

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

August 16, 2022

The Honorable Gavin Newsom
Governor of the State of California
1303-10th Street, Suite 1173
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 365-22

Dear Governor Newsom:

On July 26, 2022, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 365-22 (Urging State Action to Protect Laguna Honda Hospital and Rehabilitation Center Patients), which was enacted on August 5, 2022.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 365-22 (File No. 220873)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,

A handwritten signature in blue ink that reads "Angela Calvillo".

Angela Calvillo
Clerk of the Board

ll:bh:ams

- c. Members of the Board of Supervisors, Supervisors Myrna Melgar, Rafael Mandelman, Aaron Peskin Tom Paulino, Mayor's Liaison to the Board of Supervisors
Eddie McCaffrey, Mayor's Manager of State and Federal Legislative Affairs
Andres Power, Mayor's Policy Director
Susanna Conine-Nakano, Mayor's Office
Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

1 [Urging State Action to Protect Laguna Honda Hospital and Rehabilitation Center Patients]

2
3 **Resolution urging California Governor Gavin Newsom to proclaim a state of emergency**
4 **in San Francisco County relating to the imminent risk of displacing the elderly and**
5 **medically infirm patients of Laguna Honda Hospital and Rehabilitation Center (Laguna**
6 **Honda Hospital); and urging Dr. Tomás Aragón, the Director of the California**
7 **Department of Public Health (CDPH) and the State Health Officer, to withdraw CDPH's**
8 **approval of the Laguna Honda Hospital Closure and Patient Relocation and Transfer**
9 **Plan, to the extent that it requires transfer of all patients within four months.**

10
11 WHEREAS, On April 14, 2022, the Centers for Medicare and Medicaid Services (CMS)
12 terminated Laguna Honda Hospital and Rehabilitation Center (Laguna Honda Hospital)'s
13 certification in the Medicare/Medicaid Program; and

14 WHEREAS, Laguna Honda Hospital made a request to CMS and the California
15 Department of Public Health (CPDH) to extend Medicare/Medicaid payments for 18 months
16 while seeking re-certification, which request was denied; and

17 WHEREAS, CMS has agreed to continue Medicaid and Medicare payments to Laguna
18 Honda Hospital until September 13, 2022, but as a condition of continued funding, required
19 Laguna Honda Hospital to implement a plan to discharge and transfer all 686 patients, while
20 concurrently working to regain certification; and

21 WHEREAS, In order to comply with CMS' directive, Laguna Honda Hospital submitted
22 its "Closure and Patient Transfer and Relocation Plan" to CMS and CDPH on May 13, 2022,
23 on file with the Clerk of the Board of Supervisors in File No. 220873, which is hereby declared
24 to be a part of this resolution as if set forth fully herein, and began implementation of the plan
25 starting on May 14, 2022; and

1 WHEREAS, Laguna Honda Hospital staff have been working in good faith to follow the
2 Closure and Patient Transfer Plan by assessing patients' needs, diligently looking for
3 available beds in other skilled nursing facilities – including by calling approximately 1,400
4 facilities per week – and making determinations as to whether transfer to a new facility would
5 compromise the health of elderly and/or medically infirm patients, but are being pressured by
6 CMS to be more aggressive with transfers, and CMS is requiring Laguna Honda Hospital to
7 relocate patients that are at high risk of mortality due to transfer trauma and other health
8 conditions; and

9 WHEREAS, There are grave concerns about the danger of relocating and transferring
10 patients who are elderly, frail, or with complicated medical needs that could be further
11 exacerbated by transfer trauma and the possibility of being transported miles away from their
12 family support systems – including across the State or to other States – due to the extreme
13 shortage of skilled nursing beds in the San Francisco Bay Area and the greater State of
14 California; and

15 WHEREAS, As of July 24, 2022, Laguna Honda Hospital has discharged 16 patients
16 and transferred 41 patients; four of those residents have died since their discharge/transfer;
17 and

18 WHEREAS, The CDPH continues to play an active role in enforcement of the Closure
19 and Patient Transfer and Relocation Plan and is ultimately responsible for the safe and
20 orderly transfer or discharge of patients; and

21 WHEREAS, The State Health Officer as the Director of the Department of Public
22 Health has the authority to reconsider the decision to approve the Closure and Patient
23 Relocation and Transfer Plan at Laguna Honda Hospital; and

24 WHEREAS, CDPH can verify through the information that is available to it through its
25 licensing system that there is a severe shortage of skilled nursing beds and that it is

1 inconceivable that Laguna Honda will be able to relocate over 600 patients to appropriate
2 facilities within the timeframe provided; now, therefore, be it

3 RESOLVED, That the San Francisco Board of Supervisors believes the lives of the
4 approximately 600 remaining patients at Laguna Honda Hospital are in peril and believe this
5 to be a public health hazard given the high likelihood of death and trauma of vulnerable
6 patients and their families compounded by the residual impacts on the facilities receiving
7 these individuals from Laguna Honda Hospital; and, be it

