

File No. 251045

Committee Item No. 7

Board Item No. 23

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight
Board of Supervisors Meeting:

Date: November 20, 2025

Date: December 2, 2025

Cmte Board

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|-------------------------------------|-------------------------------------|--|
| ☐ | ☐ | Motion |
| ☐ | ☐ | Resolution |
| ☒ | ☒ | Ordinance |
| ☐ | ☐ | Legislative Digest |
| ☐ | ☐ | Budget and Legislative Analyst Report |
| ☐ | ☐ | Youth Commission Report |
| ☐ | ☐ | Introduction Form |
| ☐ | ☐ | Department/Agency Cover Letter and/or Report |
| ☐ | ☐ | MOU - FY2022-2024 - Clean |
| ☐ | ☐ | MOU - FY2022-2024 - Redline |
| ☐ | ☐ | Grant Information Form |
| ☐ | ☐ | Grant Budget |
| ☐ | ☐ | Subcontract Budget |
| ☐ | ☐ | Contract / DRAFT Mills Act Agreement |
| ☐ | ☐ | Form 126 – Ethics Commission |
| ☐ | ☐ | Award Letter |
| ☐ | ☐ | Application |
| ☐ | ☒ | Public Correspondence |

OTHER

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Prepared by: Monique Crayton

Prepared by: Monique Crayton

Prepared by: _____

Date: November 25, 2025

Date: November 14, 2025

Date: _____

1 [Settlement of Lawsuit - Tommy O. Johnson, John Doe, and Others Similarly Situated -
2 \$5,845,000]

3 **Ordinance authorizing settlement of the lawsuit filed by Tommy O. Johnson, by and**
4 **through his Attorney-in-Fact Rev. Doris White and John Doe, by and through his**
5 **conservator Thomas O'Connor, on behalf of themselves and all others similarly**
6 **situated, against the City and County of San Francisco for \$5,845,000; the lawsuit was**
7 **filed on March 24, 2020, in San Francisco Superior Court, Case No. CPF-20-517064;**
8 **entitled Tommy O. Johnson, by and through his Attorney-in-Fact Rev. Doris White and**
9 **John Doe, by and through his conservator Thomas O'Connor, on behalf of themselves**
10 **and all others similarly situated v. City and County of San Francisco, et al.; the lawsuit**
11 **involves claims of elder/dependent adult abuse, invasion of privacy, negligence, and**
12 **violations of patients' rights brought by over 700 former and current residents of**
13 **Laguna Honda Hospital.**

14
15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
17 authorizes the City Attorney to settle the action entitled Tommy O. Johnson, by and through
18 his Attorney-in-Fact Rev. Doris White and John Doe, by and through his conservator Thomas
19 O'Connor, on behalf of themselves and all others similarly situated v. City and County of San
20 Francisco, et al., San Francisco Superior Court, Case No. CPF-20-517064, by the payment of
21 \$5,845,000. The lawsuit involves claims of elder/dependent adult abuse, invasion of privacy,
22 negligence, and violations of patients' rights brought by over 700 former and current residents
23 of Laguna Honda Hospital.

24 Section 2. The above-named action was filed in San Francisco Superior Court on
25 March 24, 2020, and the following parties were named in the lawsuit: Plaintiffs: Tommy O.

Johnson, by and through his Attorney-in-Fact Rev. Doris White and John Doe, by and through
his conservator Thomas O'Connor, on behalf of themselves and all others similarly situated;
Defendant: City and County of San Francisco.

1 APPROVED AS TO FORM AND
2 RECOMMENDED:

3 DAVID CHIU
4 City Attorney

5 /s/ Jennifer E. Choi
6 JENNIFER E. CHOI
7 Chief Trial Deputy

8 FUNDS AVAILABLE:

9 /s/ Michelle Allersma for Greg Wagner
10 GREG WAGNER
11 Controller

12 n:\lit\li2025\200873\01837463.docx

RECOMMENDED:

DEPARTMENT OF PUBLIC HEALTH

/s/
DANIEL TSAI
Director

RECOMMENDED:

/s/
MARK MOREWITZ
Secretary, Public Health Commission

Patrick Monette-Shaw

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November 19, 2025

Government Audit and Oversight Committee
San Francisco Board of Supervisors
The Honorable Jackie Fielder, Chair
The Honorable Danny Sauter, Member
The Honorable Stephen Sherrill, Member
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Agenda Item 6: **Settlement of Lawsuit – Tommy O. Johnson, John Doe, and Others Similarly Situated – \$5,845,000**

Dear Chair Fielder and GAO Committee Members,

The *Tommy O. Johnson et. al* settlement at the Board of Supervisors GAO hearing tomorrow to settle the \$5.85 million class action lawsuit filed fully five years ago in 2020 is shameful. City Attorney time fighting this settlement aren't yet known.

