov.org>, Mar, Gordon (BOS) <Gordon.Mar@sfgov.org>, Dean Preston <Dean.Preston@sfgov.org>, <Matt.Dorsey@sfgov.org>, <Myrna.Melgar@sfgov.org>, Mandelman, Rafael (BOS) <Rafael.Mandelman@sfgov.org>, Ronen, Hillary <Hillary.Ronen@sfgov.org>, <Shamann.Walton@sfgov.org>, Safai, Ahsha (BOS) <Ahsha.Safai@sfgov.org>

From:
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
Date: June 16 2022

I was an attending physician at Laguna Honda from 1989-2004.
The discussion about Laguna Honda at the June 14 BOS hearing was not an honest one by SFDPH and Laguna Honda officials:

Two points that were obfuscated by Health officials at the recent meeting:

1.The current problems threatening Laguna Honda are entirely predictable due to a decision made by the Mayor and SFDPH after the bond issue for the rebuild won in 1999:

In the early 2000s San Francisco Department of Health (SFDPH) gave priority at Laguna Honda to SFGH patients with behavioral and substance use issues - who are hard to discharge from San Francisco General Hospital (SFGH).

This plan was supposed to save money for the General Fund which must pay for out-of-county specialized facilities for behaviorally complex patients. So it had the support of successive Mayors and heads of SFDPH, who serve at the pleasure of the Mayor.

However care of these complicated patients was not adequately funded and specialized staffing and cohorting did not occur----repeated problems with violating nursing home regulations/human rights ensued. Laguna Honda is not "just" being persecuted by CMS---there is a real danger there that must be corrected.

2. Evicting people from Laguna Honda at this time is illegal. Involuntary evictions may jeopardize its licensure further!

Laguna Honda is supposed to make closing plans, but that is different than actual discharge/eviction of patients at this time.

See the link below from California Advocates for Nursing Home Reform:

"Under federal law, the only possible reasons for eviction in this situation would be 1) failure to pay or 2) the facility is "ceasing to operate." Neither of these reasons apply at this time. If a resident pays through Medi-Cal, for example, Medi-Cal can pay Laguna Honda the same way that it always has. And the facility is not "ceasing to operate" — for now it is paid by Medicare and Medi-Cal for current residents."

http://canhr.org/factsheets/misc fs/PDFs/FS_LagunaHonda.pdf

Thank you for listening,
Teresa Palmer MD

Patrick Monette-Shaw

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June 28, 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
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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: **LHH Patient Census Already Reduced by 67 — a 9.4 Percent Change Decline — Since October 14, 2021 (LHH Closure and Patient Relocation Plan)**

Dear President Walton and Members of the Board of Supervisors,

As of June 26, LHH's census has already declined by 67 patients (a 9.4 percent change decline) since October 14. This Board needs to rapidly schedule another *Committee of the Whole* hearing on LHH's *Closure Plan* in July, and not wait to hold a follow-up hearing on September 13.

Prior to LHH's release of its "*Notification of Closure and Patient Relocation and Transfer Plan*" to CDPH and CMS dated May 13 and eventually presented to LHH's residents, the California Department of Public Health had first performed an "*Abbreviated Standard Survey*" of LHH on October 14, 2021 and reported LHH's patient census was 710 residents on October 14.

Yesterday, SFDPH released its sixth weekly update to CMS/CDPH, revealing LHH now has a patient census of just 643. That's a loss of 67 patients since October 14, representing a 9.4 percent change reduction in the hospital's census.

The first six weekly reports SFDPH has submitted to CDPH/CMS claims there have been 25 patient discharges since May 16, plus 7 patients deaths, and 2 patients who left AMA or went AWOL, for a total of 34 "*discharges*." But SFDPH's first weekly census report for LHH to CMS/CDPH for the period May 16 to May 22 contains an error of 4 patients unaccounted for between May 6 and May 16. The census reduction attributed to "*discharges*" should be 38, not 34, patients (shown in the first table, below).

