

March 17, 2021

Don Juan's **Other** Reckless Daughter

## Mayor Breed's Reckless COVID First Anniversary

by Patrick Monette-Shaw

“... You're a coward against the altitude  
 You're a coward against the flesh  
 Coward, caught between yes and no  
 Reckless this time on the line for yes, yes, yes ...”<sup>1</sup>

— Joni Mitchell, *Don Juan's Reckless Daughter*

With at least four COVID variants<sup>2</sup> (mutations) on the loose that are more contagious and potentially more lethal, Governor Gavin Newsom and Mayor London Breed recklessly chose the deadliest month since the COVID-19 pandemic began to try jump starting California's and the City's economies again by re-opening outdoor dining, among other things, prematurely.

Their timing couldn't have been more reckless.

When it came to our local COVID crisis at the outset of the pandemic, Breed was pinned between “Yes” and “No,” talking out of both sides of her mouth about reopening San Francisco. She recklessly raced towards “Yes,” health outcomes be damned.

Forewarned Newsom was considering suspending California's latest stay-at-home order, on January 19 Breed blabbed on TV that perhaps outdoor dining could resume and come alive again within two months. (Breed allowed outdoor dining to reopen and resume operations nine days later, beginning on January 28.)

Two days later, Dr. Mark Ghaly stated on ABC Channel 7 news on January 21 that about three weeks after Newsom had shut down outdoor dining statewide in December, the number of new COVID cases started to come down, perhaps significantly. Ghaly was appointed Secretary of California's Health and Human Services Agency by Newsom in 2019 and appears alongside Newsom consistently during the governor's COVID press briefings.

As Newsom's point person on COVID, Ghaly must be keenly aware of the nexus between outdoor dining and increased COVID infection case rates. For her part, Breed again appears to be totally clueless, racing headlong into reopening outdoor dining in the City hoping to rescue the City's economy and restauranters.

Table 1 illustrates January was the deadliest month to usher in resuming outdoor dining —



Joni Mitchell, Singer, Songwriter, and Artist: Dressed in blackface for Halloween, Mitchell used the photo 44 years ago in artwork for the cover of her jazz fusion album *Don Juan's Reckless Daughter* in December 1977. Mayor Breed was then a three-year old.

Album Cover Design: Joni Mitchell. All songs written and composed by Joni Mitchell. Songs: © Copyright 1977 Crazy Crow Music.

“ The number of new COVID cases started to come down three weeks after Newsom shut down outdoor dining statewide in December. Why was outdoor dining recklessly reopened in January? ”

**Table 1: COVID Cases Reported Monthly by “Wave”**  
 Cumulative COVID-19  
 Cases Reported in San Francisco  
 March 5, 2020 – December 31, 2020

Wave #	Month in 2020	SFC COVID Cases 1ST Reported	Avg. Cases Per Day in Month	Deaths 1st Reported in Month	Approximate COVID Cases During Wave	Deaths 1st Reported in “Wave”
1	March	497	16.0	7	497	7
	April	1,105	36.8	22		
	May	1,011	32.6	14		
	June	1,163	38.8	7		
2	July	3,140	101.3	11	7,638	58
	August	2,780	89.7	24		
	September	1,718	57.3	23		
3	October	985	31.8	40	12,802	86
	November	3,602	120.0	13		
	December	8,215	265.0	33		
Total Cases Through December 31, 2020:		24,216		194	24,216	194
4	January 2021	7,641	246.5	186	7,641	186
Cumulative Total:		31,857		380	31,857	380

**Note:** Data is from the date COVID cases were first reported and initially posted on SFDPH's *COVID Data Tracker*. The daily updates are three days old due to data validation delays. For example, cases first reported on the *Tracker* on January 3, 2021 were cases through December 31, 2020.

**Note:** Deaths data are from the date first reported on the *COVID Tracker*, but are subject to verification and change. SFDPH does not report or release the actual dates of patient deaths.

**Source:** San Francisco Department of Public Health, *COVID Data Tracker*, thru **February 3, 2021** to adjust for three-day lag back to **January 31, 2021** (<https://data.sfgov.org/stories/s/fjki-2fab>).

**24,216 Cases and Counting:** During the first 10 months of 2020 San Francisco initially reported 24,216 new COVID infections, 8,215 — 33.9% — that occurred in December alone largely due to Breed's yo-yoing between “Yes” and “No.” In January, cumulative deaths skyrocketed by 186 during a single month — 48.9% of the then total 380 deaths.

<sup>1</sup> Lyrics to the full song are available on Ms. Mitchell's web site at <https://jonimitchell.com/music/song.cfm?id=103>

<sup>2</sup> The UK (B.1.1.7), Denmark (L-425R), Brazil (P.1), and South Africa (B.1.351) variants, the latter of which may be the most worrisome.

given that we are on the eve of the inaugural one-year anniversary of the COVID-19 pandemic.