Attached is a tracking log I've kept ever since the 2019 patient sexual abuse case that became known in 2019 when news of the patient sexual abuse scandal at Laguna Honda erupted as a result of then-LHH CEO Mivic Hirose — who by her own admission acknowledged her failure to have created a culture of **patient safety** at LHH.

My log shows that to date, LHH has received \$14 million in various penalties and lawsuit settlements, some of which are ongoing — plus City Attorney costs that haven't been yet reported publicly, or haven't concluded litigation (highlighted in yellow shading), most of which were **not** state and federal fines following the patient abuse scandal.

The current \$5.8 million settlement is just the tip of the iceberg ... and it all stems from serious and ongoing management failures that led to LHH's decertification in April 2022. LHH just had to pay another \$20,000 fine to CDPH over having stopped one patient's "sitter" that led him to assault an elderly woman with dementia.

LHH's problems are still ongoing, and the costs continue to rise.

Following the 2019 sex abuse scandal, SFDPH released a "[60-day Laguna Honda Reform Plan](#)," claiming that as part of its *Plan of Correction* to CMS and CDPH, it would appoint a permanent CEO to replace LHH's then CEO, Mivic Hirose. A year passed before an interim CEO, Maggie Rykowski, was replaced by Michael Phillips, who was hired, in part, due to his experience running a behavioral health facility, not a skilled nursing facility. He lasted just two years but was let go in June 2022 after LHH was decertified. So much for a "permanent" CEO.

As a reminder, because LHH had failed to report the sexual abuse incidents in a timely manner — or at all — to the California Department of Public Health (CDPH), LHH received four "*Immediate Jeopardy*" citations. The scandal has cost at least \$1,914,025 to date in federal and stated regulatory agency fines, penalties, lawsuit settlements, and City Attorney time and expenses appealing the citations. Costs of that scandal will continue to rise.

The *60-day Reform Plan* written in August 2019 by the San Francisco Health Network's (SFHN) Chief of Quality Officer, Troy Williams, asserted SFDPH was re-organizing LHH's Quality Management Department, and would appoint a permanent Quality Management Director to ensure resident safety at LHH. It took until June 2020 before Williams appointed Nawzaneen Talai as an interim Chief Quality Officer at LHH. She was promoted from within.

“No senior management employees of SFDPH — including LHH's former CEO, Mivic Hirose, or Troy Williams, SFDPH's Chief Quality Officer — were held responsible or accountable for these costs.”



Illustration: Patrick Monette-Shaw

What Was Hirose Thinking? On June 19, 2019 Mivic opened her mouth and inserted her foot in front of a City Attorney, admitting to a State patient safety inspection team that under her watch as LHH's CEO she'd forgotten to institute a **culture of safety**, despite having celebrated *Patient Safety Awareness Week* in March 2018!

November 19, 2025

Settlement of Lawsuit – Tommy O. Johnson, John Doe, and Others Similarly Situated - \$5,845,000

Page 2

Table 3: State and Federal Fines, Penalties, and Lawsuit Expenses Related to Laguna Honda Hospital

