

April 22, 2023

San Franciscans Need to Raise Their Objections — Now

## Laguna Honda Hospital's Revised Closure Plan Just Released

**We Need to Demand: No Complete Closure of Laguna Honda, No Bed Cuts, and Admissions Must Resume**

**We Also Need to Hold City Managers and Employees Responsible for LHH's Mess Accountable, Up to and Including Termination**

by Patrick Monette-Shaw

On Friday, April 21, news reared it's ugly head that Laguna Honda Hospital (LHH) is still expected to accomplish — and is moving closer toward — full closure.

April 14, 2023 was the one-year anniversary of LHH's decertification and the halt of any new admissions. San Francisco residents seeking SNF level of care at LHH have been dumped out-of-county ever since.

That's because the "LHH Revised Closure Plan" obtained last Friday through a public records request placed by the *Westside Observer* states the Centers for Medicare and Medicaid Services (CMS) and the California Department of Public Health (CDPH) expect LHH must discharge its remaining 537 residents as of April 14 before November 13, the same date all federal Medicare reimbursement to the hospital is scheduled to cease.

The closure plan states LHH's full "Anticipated Closure Date" is November 13, 2023. No if's, and's, or but's.

The "Revised Closure" plan is available [on-line](#). The meat of the 56-page plan is between pages 1 and 27, with most of the key information on pages 1 through 4.

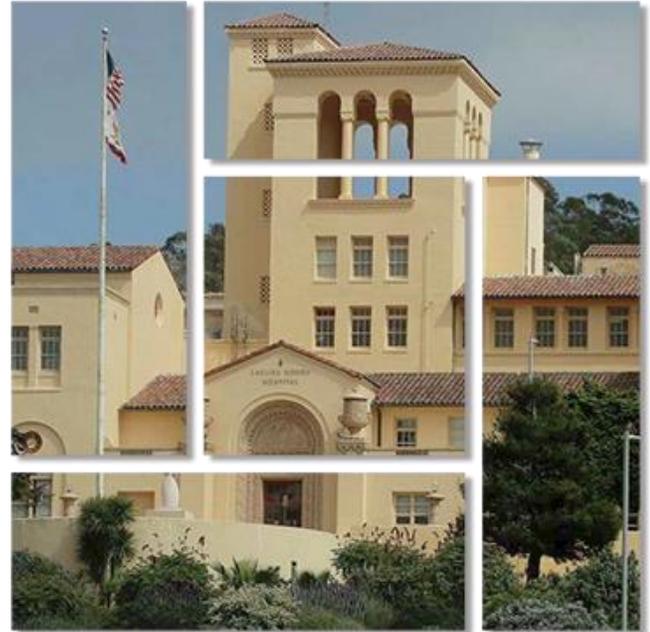
### The Backstory

If CMS and CDPH force LHH to close completely, we'll lose seven times *more* desperately needed skilled nursing beds than the 120 beds a recent Change.org petition had initially set out to save. **We're back to needing to save all 769 beds at LHH!**

LHH mostly serves low-income, medically indigent patients, who will likely face discharges, exile, and displacement to out-of-county facilities. away from their families, friends, and support networks. LHH is currently licensed for 769 patient beds, which will vanish if the facility is forced to close completely.

Last November, CMS required LHH to submit a revised "Closure and Patient Transfer and Relocation Plan," because LHH's initial Closure Plan in May 2022 had been a poorly thought-out disaster, and 12 of 56 patients discharged from LHH last summer died within two months of their mandatory transfers. We can't let that happen again!

LHH submitted its *Revised Closure* plan last December 21, and it has taken four months of back-and-forth negotiation and more required changes to the closure plan, before CMD/CDPH approved it on April 18. The *Westside Observer* finally obtained it under a public records request last Friday.



**Laguna Honda Hospital's** Risk of full closure has been aggravated by the slow progress the Hospital is making towards obtaining re-certification, and problems passing survey's to demonstrate substantial compliance with CMS' regulations. We can't lose 120 — or **all 769** — of LHH's beds!

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Discharges of all patients were supposed to have been completed by September 13, 2022, but were paused on July 22 due to 12 patient deaths post-discharge. Further transfers were extended only until February 2, and extended again to May 19. The discharges have been expected to resume as early as May 20, 2023 if CMS/CDPH don't extend the pause of mandatory discharges even further. Unfortunately, that doesn't appear to be under active consideration. Hopefully, the pause might be extended again, but it's extremely doubtful.