Critics of Breed and her Director of Public Health, Dr. Grant Colfax, have noted that the pair do not consistently tell us the truth about COVID data, choosing to consistently lie and obfuscate instead. SFPDPH's *COVID Tracker* web site had initially reported 328 deaths as of January 31, delaying the reporting of 52 additional deaths that had occurred through the end of January.

Table 1 has been adjusted to show that COVID-related deaths<sup>3, 4</sup> in San Francisco climbed by 186 through the end of January — the deadliest month — 48.9% of the total 380 cumulative deaths the City finally got around to reporting on February 20. The 186 deaths through January almost matched the 194 deaths during the entire 10-month period ending in December. [See “**Methodology**” at end of article.]

The table also shows that the San Francisco Department of Public Health (SFPDPH) reported the three highest months of initially-announced COVID infections in November (3,602 infections), December (8,215 cases), and January (7,641 cases). The 8,215 cases in December represent fully 34% of the 24,216 cases during the first ten months of the pandemic through the end of 2020.

It's more than likely the 8,215 cases in December were driven, in part, by outdoor dining in approximately 436 outdoor “*Shared Spaces*” platform venues that had sprung up since June. Just ask Dr. Ghaly.

The 12,802 cases reported during the third Wave — October, November, and December — represent 53% of the 24,216 cumulative COVID cases through the end of December.

The 186 deaths through the end of January were more than double the 86 deaths during the entire third Wave ending in December, but January represents just one month — before COVID variants will most likely spread — of a three-month, fourth Wave through the end of March 2021.

So much for Breed's reckless nonsense that her approach to combating our COVID crisis would magically “*flatten the curve*”!

Before looking at how we got here, a look at outdoor dining may be instructive.

### “**Shared Spaces**” Outdoor Dining Platforms

Breed issued her first *Shelter-in-Place* order on March 16, 2020 which essentially shut down all bars, and curtailed restaurant and retail operations.

A month later on April 17, she issued an order requiring residents and workers to wear face coverings at essential businesses, in public facilities, on transit, and while performing essential work.

At the end of April 2020, the San Francisco Department of Public Health had initially reported on its *COVID-19 Tracker* web site just 1,600 COVID cases and 29 COVID-related deaths.

<sup>3</sup> SFPDPH's *COVID Data Tracker* web page reported just 328 deaths as of January 31, 2021 (adjusted backwards from February 3 to account for DPH's purported three-day lag in data reporting). However, downloading the “*COVID Cases Summarized by Date, Transmission and Case Disposition*” table from the *COVID Tracker* web site and cross-sorting it, there were a total of 380 deaths through January 31, but SFPDPH delayed reporting all deaths through January 31 until February 20. SFPDPH does not explain why it takes up to 20 days to verify COVID-related deaths.

<sup>4</sup> As an example of SFPDPH's untimely reporting of COVID deaths, on February 12 DPH's *COVID Data Tracker* web page reported just 359 deaths, but the next day on February 13 total deaths climbed by seven to 366. Four of the additional seven deaths had occurred on January 28 that had not been reported just the day before; deaths that occurred on three other dates were also adjusted upwards.

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**Figure 1: A *Shared Spaces* Platform With an Ugly Mural**



The *Shared Spaces* Platform at Aces Bar is one of seven along a four-block stretch of Sutter Street that sat empty during December and January. Shown are nine customers on February 7 not wearing face masks, some not six feet apart from each other. Note the folding tables outside of the *Shared Spaces* platform, exposed to street traffic! Before all platforms were shut down in early December, many patrons went without masks then, too.

On April 2, 2020 — barely two weeks after Breed issued her initial *Shelter-in-Place* order — she created a *COVID Economic Recovery Task Force* with then Board of Supervisors president Norman Yee in response to the loss of City revenue and impact on restaurant owners throughout the City struggling from the closure of indoor dining, and the massive loss of tourism revenue to the City.

By May 26, the *Economic Recovery Task Force* recommended creating a *Shared Spaces Platform* program with less stringent permitting requirements to supplement the existing “*Parklets*” program.

According to the Planning Department San Francisco’s *Parklet Program* began in 2010 and 77 permits had been issued for *Parklets* through January 5, 2021. Of those 77, there are currently 60 active *Parklets*, because 17 have been decommissioned, for example to make way for corridor projects to permanently widen sidewalks, or the parklet sponsor decided to de-install their *Parklet*. *Parklets* are reversible installations with varying lifecycles, and the fluctuation in the *Parklets* population is a consequence of the program’s provisions.

