

LEGISLATIVE DIGEST

[Health Code - City-Operated Adult Residential Facility]

Ordinance amending the Health Code to require the Department of Public Health to maintain and operate at full capacity a 55-bed adult residential facility.

Existing Law

Adult residential facilities (“ARFs”) are group care facilities that provide 24-hour nonmedical care to individuals aged 18-59 who need personal services, supervision, or assistance to support their activities of daily living. Currently, there is no legal requirement that the City and County of San Francisco operate an ARF.

Amendments to Current Law

The proposed ordinance would require the Department of Public Health (“DPH”) to maintain and operate at full capacity a licensed 55-bed ARF, as of the effective date of the ordinance. To achieve this goal, the ordinance would require DPH to take immediate action to take steps necessary to ensure licensure of a 55-bed ARF, hire a sufficient number of City staff to operate the 55 ARF beds, and identify individuals who qualify for placement at the ARF. The ordinance would require the Department of Human Resources to assist DPH with hiring.

Within three months of the effective date of the ordinance, DPH and DHR would be required to submit a report to the Board of Supervisors that describes: 1) the number of ARF beds that have been filled and the number that are vacant; 2) the number of personnel hired to work at the ARF; and 3) the steps that DPH has taken to ensure compliance with a corrective action plan submitted to the state licensing agency.

Background Information

ARFs provide rooms, meals, housekeeping, supervision, storage and distribution of medications, and personal care assistance with basic activities like hygiene, dressing, eating, and bathing. ARFs are licensed by the Community Care Licensing Division of the State Department of Social Services (“CCL”).

ARFs play an important role in a locality’s continuum of care by providing people with mental illness an opportunity to live in community-based housing, rather than in institutional care.

A 2018 report by the California Behavioral Health Planning Council observed that due to ARF closures and a lack of new ARFs, many individuals with mental illness are not able to find sustainable community housing options with the appropriate level of care following stays in acute in-patient treatment programs, hospitals, or correctional institutions. The report

concludes that the absence of community-based housing options can result in a “revolving door scenario” where people are discharged or released from an institution only to be unable to find appropriate residential care or housing. When another mental health crisis ensues, the absence of community-based housing opportunities can result in a return to high-level crisis programs, facilities, hospitals, jails/prisons, or homelessness.

Since 2005, the San Francisco Department of Public Health (“DPH”) has operated an ARF at 887 Potrero Avenue. This ARF has been licensed by CCL to include 55 beds.

In recent years, DPH has failed to maintain staffing at a level that was sufficient to operate the ARF at 887 Potrero Avenue at full capacity. In 2018- 2019, DPH asked CCL for permission to temporarily suspend from licensure a total of 41 ARF beds at 887 Potrero Avenue so that they could be used instead as emergency shelter beds for people experiencing homelessness. CCL granted DPH’s request, thereby temporarily reducing the total number of beds at this ARF from 55 to 11. CCL’s approval extends through June 30, 2021, although DPH may seek CCL approval to restore the beds for use as ARF beds prior to that date subject to CCL’s finding that DPH can meet the licensing standards required to operate the ARF at full capacity.

In October 2018, CCL concluded that on a number of occasions between 2015 and 2018, DPH had failed to comply with applicable laws and regulations in its administration of the ARF at 887 Potrero Avenue. To bring the facility into compliance, CCL required that DPH prepare a corrective action plan, which DPH prepared and submitted to CCL on October 15, 2018. This plan lays out the steps DPH has taken and will continue to take, including training and monitoring, to ensure that the ARF operates in full compliance with all applicable standards.

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