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.

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

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

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

WHEREAS, In order to comply with CMS’ directive, Laguna Honda Hospital submitted its “Closure and Patient Transfer and Relocation Plan” to CMS and CDPH on May 13, 2022, on file with the Clerk of the Board of Supervisors in File No. 220873, which is hereby declared to be a part of this resolution as if set forth fully herein, and began implementation of the plan starting on May 14, 2022; and
WHEREAS, Laguna Honda Hospital staff have been working in good faith to follow the Closure and Patient Transfer Plan by assessing patients’ needs, diligently looking for available beds in other skilled nursing facilities – including by calling approximately 1,400 facilities per week – and making determinations as to whether transfer to a new facility would compromise the health of elderly and/or medically infirm patients, but are being pressured by CMS to be more aggressive with transfers, and CMS is requiring Laguna Honda Hospital to relocate patients that are at high risk of mortality due to transfer trauma and other health conditions; and

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

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

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

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

WHEREAS, CDPH can verify through the information that is available to it through its licensing system that there is a severe shortage of skilled nursing beds and that it is
inconceivable that Laguna Honda will be able to relocate over 600 patients to appropriate facilities within the timeframe provided; now, therefore, be it

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

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

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

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

Date Approved

London N. Breed
Mayor

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