The *Shared Spaces* program appears to be administered jointly by the Department of Public Works and Planning Department.

By mid-June retail stores, restaurants, and bars were allowed to begin applying for the *Shared Spaces* permits. Retail and entertainment business owners spent heavily to construct the platforms at significant business expense. The platforms soon sprouted up all over the City, principally along transit corridors and in heavy foot-traffic commercial business areas.

The *Shared Spaces* program began issuing permits in mid-June 2020. As of January 6, 2021, the Planning Department claimed 882 *Shared Spaces* permits had been issued for use of the parking lane, of which approximately 654 had a platform or structure. The number of *Shared Spaces* permits also fluctuates.

[By contrast, the *Economic Recovery Task Force* claimed in its first report issued on October 8, 2020 that 1,600 *Shared Spaces* permit applications had been approved. Why the *Economic Recovery Task Force* reported nearly twice as many *Shared Spaces* permits had been approved than the 882 the Planning Department had reported is unknown. The *Task Force* recommended in October that the *Shared Spaces* program be continued through at least December 2023.]

When asked for more detailed data, the Planning Department indicated its data for *Shared Spaces* permittees is not granular enough to provide a cross-tab of the precise number of permits by type of business. [Sounds like a database design problem!] However, Planning indicated it’s fairly safe to assume that perhaps two thirds — presumably the 654 permitted with platforms/structures — were associated with outdoor dining, with a small percentage involving bars purportedly serving food. That’s apparently approximately 436 bars and restaurants with outdoor dining. The remaining third of the *Shared Spaces* permits are a combination of pickup zones or are for retail/merchandising.

So, its no real surprise that the opening of the approximately 436 *Shared Spaces* outdoor dining venues coincided at roughly the same time as the surge in COVID cases at the start of COVID Wave #2 in July, during which 3,140 COVID cases were first reported by SFDPH. Breed’s months of antics claiming to be trying to *flatten the curve* may have backfired, in part by moving dining outdoors from indoor. And many people continued to object to wearing masks and face coverings — perhaps contributing to the community spread of COVID, like the Russian neighbor in my apartment building who to this day (at the end of January) believes COVID is a hoax and refuses to mask up at all.

On February 6, 2021 we learned that State Senator Scott Wiener is introducing legislation to make parklets and other spaces for outdoor dining permanent, rather than temporary during the COVID pandemic.

Legislation was also introduced at the San Francisco Board of Supervisors on December 22 to make San Francisco’s *Shared Spaces* permits program permanent; the legislation is advancing through the Board’s Land Use and Transportation Committee.

That portends even more *Shared Spaces* platforms will continue cropping up all over the City, with ridiculous murals like the one at Aces Bar shown above.

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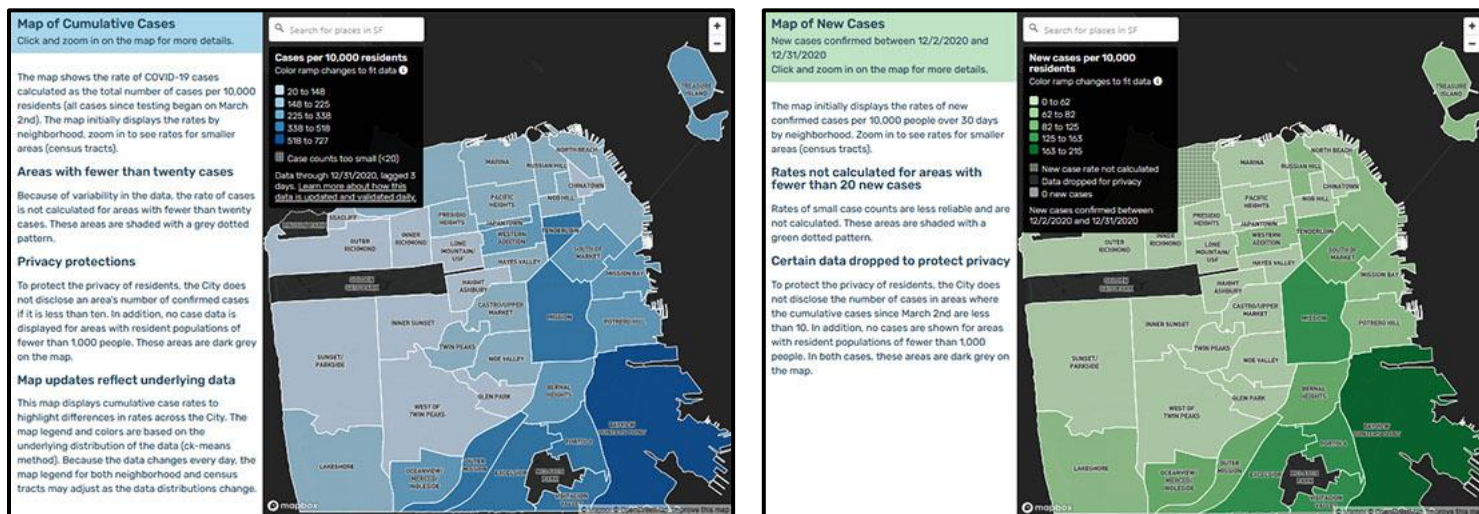
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## Maps of COVID Cases

