

1 [Emergency Contract - Retroactive - Tryfacta, Inc. - Temporary Staffing Services - Not to
2 Exceed \$3,500,000]

3 **Resolution retroactively authorizing the Department of Public Health to award an**
4 **emergency contract to Tryfacta, Inc., as authorized under Section 21.15 of the**
5 **Administrative Code, for the purpose of providing temporary staffing services, in an**
6 **amount not to exceed \$3,500,000 for a term of six months, from June 17, 2022, through**
7 **December 17, 2022; and to authorize the Department of Public Health to enter into any**
8 **amendments or modifications to the contract that do not otherwise materially increase**
9 **the obligations or liabilities to the City and are necessary or advisable to effectuate the**
10 **purposes of the contract or this Resolution.**

11
12 WHEREAS, On October 14, 2021, the California Department of Public Health (CDPH)
13 completed an extended survey at Laguna Honda Hospital (LHH) of two incidents of non-fatal
14 drug overdoses; in February 2022, the Centers for Medicare & Medicaid Services (CMS)
15 issued LHH \$243,045 in civil monetary penalties based on those deficiencies; between
16 January 21, 2022, and April 13, 2022, CDPH conducted three revisits, where it found
17 additional deficiencies that showed that LHH was out of compliance with all applicable
18 Medicare Conditions of Participation; on April 13, 2022, CDPH and CMS informed LHH that
19 since it was still out of compliance with the applicable Medicare Conditions of Participation,
20 termination of the CMS Provider Agreement and certification in the Medicare/Medicaid
21 program would become effective at 12:01 a.m. on April 14, 2022; and

22 WHEREAS, LHH intends to seek reinstatement of its Medicare/Medicaid program
23 certification and execute a new CMS Provider Agreement; to obtain reinstatement and a new
24 Provider Agreement, the Department of Public Health (DPH) must demonstrate that LHH
25 substantially complies with all applicable Medicare Conditions of Participation; the

1 reapplication process will include an application, an initial survey, a 3-4-month reasonable
2 assurance period, and a second survey to ensure that LHH remains in substantial
3 compliance; and

4 WHEREAS, Should DPH's reinstatement efforts fail, DPH would begin to lose up to
5 \$17 million monthly in Medicare and Medicaid funding; further, without this funding, DPH
6 could be forced to close LHH, which would require transfer and relocation of all LHH patients;
7 and

8 WHEREAS, There is a need to enter into contracts with qualified providers for
9 specialized services; now, therefore, be it

10 RESOLVED, That the Board of Supervisors hereby retroactively authorizes the Director
11 of Public Health and the Director of the Office of Contract Administration/Purchaser, on behalf
12 of the City and County of San Francisco, to execute a contract for providing as-needed,
13 temporary staffing services for Laguna Honda Hospital with an immediate need for dietitians
14 and other positions if required, in the amount of \$3,500,000 for the term of six months, from
15 June 17, 2022, through December 17, 2022; and, be it

16 FURTHER RESOLVED, That the Board of Supervisors authorizes DPH to extend the
17 term and/or increase the amount of the agreement, not to exceed ten (10) years or
18 \$10,000,000, to the extent that DPH determines, in consultation with the City Attorney, that
19 such modification is in the best interests of the City, does not otherwise materially increase
20 the obligations or liabilities of the City, is necessary or advisable to effectuate the purposes of
21 the agreement, and is in compliance with all applicable laws; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors authorizes the Department of
23 Public Health to enter into any amendments or modifications to the contract, prior to its final
24 execution by all parties, that the Department determines, in consultation with the City
25 Attorney, are in the best interests of the City, do not otherwise materially increase the