As one observer, a former geriatrician MD at LHH, notes: *“The evidence of what a disaster this will be for hundreds of residents and their families is within the [revised closure] plan itself.”*

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**Table 1: Decline in LHH's Census by Type of Resident Care Needs, May 2022 to April 2023**

Type of Care "Unit"		LHH Patient/Resident Census		
		Initial Plan 5/13/2022	Revised Plan 4/14/2023	Loss Thru Attrition
<b>Locked / Secured Memory Care</b>	Patients with advanced dementia and at high risk of wandering and elopement	40	34	(6)
<b>Integrated Support</b>	Patients with behavioral impairments due to stroke, MS, dementia, brain injuries, etc.	56	46	(10)
<b>Memory Care</b>	Patients in need of memory care for moderate to advanced cognitive deficits	168	142	(26)
<b>Language Focused</b>	Monolingual patients needing SNF level of care	112	85	(27)
<b>SNF Rehab</b>	Physical medicine rehabilitation patients, short-stay	43	34	(9)
<b>Acute Rehab</b>	Intensive medium length of stay physical rehab patients	0	0	0
<b>Medical Acute</b>	6-Bed in-house acute unit	3	4	1
<b>Positive Care</b>	HIV/AIDS-positive patients needing skilled nursing care	52	44	(8)
<b>Palliative Care</b>	Patients with terminal diseases needing palliative care	48	43	(5)
<b>Complex Care with Total Support</b>	Patients with medical conditions needing a high level of nursing care	159	105	(54)
<b>Patient Census Total:</b>		<b>681</b>	<b>537</b>	<b>(144)</b>

Source: California Department of Public Health and LHH data, as of April 14, 2023.

Between October 14, 2021 and April 14, 2023 LHH's patient census has dropped by 157, from 710 residents to now just 537. The revised closure plan shows that of LHH's 537 current remaining residents, 34 patients have advanced dementia and are at high risk of wandering and elopement who are on a locked/secured memory unit; 142 are in need of memory care for moderate- to advanced-cognitive deficits; 85 are monolingual patients needing SNF level of care; 34 patients are in need of shorter-term skilled nursing rehabilitation; 44 are HIV/AIDS patients; 43 are receiving palliative care or hospice care; and 105 residents have complex medical problems needing total care and high levels of support. All of them are at high risk of eviction.

For those interested the table above showing the net attrition by types of patient care in the one-year period between the initial closure plan in May 2022 and the new revised closure plan is available on line, [here](#).

The "Revised Closure Plan" reports that as of December 21, 2022 there were only 1,228 skilled nursing beds in San Francisco (which has worsened with the closure of "The Marina on the Green" SNF, losing 32 beds two weeks ago). Of those 1,228 SNF beds, only one — yes, 1 — bed is available for LHH patients. San Francisco only

**“ The net attrition by patient care types in the one-year period between the initial closure plan in May 2022 and the new revised closure plan is shown above.”**

**“ The 'Closure Plan' reports that as of December 21, 2022 there were only 1,228 skilled nursing beds in San Francisco (which has worsened). Of those 1,228 SNF beds, only one — yes, 1 — bed is available for LHH patients. Other types of facilities in San Francisco also have a dearth of beds.”**

has 15 beds available in Residential Care Facilities for the Elderly; 30 beds available in Residential Supportive Housing; 9 beds available in Residential Substance Abuse Treatment facilities; zero available beds in SNF's that provide mental health services; and 28 available beds in board-and-care homes, respite facilities, and shelters (which are — obviously — unsafe for patients needing medical care).

There's a total of approximately 98 beds available in various types of facilities in San Francisco — including the single skilled nursing facility bed available. Unfortunately, the "*Closure Plan*" doesn't wade into describing whether any of the 98 beds in San Francisco facilities accept patients with Medi-Cal as their insurance payor source. 99.1% (532) of LHH's residents are on Medi-Cal.

Just one current resident is in a Medicare managed Care HMO plan. By contrast, there were 127 Medicare patients (out the then-686 patient census) as of May 6, 2022 at the time, representing 18.5% of all LHH residents. That may be a result of admissions to LHH having been halted in April 2022.

There's virtually no places in-county for LHH's current 537 residents. They'll likely wind up in out-of-county facilities.

As one person who left a comment on this Change.org petition noted, "*Current and potential residents shouldn't be penalized due to the incompetence of overcompensated bureaucrats and/or their hired guns.*" She was referring to LHH managers brought in from San Francisco General Hospital and SFPD who had no experience with skilled nursing facilities and were running LHH as if it were an acute-care hospital, which by LHH's own admission led to LHH's decertification one year ago on April 14, 2022.