SFDPH's *COVID-19 Tracker* web site contains highly detailed maps showing the number of COVID cases by neighborhood, for both cumulative cases and new cases by month.

The maps allow you to click inside a neighborhood and then zoom in to see COVID case number data for each census tract. The hardest-hit involved the darkest shades of each color, predominantly in Bayview Hunters Point, the Tenderloin, and the Mission neighborhoods. Screen captures of the maps taken on December 31, 2020 are shown in Figure 2.

**Figure 2: Maps of COVID Cases by San Francisco Neighborhood as of December 31, 2020**



**Source:** SFDPH *COVID-19 Data Tracker* web site; screen captures of COVID cases by neighborhood — cumulative cases (left) and news cases in December 2020 (right). Screens captured on December 31, 2020.

The next hard-hit included the Outer Mission, Excelsior, and Portola neighborhoods. Other areas hit hard included the Oceanview/Ingelside, Castro/Upper Market, SOMA, Mission Bay, and Western Addition neighborhoods.

Many neighborhoods – including Haight Ashbury, Noe Valley, Twin Peaks, West of Twin Peaks, Glen Park, Inner and Outer Richmond, Sunset/Parkside, Inner Sunset, Lakeshore, Presidio Heights, and Chinatown — had less cases per 10,000 residents.

It's not known how many *Shared Spaces* outdoor dining platforms sprouted up in each neighborhood.

It is thought there may have been a strong correlation between the number of *Shared Spaces* outdoor dining venues, and the surge in COVID cases in particular neighborhoods.

**“ It is thought there may have been a strong correlation between the number of *Shared Spaces* outdoor dining venues, and the surge in COVID cases in particular neighborhoods. ”**

It's beyond my skill sets and time constraints for this article to have correlated the prevalence of *Shared Spaces Platform* permits issued in each neighborhood with the prevalence of COVID cases reported by neighborhood.

My hope is another journalist or independent researcher could analyze whether neighborhoods with a high incidence of COVID cases also had a high prevalence of outdoor dining *Shared Spaces* permits.

## Breed's Reckless Gambit: Lives vs. Livelihoods

As far back as May 22, 2020 the *San Francisco Chronicle* [reported](#) that as San Francisco lurched through the opening months of the COVID-19 pandemic, there was fierce debate nationwide about striking a balance between the choice of opening up the economy vs. saving lives, particularly lives of the most vulnerable among us. Many advocated for slow and gradual reopening of the economy to mitigate to prevent unnecessary and premature deaths.

**“ There was fierce debate nationwide about striking a balance between the choice of opening up the economy vs. saving lives, particularly lives of the most vulnerable among us. ”**

Rather than *slow and gradual*, Breed raced to **quickly** reopen San Francisco's economy. As discussed above, Breed's *COVID Economic Recovery Task Force* comprised of 189 members was created on April 2 — including 4 co-chairs, 3 members of the Board of Supervisors, 101 external community leaders, 14 senior City employees, and 67 City employee support staff.

Throughout 2020, Breed's COVID policy flip-flops triggered successive waves of infections by taking a large gamble on opening up too quickly, which resulted in a surge of COVID-related deaths. As Breed recklessly yo-yoed caught between "Yes" and "No," her actions had consequences that resulted in additional lives lost.

As the *San Francisco Examiner* [reported](#) on October 20, 2020, one of Breed's biggest actions to expand reopening of businesses and activities in the City was her decision on September 30 to allow restaurants to increase indoor dining capacity from 25% to 50% (which increase was eventually placed on hold).

On September 30, San Francisco's cumulative COVID cases stood at 11,414 (adjusted for a three-day lag), and there were 107 cumulative deaths, as publicly reported in daily postings online on the Health Departments (SFDPH) *COVID Data Tracker* [web page](#).

The *Examiner* neglected mentioning and reporting on October 20 that Breed's gamble of creating the *Shared Spaces Platform* program rolled out in mid-June was actually her biggest action to quickly expand reopening of businesses, lives lost be damned.