State and Federal Fines, Penalties, and Lawsuit Expenses Related to Laguna Honda Hospital									
Year or Date	Court Case # Penalty ID # or Citation ID #	Initial Class of Penalty	Lawsuit or Fine	Initial Fine or Settlement	Discount	Amount Fine Reduced	Reduced Fine or Settlement	City Attorney Time and Expenses	Total
Miscellaneous Cases									
1	2007	Class 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%	\$ 7,000	\$ 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%	\$ 7,000	\$ 13,000		\$ 13,000
4	11/5/2019	AA	CDPH 2016 Fine 2014 Patient Death Fall From Wheelchair	\$ 100,000			\$ 100,000		\$ 100,000
Miscellaneous Cases Subtotal				\$ 240,000		\$ 14,000	\$ 226,000	\$ -	\$ 226,000
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%	\$393,190	\$ 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%	\$ 1,501	\$ 2,789		\$ 2,789
3	Dec. 2019	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%	\$ 13,300	\$ 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
6			Appeal CDPH Substandard Quality of Care Finding re: Illicit Drug Use					\$ 813,460	\$ 813,460
7	10/8/2024	2024 B	Four comprehensive care plans, abuse and neglect, and free from accident hazards violations	\$ 12,000			\$ 12,000		\$ 12,000
Sexual Abuse Scandal Regulatory Agency Fines and Penalties Subtotal				\$ 1,403,690		\$ 407,991	\$ 995,699	\$ 918,326	\$ 1,914,025
Lawsuits									
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	\$ 190,000			\$ 190,000	\$ 103,963	\$ 293,963
3	7/30/2020 CGC-20-585869		Lawsuit # 3 Elena Ruiz-Diaz (Patient Fall)	\$ 600,000			\$ 600,000	\$ 214,313	\$ 814,313
4	5/28/2021 CGC-21-592296	Cluster Case	13 "Does" Public Guardian / Public Guardian Lawsuit (Walkup + Stebner)	\$ 2,223,500			\$ 2,223,500	\$ 59,399	\$ 2,282,899
5	3/24/2020 CPF-20-517064	Class Action	Tommy Johnson et al. v. CCSF, SFDPH, LHH, and Mivic Hirose	\$ 5,845,000			\$ 5,845,000		\$ 5,845,000
6	5/2/2022 CGC-22-599447	Class Action	Delland Felder v. City and County of San Francisco-9Dismissed-Without Prejudice 5/26/2023)						
Sexual Abuse Scandal Patient Lawsuit Settlements Subtotal				\$ 9,658,500			\$ 9,658,500	\$ 472,395	\$ 10,130,895
Patient Sexual Abuse Subtotal Fines and Lawsuits as of 9/15/2025				\$ 11,062,190		\$407,991	\$ 10,654,199	\$ 1,390,721	\$ 12,044,920
Other CMS and CDPH Penalties									
1	12/3/2021 220017136	AP Breach	CDPH Medical Records Breach Administrative Penalty	\$ 250,000			\$ 250,000		\$ 250,000
2	12/20/2022	Patient Care	CDPH §1336.2(1)(2), (3A) 3b), (4), (5) 1336.2(b)	\$ 36,000			\$ 36,000		\$ 36,000
3	11/6/2023		CMS Inspection Fines and Penalties (5x) — 11/6/2023 to 2/20/24	\$ 38,176			\$ 38,176		\$ 38,176
4	12/5/2023	AP Breach	CDPH 3 "Intentional Breach of Protected Health information" (PHI) 12/5/2023	\$ 220,000			\$ 220,000		\$ 220,000
5	9/27/2024	Patient Care	CDPH §483.12(a), §483.25, §483.21	\$ 12,000			\$ 12,000		\$ 12,000
6	7/17/2025 2565149	Class A	CDPH F600 §483.12. Patient Care, Resident-on-Resident Assault7; Scope-and-Severity: "G" Actual Harm	\$ 20,000			\$ 20,000		\$ 20,000
CMS and CDPH Regulatory Agency Fines and Penalties Subtotal				\$ 576,176			\$ 576,176		\$ 576,176
LHH Closure Patient Relocation/Transfers									
Fines and Penalties subtotal after Medi-Cal recertification in August 2023: \$290,176									
1	3/30/2022 3:22-CV-4500		CDPH Civil Monetary Penalties: 11 Inspections 10/14/2021 – 4/13/2022 ⁽¹⁾	\$ 407,770	50.0%	\$203,885	\$ 203,885	\$ 968,897	\$ 1,172,782
2	12/20/2022 Multiple Citation #'s	B	CDPH 12x \$3,000 "Class B" Civil Monetary Penalties (Appeal Withdrawn)	\$ 36,000			\$ 36,000	\$ 15,178	\$ 51,178
3	5/9/2023 CGC-23-606373	1st Cluster Single Case	Post-Discharge Wrongful Death: Estate of Edward Sanchez v. CCSF LHH	Trial date:	12/8/2025				
4	9/28/2023 CGC-23-609384	Single Case	Post-Discharge Wrongful Death: Estate of Quy Pham v. CCSF LHH	Trial date:	11/10/2025				
5	10/12/2023 CGC-23-609764	Single Case	Post-Discharge Wrongful Death: Estate of Ngo Vi Lieu v. CCSF LHH	Trial date:	1/26/2026				
LHH Closure, Patient Wrongful Deaths, etc. Subtotal				\$ 443,770		\$203,885	\$ 239,885	\$ 984,075	\$ 1,223,960
Footnote 1: Settlement Agreement, CMP's Paragraph 3-f, Penalty reduced by 50%									
Yellow Shading: Amounts Not Yet Known				ALL FINES, PENALTIES, LAWSUITS TOTAL:		\$ 12,322,136	\$625,876	\$ 11,696,260	\$ 2,374,796
									\$ 14,071,056

Source: Public records downloaded from San Francisco Superior Court web site, and other public records, including San Francisco City Attorney's Office for City Attorney time and expenses data.

Updated: 11/15/2025

Sadly, no senior management employees of SFDPH — including LHH's former CEO, Mivic Hirose, or Troy Williams, SFDPH's Chief Quality Officer — were held responsible or accountable for these costs. Why not?

Respectfully submitted,



Patrick Monette-Shaw

Columnist

Westside Observer Newspaper

cc: Supervisor Raphael Mandelman, President, Board of Supervisors

The Honorable Connie Chan, Supervisor, District 1

The Honorable Bilal Mahmood, Supervisor, District 5

The Honorable Matt Dorsey, Supervisor, District 6

The Honorable Myrna Melgar, Supervisor, District 7

The Honorable Shamann Walton, Supervisor, District 10

The Honorable Chyanne Chen, Supervisor, District 11

Monique Crayton, Government Audit and Oversight Committee Clerk