8 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges Governor
9 Gavin Newsom to intervene in the transfer of patients from Laguna Honda Hospital by
10 proclaiming a State of Emergency in San Francisco pursuant to California Emergency
11 Services Act Section 8625 (b) and (c), and to use his authority to urge CMS to reconsider its
12 decision to require patient relocation while recertification is underway; and, be it

13 FURTHER RESOLVED, That based on changed facts listed above, including the
14 deaths of four patients after transfer or discharge from Laguna Honda Hospital, the San
15 Francisco Board of Supervisors urges CDPH Director and California State Public Health
16 Officer Dr. Tomás Aragón to withdraw CDPH's approval of the Laguna Honda Closure and
17 Patient Relocation and Transfer Plan, to the extent that it requires transfer of all patients
18 within four months; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
20 to transmit copies of this Resolution to the Office of California Governor Gavin Newsom,
21 Office of California Dr. Tomás Aragón, and the Office of Secretary of Health and Human
22 Services Agency Dr. Mark Ghaly upon passage.



City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 220873

Date Passed: July 26, 2022

Resolution urging California Governor Gavin Newsom to proclaim a state of emergency in San Francisco County relating to the imminent risk of displacing the elderly and medically infirm patients of Laguna Honda Hospital and Rehabilitation Center (Laguna Honda Hospital); and urging Dr. Tomás Aragón, the Director of the California Department of Public Health (CDPH) and the State Health Officer, to withdraw CDPH’s approval of the Laguna Honda Hospital Closure and Patient Relocation and Transfer Plan, to the extent that it requires transfer of all patients within four months.

July 26, 2022 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 220873

I hereby certify that the foregoing Resolution was ADOPTED on 7/26/2022 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board

Unsigned

8/5/2022

London N. Breed
Mayor

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.


Angela Calvillo
Clerk of the Board

08/05/2022
Date

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August 16, 2022

Dr. Tomás Aragón
Director and State Public Health Officer
California Department of Public Health
P.O. Box 997377
Sacramento, CA 95899-7377

Re: Board of Supervisors Resolution No. 365-22

Dear Dr. Aragón:


On July 26, 2022, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 365-22 (Urging State Action to Protect Laguna Honda Hospital and Rehabilitation Center Patients), which was enacted on August 5, 2022.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 365-22 (File No. 220873)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,


Angela Calvillo
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- c. Members of the Board of Supervisors, Supervisors Myrna Melgar, Rafael Mandelman, Aaron Peskin
Tom Paulino, Mayor's Liaison to the Board of Supervisors
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3 **Resolution urging California Governor Gavin Newsom to proclaim a state of emergency**
4 **in San Francisco County relating to the imminent risk of displacing the elderly and**
5 **medically infirm patients of Laguna Honda Hospital and Rehabilitation Center (Laguna**
6 **Honda Hospital); and urging Dr. Tomás Aragón, the Director of the California**
7 **Department of Public Health (CDPH) and the State Health Officer, to withdraw CDPH's**
8 **approval of the Laguna Honda Hospital Closure and Patient Relocation and Transfer**
9 **Plan, to the extent that it requires transfer of all patients within four months.**

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11 WHEREAS, On April 14, 2022, the Centers for Medicare and Medicaid Services (CMS)
12 terminated Laguna Honda Hospital and Rehabilitation Center (Laguna Honda Hospital)'s
13 certification in the Medicare/Medicaid Program; and

14 WHEREAS, Laguna Honda Hospital made a request to CMS and the California
15 Department of Public Health (CPDH) to extend Medicare/Medicaid payments for 18 months
16 while seeking re-certification, which request was denied; and

17 WHEREAS, CMS has agreed to continue Medicaid and Medicare payments to Laguna
18 Honda Hospital until September 13, 2022, but as a condition of continued funding, required
19 Laguna Honda Hospital to implement a plan to discharge and transfer all 686 patients, while
20 concurrently working to regain certification; and

21 WHEREAS, In order to comply with CMS' directive, Laguna Honda Hospital submitted
22 its "Closure and Patient Transfer and Relocation Plan" to CMS and CDPH on May 13, 2022,
23 on file with the Clerk of the Board of Supervisors in File No. 220873, which is hereby declared
24 to be a part of this resolution as if set forth fully herein, and began implementation of the plan
25 starting on May 14, 2022; and

1 WHEREAS, Laguna Honda Hospital staff have been working in good faith to follow the
2 Closure and Patient Transfer Plan by assessing patients' needs, diligently looking for
3 available beds in other skilled nursing facilities – including by calling approximately 1,400
4 facilities per week – and making determinations as to whether transfer to a new facility would
5 compromise the health of elderly and/or medically infirm patients, but are being pressured by
6 CMS to be more aggressive with transfers, and CMS is requiring Laguna Honda Hospital to
7 relocate patients that are at high risk of mortality due to transfer trauma and other health
8 conditions; and