SFDPH reported an additional 12,802 COVID cases had occurred between October 1 and December 31, 52.93% of the then 24,216 cumulative total at the end of 2020. And between October 1 and December 31, an additional 87 deaths pushed the cumulative COVID-related deaths to 194. Breed's gamble proved her focus was on livelihoods, not lives.

Sixteen days later on October 16, the *Examiner* [reported](#) Breed was publicly pushing getting children back into classrooms. Acknowledging opening schools wouldn't be easy and tough choices would be required, Breed said "*The School District and the Board of Education need to do what needs to be done to get our kids back in school.*"

### **Breed's Obsession About Getting Children Back in School**

Having monitored San Francisco's *COVID Data Tracker* daily since it was rapidly developed and first rolled out online on approximately March 21, 2020 and having paid close attention to the COVID data, Breed's obsession about getting kids back into classrooms for in-person education was alarming.

Her obsession led some observers to wonder whether Breed viewed educators as mere baby-sitters for stressed-out parents.

**Table 2: COVID Cases by Age Range as of December 31, 2020**

Age Range	# of COVID Cases Reported	Percent Mix	COVID Cases Subtotal	Percent Mix
Unknown	7	0.03%	7	0.03%
0 – 4	651	2.69%	2,678	11.1%
5 – 10	834	3.44%		
11 – 13	492	2.03%		
14 – 17	701	2.89%		
18 – 20	885	3.65%	5,732	23.7%
21 – 24	1,794	7.41%		
25 – 29	3,053	12.61%		
30 – 39	5,704	23.55%		
40 – 49	3,753	15.50%	12,246	50.6%
50 – 59	2,789	11.52%		
60 – 69	1,744	7.20%		
70 – 79	916	3.78%	3,553	14.7%
80+	893	3.69%		
<b>Total:</b>	<b>24,216</b>	<b>100.00%</b>	<b>24,216</b>	<b>100.00%</b>

Source: San Francisco Department of Public Health, COVID Data Tracker, as of December 31, 2020.  
(<https://data.sfgov.org/stories/s/fjki-2fab>)

DPH's *COVID Data Tracker* reported that of the City's 24,216 cumulative COVID cases as of December 31, 2,678 (11.1%) had involved children younger than 18 years old. [The number of COVID cases in children younger than 18 climbed by another thousand in just over a single month to 3,672 (11.3%) of the 32,355 COVID cases reported on February 8.]

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**Of the City’s 24,216 cumulative COVID cases as of December 31, 2,678 (11.1%) had involved children younger than 18 years old.**

**The number of COVID cases in children younger than 18 climbed by another thousand to 3,672 (11.3%) of the 32,355 COVID cases reported on February 8.**

**Does Breed naively believe kids bringing COVID home to their families and elderly grandparents isn’t reckless?”**

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Some observers believe pushing schools to reopen when 11% of our local COVID cases are among school-age children is the very definition of *reckless*.

After all, while research may still be evolving, it's entirely possible that even though children may not show symptoms as often as adults, or die from COVID like adults do, they can still spread the disease to others.

Putting aside for a moment that the COVID variant mutations are reportedly more contagious *and* possibly resistant to the current vaccines, a reasonable question is this: How likely is it statistically that the 3,672 children diagnosed with COVID in San Francisco through February 8, 2021 have *not* spread their COVID infections to anyone else? Does Breed herself harbor a belief that children don't contribute to community spread of COVID?

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Does Breed naively believe that kids bringing COVID home to their families and elderly grandparents — community spread from kids to their teachers — isn't reckless?

School age children may miss their schools, their classmates, and their friends. That's not a good enough reason to reopen schools. How many children have said they miss their teacher, or their librarian, who may have already died from COVID-19? Any? None? As an aside, how many children are intellectually capable enough to understand the mortal danger their teachers and other school staff may face? Do the children even care?

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**“ School age children may miss their schools, their classmates, and their friends. That's not a good enough reason to reopen schools. ”**

Given the slow roll out of vaccinations nationwide, teachers and other school employees are right to be concerned about reopening schools too quickly. After all, it's their health and their lives that are at risk, no matter what Breed and her administration want teachers and parents of school age children — and by extension, all of us — to believe. To teachers, safety concerns remain paramount.

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On Wednesday, February 3 City Attorney Dennis Herrera filed a lawsuit against the San Francisco Unified School District (SFUSD) on behalf of San Francisco city officials (read: Breed) to force classrooms to reopen. Unfortunately, the lawsuit sent a clear signal that Breed and Herrera either seem to think teachers' lives are expendable, or that teachers should be baby-sitters. It was also a signal that the pair clearly may not give one whit about whether teachers or their family members are killed by COVID-19.

