

Patrick Monette-Shaw

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

June 12, 2023

San Francisco Board of Supervisors

The Honorable Aaron Peskin, Board President The Honorable Myrna Melgar, Supervisor, District 7
 The Honorable Connie Chan, Supervisor, District 1 The Honorable Rafael Mandelman, Supervisor, District 8
 The Honorable Catherine Stefani, Supervisor, District 2 The Honorable Hillary Ronen, Supervisor, District 9
 The Honorable Joel Engardio, Supervisor, District 4 The Honorable , Supervisor Shamann Walton, District 10
 The Honorable Dean Preston, Supervisor, District 5 The Honorable Ahsha Safai, Supervisor, District 11
 The Honorable Matt Dorsey, Supervisor, District 6

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

Agenda Item #8, Board File 230530 **\$2.2 Million Settlement of Lawsuit: 11 Jane and John Does, 2019 Sexual Abuse and Patient Abuse Scandal at Laguna Honda Hospital, July 2019 — Prologue of Costs to Come**

Dear Board President Peskin, and Members of the Board of Supervisors,

I hope the Board of Supervisors understand that the \$2.23 million lawsuit settlement in Superior Court Case Number CGC-21-592296 against Laguna Honda Hospital is only the first of several lawsuit settlements that are in the pipeline.

Indeed, the table below shows that costs associated with the mismanagement of Laguna Honda before the patient sexual abuse scandal at LHH erupted in 2019 and other costs have already cost the City close to \$5 million due entirely to LHH’s mismanagement.

Year or Date	Court Case # or Penalty ID Number or Citation ID Number	Initial Class of Penalty	Lawsuit or Fine	Initial Fine or Settlement	Discount	Reduced Fine or Settlement	City Attorney Time and Expenses	Total
Miscellaneous Cases								
1	2007	AA	CDPH Patient "Fall" From Third-Floor Window October 2006	\$ 100,000		\$ 100,000		\$ 100,000
2	3/14/2019 22-3146-0014881-F	A	CDPH Civil Monetary Penalty, Smoking in Bed; Pt. Burns w/ Skin Grafts	\$ 20,000	35.0%	\$ 13,000		\$ 13,000
3	5/21/2019 22-2614-0015094-F	A	CDPH Civil Monetary Penalty, Patient Fall w/ Hip Fracture	\$ 20,000	35.0%	\$ 13,000		\$ 13,000
4	11/5/2019	AA	CDPH 2016 Fine 2014 Patient Death Fall From Wheelchair	\$ 100,000		\$ 100,000		\$ 100,000
5	12/3/2021 220017136	AP Breach	CDPH Medical Records Breach Administrative Penalty	\$ 250,000	25.0%	\$ 187,500		\$ 187,500
Miscellaneous Cases Subtotal				\$ 490,000		\$ 413,500	\$ -	\$ 413,500
Patient Sexual Abuse Scandal								
1	9/30/2019 (2/6/2019 – 9/5/2019)		CMS Fine Main Fine Sex Abuse Scandal (Not Contested)	\$ 1,123,400	35.0%	\$ 730,210		\$ 730,210
2	10/30/2019 (9/6/2019 – 10/14/2019)		CMS Fine Additional Sex Abuse Scandal Civil Monetary Penalty	\$ 4,290	35.0%	\$ 2,789		\$ 2,789
3	7/11/1905	AA	CDPH Center for Health Quality Reduced to "Class A" (Contested; fine not reduced; "Class AA" citations reduced to "Class A")	\$ 100,000		\$ 100,000	\$ 104,866	\$ 204,866
4	Dec. 2019	B	CDPH 19x \$2,000 "Class B" Civil Monetary Penalties (Not Contested)	\$ 38,000	35.0%	\$ 24,700		\$ 24,700
5	9/30/2019		Denial of Payment for New Admissions (per Rachael Kagan, SFDPH Director of Communications, 2014 – 2020)	\$ 126,000		\$ 126,000		\$ 126,000
Sexual Abuse Scandal Regulatory Agency Fines and Penalties Subtotal				\$ 1,391,690		\$ 983,699	\$ 104,866	\$ 1,088,565
1	7/20/2021 CGC-20-583155		Lawsuit # 1 Omar Abdullah, through his Conservator	\$ 800,000		\$ 800,000	\$ 94,721	\$ 894,721
2	5/14/2020 CGC-20-584459		Lawsuit # 2 Alfred Coutts, through his Conservator					
3			Lawsuit #3 Potential Patient					
4	5/28/2021 CGC-21-592296	Cluster Case 11	"Does" Public Guardian / Public Guardian Lawsuit (Walkup + Stebner)	\$ 2,223,500		\$ 2,223,500		\$ 2,223,500
5	3/24/2020 CPF-20-517064	Class Action	Tommy Johnson et al. v. CCSF, SFDPH, LHH, and Mivic Hirose					
6	5/2/2022 CGC-22-599447	Class Action	Delland Felder v. City and County of San Francisco					
Sexual Abuse Scandal Patient Lawsuit Settlements Subtotal				\$ 3,023,500		\$ 3,023,500	\$ 94,721	\$ 3,118,221
Subtotal Fines and Lawsuits as of 6/13/2023				\$ 4,415,190		\$ 4,007,199	\$ 199,587	\$ 4,206,786
LHH Closure and Patient Relocations and Tansfers								
1	8/3/2022 3:22-CV-4500		David Chiu v. U.S. DHHS, LHH Decertification (Withdrawn) Note: City Attorney Time and Expenses from 2/15/2022 through 2023 or 2024 Recertification All Consolidated in CAO's "City Law" Database				Consolidated Costs Pending	
2	8/3/2022 3:22-CV-4501		(Louise) Renne Public Law Group Class Action Lawsuit (Withdrawn)					
3	3/30/2022 Footnote 1		CDPH Civil Monetary Penalties: 11 Inspections 10/14/2021 – 4/13/2022	\$ 407,770	50.0%	\$ 203,885		\$ 203,885
4	12/20/2022 Multiple Citation #s	B	CDPH 12x \$3,000 "Class B" Civil Monetary Penalties (Appeal Withdrawn)	\$ 36,000		\$ 36,000		\$ 36,000
5	5/9/2023 CGC-23-606373	1st Cluster	Post-Discharge Wrongful Deaths: Sanchez, Lieu, Pham v. CCSF LHH					
6		2nd Cluster	Post-Discharge Wrongful Deaths:					
LHH Closure, Patient Wrongful Deaths, etc. Subtotal				\$ 443,770		\$ 239,885		\$ 239,885
Footnote 1: Settlement Agreement, CMP's Paragraph 3-f, Penalty reduced by 50%								
ALL FINES, PENALTIES, LAWSUITS TOTAL:				\$ 5,348,960		\$ 4,660,584	\$ 199,587	\$ 4,860,171