However, SFDPH's first "weekly report" to CDPH/CMS for the week ending May 22 wrongly claimed the patient census had "started" at 681 patients. But the census cited in the "*Closure and Patient Relocation and Transfer Plan*" had reported a patient census of 686. SFDPH hasn't explained the variance of those 5 patients, or what happened to them.

Unfortunately, SFDPH has also not explained what happened that reduced the patient census by an additional 24 patients between October 2021 and May 16, plus the additional 5 patients that haven't been accounted for, which brings the total to 29 patients who we have no idea what happened to them between October 14 and May 16.

The Board of Supervisors should require that SFDPH publicly report what happened to the other 29 LHH patients reduced from the hospital's census between October 14 and May 16, because SFDPH doesn't appear to be honestly reporting data to this Board.

Combining the 29 patients we don't know what happened to, plus 38 patients who have already been discharged between May 16 and Sunday, June 26, 2022 — results in a combined census reduction of 67 patients since October 14 (see second table, below).

SFDPH hasn't reported how many of the 67 patients discharged between October 2019 and today have been dumped out-of-county. While SFDPH claims it has "*nothing to hide*," promised transparency, and promised City Supervisors it would begin publicly reporting data on the out-of-county placements, it has not begun reporting the out-of-county placement data yet. So much for "*nothing to hide*."

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LHH Patient Census Already Reduced by 67 — a 9.4 Percent Change Decline — Since October 14, 2021

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The LHH census data reported to date through Sunday, June 26 includes:

LHH Closure and Patient Transfer and Relocation Report Weekly Updates

LHH Weekly Reports to CDPH and CMS Began With Week Ending 5/22/2022

(Source: Page 1 of 4-Page Document)

Category	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Total
	5/16/22 – 5/22/22	5/23/22 – 5/29/22	5/30/22 – 6/5/22	6/6/22 – 6/12/22	6/13/22 – 6/19/22	6/20/22 – 6/26/22	
Unplanned Discharges							
Expirations	1	1	1		0	4	7
AMA/AWOL		1			1	0	2
Total Unplanned	1	2	1	0	1	4	9
Planned Discharges							
Community		1		1	1	2	5
Facility				4	6	10	20
Total Planned	0	1	0	5	7	12	25
Total Discharges	1	3	1	5	8	16	34
Remaining Patient Census	681	677	677	675	662	643	(38)

Category	Week 1	Week 2	Week 3	Week 4	Week 5	Week 5	Total
	5/16/22 – 5/22/22	5/23/22 – 5/29/22	5/30/22 – 6/5/22	6/6/22 – 6/12/22	6/13/22 – 6/19/22	6/13/22 – 6/19/22	
Patient Assessments	98	100	59	73	56	57	443
Patient Family Meetings	43	57	21	56	48	34	259
Patient Referrals	1	49	86	146	126	146	554
Patient Referrals Breakout (First Began Being Reported on Week 5 Report)							
Accepted					1	0	1
Denied					26	1	27
Pending					100	145	245
Total:					127	146	273

Change in LHH Patient Census Since October 14, 2021

Abbreviated Standard Survey by California Department of Public Health (CDPH) (Source: SF DPH Public Records Requests)

Source Document	Date	Census Reported	Change Since 10/14/21 Census	
			Raw Number	% Change
CDPH's LHH Initial CDPH Survey	10/14/2021	710		
CDPH's LHH Resurvey	3/28/2022	706	(4)	-0.6%
LHH Notice of Closure and Relocation Plan	5/6/2022	686	(24)	-3.4%
SFDPH Report Week 1	5/16 – 5/22/2022	681	(29)	-4.1%
SFDPH Report Week 2	5/23 – 5/29/2022	677	(33)	-4.6%
SFDPH Report Week 3	5/30 – 6/5/2022	677	(33)	-4.6%
SFDPH Report Week 4	6/6 – 6/12/2022	675	(35)	-4.9%
SFDPH Report Week 5	6/13 – 6/19/2022	664	(46)	-6.5%
SFDPH Report Week 6	6/20 – 6/26/2022	643	(67)	-9.4%

Respectfully submitted,

Patrick Monette-Shaw

Columnist,

Westside Observer Newspaper

cc: Angela Calvillo, Clerk of the Board