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SFUSD and the San Francisco Labor Council denounced Herrera's lawsuit, calling it “*disheartening*” and “*shameful*.” For my part, I call the lawsuit another example of Breed's utter recklessness.

Breed's rant about getting kids back in school sounded eerily exactly like President Trump ranting about the same issue. Like Trump, Breed is worried about reopening our economy and our public schools as quickly as possible,

Of interest, as early as Thursday, November 19 Mayor Bill de Blasio had ordered New York City's entire public school system be shut down again to combat the rise in coronavirus cases. Breed should have followed suit but didn't, hell bent as she is on reopening the City's economy. To Breed and her ilk, it's all about livelihoods — not lives.

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Beyond reopening of schools, Breed's focus on reopening the City's schools not only involved risking teacher's lives, she also effectively ignored the lives of the elderly living in nursing homes.

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## Nursing Home Recklessness

Breed — aided and abetted by Dr. Colfax, San Francisco’s Director of Public Health — failed miserably when it came to reporting COVID cases in San Francisco’s skilled nursing facilities (SNF’s) for which data was publicly available elsewhere.

Weirdly, data is either difficult to come by or simply not publicly available about COVID cases in other “congregate” living facilities in San Francisco, such as board and care homes, Residential Care Facilities for the Elderly (RCFE’s), city jails, juvenile detention facilities, and other congregate settings.

### San Francisco Skilled Nursing Facilities Data

Sadly, it took until November 6, 2020 before San Francisco’s DPH — under Breed’s reckless watch — began publicly reporting data on DPH’s *COVID Data Tracker* web site about COVID cases in San Francisco’s SNF’s.

When SFDPH did begin reporting local SNF data in November, it chose to report data only of the number of COVID cases among *residents* of the 19 SNF’s in the City.

Why SFDPH chose to exclude reporting data about *staff* infections in SNF’s is unknown, and hasn’t been explained. It should be something the San Francisco Board of Supervisors should immediately look into.

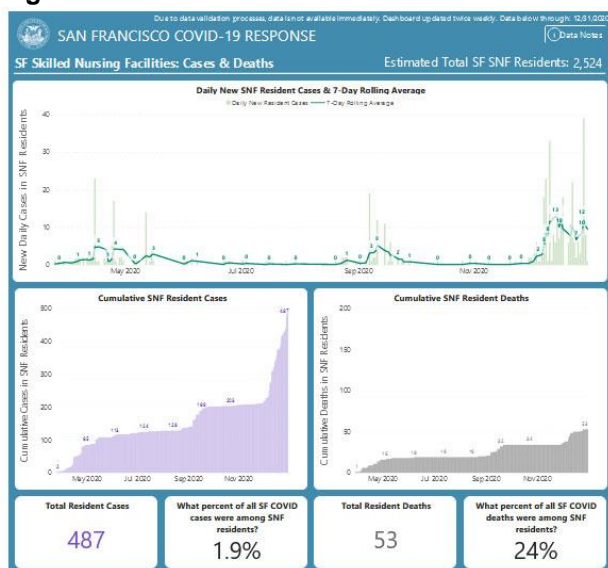
Other health agencies — such as the California Department of Public Health (CADPH) and the federal Centers for Medicare and Medicaid Services (CMS) — have been reporting the number of COVID cases among SNFF staff since as early as May 2020. Why SFDPH can’t, or won’t, publish and report data about COVID cases among nursing facility *staff* is both unknown and a local embarrassment, since the 19 SNF’s in the City are required to provide both resident and staff COVID data to SFDPH. It’s clear that SFDPH has had data about staff COVID infections at its fingertips all along, but has refused to publish it.

DPH’s inaugural November 6 SNF report claimed just 208 COVID cases of residents across the City’s 19 SNF’s, 1.5% of the then roughly 12,800 COVID cases in San Francisco. Of those 208 cases, SFDPH reported 33 resident deaths, which alarmingly represented 21% of San Francisco’s then-current 158 COVID-related deaths, despite resident cases being just 1.5% of all COVID cases throughout the City.

We knew from CMS’ nationwide SNF weekly report on November 1 of at least 412 COVID cases (196 staff and 216 residents) in the City’s SNF’s, despite *Tracker* reporting 208 resident-only COVID cases.

Just two months later, the number of COVID cases and deaths in San Francisco SNF’s worsened drastically, with cases doubling.

**Figure 3: SFDPH’s COVID Cases and Deaths Reporting in San Francisco SNF’s as of December 31, 2020**



Source: SFDPH COVID-19 Data Tracker web site. Screen captured on December 31, 2020

Between November 6 and December 31, the total number of COVID cases among just *residents* in San Francisco’s 19 SNF’s more than doubled from 208 to 487 cases, jumped from 33 to 53 deaths, and jumped from 21% of all COVID deaths to 24%.

