

REVISED LEGISLATIVE DIGEST

(Amended in Board, 12/10/2019)

[Health, Administrative Codes - City-Operated Adult Residential Facility]

Ordinance amending the Health Code to require the Department of Public Health to maintain and operate at full capacity an adult residential facility (“ARF”) with no fewer than 41 beds; and amending the Administrative Code to establish the Adult Residential Facility Working Group to advise the Board of Supervisors and the Mayor regarding resident care, training, workplace conditions, and staffing at the ARF located at 887 Potrero Avenue.

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 ARF with no fewer than 41 beds, as of April 1, 2020. Until that date, the ordinance would allow DPH to operate 28 beds at the ARF facility located at 887 Potrero Avenue as emergency shelter beds for people experiencing homelessness.

To ensure that DPH meets the April 2020 deadline, the ordinance would require DPH to take all steps necessary to ensure licensure of a 41-bed ARF and hire a sufficient number of City staff to operate the 41 ARF beds, which hiring would be performed with the assistance of the Department of Human Resources. DPH would also be required to identify clinically appropriate alternative placements for five ARF residents, who would be given the opportunity to discuss their options with the ombudsman program before being transferred.

The ordinance would also require DPH to provide training to all staff at the Behavioral Health Center (“BHC”) located at 887 Potrero Avenue and submit a report to the Board of Supervisors describing its actions taken in compliance with the ordinance, and its objective analysis and review of the Behavioral Health Center.

The ordinance would also establish the Adult Residential Facility Working Group (“Working Group”) to advise the Board of Supervisors and the Mayor on issues relating to resident care, training, workplace conditions, and staffing at the ARF. The Working Group would be comprised of 12 members, including both management level employees and staff

representatives of the ARF and the BHC. The Working Group would meet monthly until it expires by operation of law on December 31, 2021, and would prepare and submit to the Mayor and the Board of Supervisors four reports.

Background Information

This legislative digest reflects amendments made in the General Audit and Oversight Committee on October 17 and on November 13, 2019, and at a meeting of the full Board of Supervisors on October 29, 2019.

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 14. CCL’s approval extends through June 30, 2020, 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

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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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