Source: Public records downloaded from San Francisco Superior Court web site, and other public records; as of June 12, 2023.

June 12, 2023

Board File 230530, Settlement of Lawsuit: 11 Jane and John Does, LHH Sexual Abuse and Patient Abuse Scandal

Page 2

As the table above shows, there are at least three other named lawsuits in just the sexual abuse and patient abuse 2019 scandal category remaining, including the *Alfred Coultts* case (CGC-20-584459) that is now scheduled for Jury Trial on October 2, 2023, the *Tommy Johnson et al.* case (CPF-20-517064) with another *Case Management Conference* scheduled for June 29, and the *Delland Felder* case (CGC-22-599447).

The latter two cases are class action lawsuits representing multiple Plaintiffs, just as the “*cluster*” case you are settling today involves a “*cluster*” for 11 of the initially 17 fictitiously named “*Doe*” Plaintiffs in Case # CGC-21-592296.

It is thought additional Plaintiff’s who opted out of other 2019 patient sexual abuse and elder abuse Class Action or “*cluster*” lawsuits — potentially including six of the remaining named “*Does*” in Case # CGC-21-592296 — may be pursuing their own individual lawsuits not listed in the chart above.

In addition, at least one Superior Court “*cluster*” lawsuit involving wrongful deaths of LHH patients involuntarily discharged from LHH in the summer of 2022 in the initial “*LHH Closure Plan*” has been filed — *Sanchez, Lieu, Pham v. CCSF LHH* (CGC-23-606373). It is thought another “*cluster*” lawsuit involving family members or *Guardians ad Litem* of additional Decedents may be in progress.

Although the chart above shows almost \$5 million expenses to date related to lawsuit settlements, fines, and civil monetary penalties and expenses the mismanagement of LHH has caused to date, it is thought that total will likely rise to a minimum of \$10 million relatively soon.

Unfortunately, there has been little accountability in the way of progressive discipline against Laguna Honda Hospital staff and managers who allowed these deplorable conditions to have festered and spread within the facility.

The Board or Supervisors should look into why LHH’s former CEO, Mivic Hirose, was allowed to remain a City employee in the San Francisco Department of Public Health after the elder abuse and sexual abuse scandal between 2016 and 2019 erupted — since it was under her watch when these substandard care practices worsened, but she failed to establish a “*culture of safety*” at LHH for the hospital’s vulnerable patients. That scandal led directly to LHH’s decertification in April 2022.

Along with others, Hirose needs to be held accountable for contributing, in part, to LHH’s decertification.

After all, this \$5 million estimate needs to be **added to** the approximately \$59.6 million in known expenses to date as a result of LHH’s decertification and subsequent recertification-related expenses that continue to grow.

The Board of Supervisors need to demand accountability for the nearly \$64.5 million in costs borne by taxpayers to date.

Respectfully submitted,

Patrick Monette-Shaw
Columnist,
Westside Observer Newspaper

cc: Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy Director to the Clerk of the Board