SFDPH now reports that as of February 12 SNF *resident* cases have more than tripled to 644 cases and have more than tripled to 103 deaths — representing 26% of all COVID deaths — across just the three-month period since November 6.

I wonder what Breed — Don Juan’s *other* reckless daughter — thinks of her own health departments’ delayed statistics.

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**DPH’s inaugural November 6 SNF report claimed just 208 COVID cases and 33 deaths of residents in the City’s 19 SNF’s.**

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### CMS Skilled Nursing Facilities Data

Although SFDPH refuses to report COVID cases among SNF *staff*, CMS by contrast has been reporting the number of residents *and* staff COVID cases in all 15,000+ SNF's nationwide since it first began [reporting](#) them on May 24.

Around the same time, California's Department of Public Health began reporting COVID cases on-line for both staff and residents in the state's roughly 1,244 SNF's.

California's Department of Social Services also began posting data on-line reporting COVID cases among both staff and residents in Residential Care Facilities for the Elderly (RCFE's) and Adult Residential Facilities (ARF's) throughout the state.

From the time of its first report for the week ending May 24, 2020 about COVID cases among staff and residents in SNF's nationwide, CMS has issued 38 weekly update reports.

Table 3 illustrates the surge in cases during the seven-month period between May 24 and December 27:

- Nationwide, there was an increase of 788,065 to a total of 922,705 COVID cases and an increase of 73,502 deaths to a total of 98,237 deaths across the 15,000+ SNF's.

- In California SNF's, there was an increase of 64,893 to a total of 73,789 COVID cases across the 1,224 SNF facilities.
- In San Francisco, there was an increase of 552 to a total of 677 COVID cases, and an increase of 32 deaths to a total of 50 COVID-related deaths across the City's 19 SNF facilities.
- At Laguna Honda Hospital, there was an increase of 104 to a total of 135 COVID cases at the facility.

That data worsened dramatically during the six weeks between December 27 and February 7, as shown in Table 4. Since December 27:

- COVID cases in SNF's nationwide climbed another **250,370** (another quarter-million !) to a total of 1,173,075 and deaths increased by **30,357** to 128,684 in just six short weeks.
- COVID cases in California SNF's climbed by **32,678** to a total of 106,467 and deaths increased by **3,154** to 8,905.
- COVID cases in San Francisco SNF's surged by **437** to a total of 1,114; deaths doubled by **58** to 108.
- COVID cases at Laguna Honda Hospital jumped by **91** to a total of 226; deaths increased by 5 to a total of 6.

Although the data is not displayed here, in addition to the 106,467 COVID cases in California SNF's there were an additional 41,966 cases in RCFE's and ARF's for a total of 148,433 COVID cases through February 21, 2021. There were also 3,594 staff and resident deaths in RCFE's and ARF's for a total of 12,499 deaths.

**Table 3: CMS COVID Cases in SNF's as of December 27, 2020**  
Centers for Medicare and Medicaid COVID-19  
Cases in Nursing Homes Nationwide  
As of: December 27, 2020 (Given Delays in Reporting)

	Week Ending	COVID Infections			COVID-Related Deaths		
		Staff	Residents	Total	Staff	Residents	Total
Nationwide	5/24	47,450	87,190	134,640	284	24,541	24,825
	12/27	425,174	497,531	922,705	1,291	97,036	98,327
	Increase Since 5/24:	377,724	410,341	788,065	1,007	72,495	73,502
California	5/24	3,490	5,406	8,896	16	1,179	1,195
	12/27	34,235	39,554	73,789	118	5,633	5,751
	Increase Since 5/24:	30,745	34,148	64,893	102	4,454	4,556
San Francisco	5/24	64	61	125	0	18	18
	12/27	379	298	677	0	50	50
	Increase Since 5/24:	315	237	552	0	32	32
LHH	5/24	20	11	31	0	0	0
	12/27	103	32	135	0	1	1
	Increase Since 5/24:	83	21	104	0	1	1

Source: Centers for Medicare & Medicaid Services (CMS) (<https://data.cms.gov/stories/s/bkwz-xpvg>); 12/27/20.