9 WHEREAS, There are grave concerns about the danger of relocating and transferring
10 patients who are elderly, frail, or with complicated medical needs that could be further
11 exacerbated by transfer trauma and the possibility of being transported miles away from their
12 family support systems – including across the State or to other States – due to the extreme
13 shortage of skilled nursing beds in the San Francisco Bay Area and the greater State of
14 California; and

15 WHEREAS, As of July 24, 2022, Laguna Honda Hospital has discharged 16 patients
16 and transferred 41 patients; four of those residents have died since their discharge/transfer;
17 and

18 WHEREAS, The CDPH continues to play an active role in enforcement of the Closure
19 and Patient Transfer and Relocation Plan and is ultimately responsible for the safe and
20 orderly transfer or discharge of patients; and

21 WHEREAS, The State Health Officer as the Director of the Department of Public
22 Health has the authority to reconsider the decision to approve the Closure and Patient
23 Relocation and Transfer Plan at Laguna Honda Hospital; and

24 WHEREAS, CDPH can verify through the information that is available to it through its
25 licensing system that there is a severe shortage of skilled nursing beds and that it is

1 inconceivable that Laguna Honda will be able to relocate over 600 patients to appropriate
2 facilities within the timeframe provided; now, therefore, be it

3 RESOLVED, That the San Francisco Board of Supervisors believes the lives of the
4 approximately 600 remaining patients at Laguna Honda Hospital are in peril and believe this
5 to be a public health hazard given the high likelihood of death and trauma of vulnerable
6 patients and their families compounded by the residual impacts on the facilities receiving
7 these individuals from Laguna Honda Hospital; and, be it

8 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges Governor
9 Gavin Newsom to intervene in the transfer of patients from Laguna Honda Hospital by
10 proclaiming a State of Emergency in San Francisco pursuant to California Emergency
11 Services Act Section 8625 (b) and (c), and to use his authority to urge CMS to reconsider its
12 decision to require patient relocation while recertification is underway; and, be it

13 FURTHER RESOLVED, That based on changed facts listed above, including the
14 deaths of four patients after transfer or discharge from Laguna Honda Hospital, the San
15 Francisco Board of Supervisors urges CDPH Director and California State Public Health
16 Officer Dr. Tomás Aragón to withdraw CDPH's approval of the Laguna Honda Closure and
17 Patient Relocation and Transfer Plan, to the extent that it requires transfer of all patients
18 within four months; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
20 to transmit copies of this Resolution to the Office of California Governor Gavin Newsom,
21 Office of California Dr. Tomás Aragón, and the Office of Secretary of Health and Human
22 Services Agency Dr. Mark Ghaly upon passage.



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File Number: 220873

Date Passed: July 26, 2022

Resolution urging California Governor Gavin Newsom to proclaim a state of emergency in San Francisco County relating to the imminent risk of displacing the elderly and medically infirm patients of Laguna Honda Hospital and Rehabilitation Center (Laguna Honda Hospital); and urging Dr. Tomás Aragón, the Director of the California Department of Public Health (CDPH) and the State Health Officer, to withdraw CDPH's approval of the Laguna Honda Hospital Closure and Patient Relocation and Transfer Plan, to the extent that it requires transfer of all patients within four months.

July 26, 2022 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 220873

I hereby certify that the foregoing Resolution was ADOPTED on 7/26/2022 by the Board of Supervisors of the City and County of San Francisco.


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Clerk of the Board

Unsigned

8/5/2022

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Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.


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August 16, 2022

Dr. Mark Ghaly
California Health and Human Services Agency
1215 O Street
Sacramento, CA 95814

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25 licensing system that there is a severe shortage of skilled nursing beds and that it is

1 inconceivable that Laguna Honda will be able to relocate over 600 patients to appropriate
2 facilities within the timeframe provided; now, therefore, be it

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4 approximately 600 remaining patients at Laguna Honda Hospital are in peril and believe this
5 to be a public health hazard given the high likelihood of death and trauma of vulnerable
6 patients and their families compounded by the residual impacts on the facilities receiving
7 these individuals from Laguna Honda Hospital; and, be it

8 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges Governor
9 Gavin Newsom to intervene in the transfer of patients from Laguna Honda Hospital by
10 proclaiming a State of Emergency in San Francisco pursuant to California Emergency
11 Services Act Section 8625 (b) and (c), and to use his authority to urge CMS to reconsider its
12 decision to require patient relocation while recertification is underway; and, be it

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15 Francisco Board of Supervisors urges CDPH Director and California State Public Health
16 Officer Dr. Tomás Aragón to withdraw CDPH's approval of the Laguna Honda Closure and
17 Patient Relocation and Transfer Plan, to the extent that it requires transfer of all patients
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19 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
20 to transmit copies of this Resolution to the Office of California Governor Gavin Newsom,
21 Office of California Dr. Tomás Aragón, and the Office of Secretary of Health and Human
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