## Key Highlights in Revised Closure Plan

Some key take-aways in the "*LHH Revised Closure Plan*" LHH has been "negotiating" with CMS/CDPH for the past four months include:

- There is no mention of whether CMS and CDPH have decided yet whether to further extend the pause on transfers scheduled to end on May 19 and perhaps resume on May 20. We won't know until we're told, but it's something we San Franciscans should continue to advocate against with D-7 Supervisor Myrna Melgar and the full Board of Supervisors during their May 9 *Committee of the Whole* Hearing at the full Board, that will probably be scheduled at 3:00 p.m. and may take public comment both in-person and remotely over the phone.

- Footnote #6 on page 3 seems to suggest that if LHH gains its re-certification and admissions of new patients might resume, patients previously discharged to other skilled nursing facilities (mostly out-of-county) since last summer "*could expect to return,*" and perhaps be re-admitted from out-of-county facilities. That "*could*" remains a big "*if.*"

We'll see if re-admit candidates get moved to the top of any waiting lists for new admissions or empty beds. That's why LHH's planned and potentially required 120-bed cut issue being solved concurrently is a big deal!

- Page 4 states "*Laguna Honda may, in its discretion, discharge patients who no longer meet the requirements for SNF level of care, as well as patients who present a danger to other residents and the institution, are unable to have their needs met at LHH, and require placement in a different setting outside of Laguna Honda.*"

This appears to be a CDPH clarification finally adding some clarity about so-called CMS Phase 3 regulations around behavioral health patients being potentially inappropriately placed at LHH where they don't receive the most appropriate level of care and treatment services they deserve to receive, and retention of long term of patients once they no longer have skilled nursing level-of-care needs at LHH.

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- Page 5 of the *Revised Closure Plan* specifically states: “As the *Closure Plan* is implemented, Laguna Honda, in conjunction with DHCS, **will provide a daily update to CMS and CDPH on the progress in transferring patients, including where they are being transferred until all patients are transferred.**”

Since the *Plan* doesn’t specifically state this, if the *Closure Plan* does go into effect on May 19, the pause on transfers is **not** extended, and mandatory discharges resume on May 20, we will need to advocate **strongly** with Supervisor Melgar and the Board of Supervisors to **require** that SFDPH and LHH resume posting weekly progress reports in the same format they had used last summer on a public website, at minimum, so we don’t have to place public records requests each week to track the progress of discharges.

- There may be a potential glimmer of hope that the current pause on discharges and transfers might be extended beyond May 19. Pages 32–33 states: “Laguna Honda plans to transfer or discharge all patients by the new anticipated closure date of November 13, 2023 (unless CMS agrees to pause transfers and involuntary discharges initiated pursuant to the revised *Closure Plan* or Laguna Honda if is recertified in either the Medicare or Medicaid programs).”

That may be another big “*if*,” since LHH is way behind even beginning to apply for re-certification, and is still struggling to demonstrate to CMS and CDPH that LHH is making significant progress in returning to being in substantial compliance with CMS’ regulations for skilled nursing facilities to remain operating.

## How You Can Help

First, signing on to a Change.org petition would help immensely to help document to the Board of Supervisors, San Francisco’s Health Commission, LHH, and CMS and CDPH that there is strong community resolve to preserve our beloved skilled nursing facility and rehabilitation center. Please share the petition widely with your friends, families, co-workers, and social media contacts to help garner more signatures in a public display of unity. The Change.org petition is available at <https://chnng.it/wzzKhRKHxv>.

Signing on could be the most important thing you could do today!

As well, San Francisco’s Gray Panthers organization has stated we must continue the community outcry to **every agency involved**. San Franciscans, present and future, must not suffer and die due to lack of services at Laguna Honda.

Local, State, and Federal government officials **all** need to hear from San Franciscans that Laguna Honda must be saved with **all** beds intact, and we need admissions to restart. You can follow the Gray Panther’s “*Call to Action*” [here](#) to obtain advice on talking points and providing testimony to the Board of Supervisors.

We must all help to protect the City’s most vulnerable residents at Laguna Honda!

*Monette-Shaw is a columnist for San Francisco’s Westside Observer newspaper, and a member of the California First Amendment Coalition (FAC) and the ACLU. He operates [stopLHHdownsize.com](http://stopLHHdownsize.com). Contact him at [monette-shaw@westsideobserver.com](mailto:monette-shaw@westsideobserver.com).*

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