**Table 4: CMS COVID Cases in SNF's as of February 7, 2021**  
Centers for Medicare and Medicaid COVID-19  
Cases in Nursing Homes Nationwide  
As of: February 7, 2021 (Given Delays in Reporting)

	Week Ending	COVID Infections			COVID-Related Deaths		
		Staff	Residents	Total	Staff	Residents	Total
Nationwide	5/24	47,450	87,190	134,640	284	24,541	24,825
	02/07	542,058	631,017	1,173,075	1,575	127,109	128,684
	Increase Since 5/24:	494,608	543,827	1,038,435	1,291	102,568	103,859
California	5/24	3,490	5,406	8,896	16	1,179	1,195
	02/07	48,729	57,738	106,467	164	8,741	8,905
	Increase Since 5/24:	45,239	52,332	97,571	148	7,562	7,710
San Francisco	5/24	64	61	125	0	18	18
	02/07	554	560	1,114	0	108	108
	Increase Since 5/24:	490	499	989	0	90	90
LHH	5/24	20	11	31	0	0	0
	02/07	164	62	226	0	6	6
	Increase Since 5/24:	144	51	195	0	6	6

Source: Centers for Medicare & Medicaid Services (CMS) (<https://data.cms.gov/stories/s/bkwz-xpvg>); 2/7/21.

**COVID cases and deaths in RCFE's and ARF's pushed California to 148,433 cases and 12,499 deaths in SNF's and other elder-care facilities through February 21.**



While Mayor Breed and Dr. Colfax like to pat themselves on the back that San Francisco should be held out as a nationwide model for flattening the curve of COVID cases — particularly in skilled nursing facilities — data suggests otherwise.

After Breed shut down LHH to visitors a year ago on March 6, 2020, Table 4 demonstrates that between May 24, 2020 and February 7, 2021 there was a 791.2% change *increase* in the number of COVID cases to a total of 1,114 cases across San Francisco's 19 SNF's. And a 629% change *increase* in the number of COVID cases at Laguna Honda Hospital, to a total of 228 cases.

That happened *after* Breed had shut down LHH to visitors ostensibly to save lives, not livelihoods.

Table 4 also illustrates that the 106,467 COVID cases in California reported by CMS through February 7 represents 9.1% of the roughly 1.2 million COVID cases in just SNF's nationwide, an indication of how hard California skilled nursing facilities have been hit.

Sadly, Table 4 illustrates that the 128,684 deaths nationwide in SNF's through February 7 represents fully one-quarter (25%) of the 513,985 COVID deaths in SNF's reported in the U.S. through February 23, 2021 on the [Worldometer](#) web site<sup>5</sup>. That number does not include additional COVID deaths that had occurred in RCFE's and ARF's nationwide, because there's no clearinghouse gathering those additional RCFE's and ARF's deaths throughout the country.

The actual nationwide toll of SNF deaths is likely vastly under counted. Take, for example, breaking news on February 25 that New York state appears to have under-reported nursing home resident deaths by 50% because Governor Andrew Cuomo allowed the state to hide nursing home resident deaths by classifying them in data as hospital-based deaths if a nursing home resident died in a hospital, rather than classifying them as having died in a nursing home. How many other states did the same?

Which begs the question: Did Breed and Dr. Colfax also do the same thing?

Cuomo had played a page right out of Donald Trump's playbook to *stop counting COVID cases, stop counting COVID deaths, and stop counting ballots* cast in November for now-President Biden.

Both the half-million COVID deaths nationwide, and the quarter-million deaths in just SNF's nationwide are not mere numbers. Those deaths involved actual *people* who prematurely lost their lives, many dying alone in isolation caused by restrictions on visitation in healthcare facilities.

Their deaths impacted hundreds of thousands families and friends who endured unimaginable losses of their loved ones!

### ***Reckless Disregard for SNF Resident Visitation***

Mayor Breed and DPH have shown reckless disregard for the rights of SNF residents to have in-person, in-facility indoor visitation with their families, friends, and caregivers.

- On February 25, 2020 Breed declared a state of emergency to prepare for COVID-19.
- On March 5, 2020 the first COVID-19 case in the City was reported.
- On March 7, 2020 Breed — through the City's Health Officer — issued an Order limiting visitors and non-essential personnel into, and from, Laguna Honda Hospital.

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**“ After Breed shut down LHH to visitors a year ago on March 6, 2020 there was a 629% change *increase* in the number of COVID cases at LHH to a total of 228 cases, through February 7. ”**

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**“ Sadly, the 128,684 deaths nationwide in SNF's through February 7 represents fully one-quarter (25%) of the 513,985 COVID deaths reported in the U.S. through February 23, 2021. ”**

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**“ Both the half-million COVID deaths nationwide, and the quarter-million deaths in just SNF's nationwide are not mere numbers. Those deaths involved actual *people* who prematurely lost their lives and the loss to their families. ”**

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**“ Mayor Breed and DPH have shown reckless disregard for the rights of SNF residents to have in-person, in-facility indoor visitation. ”**

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<sup>5</sup> Worldometer is run by an international team of developers, researchers, and volunteers with the goal of making world statistics available.

- On March 10, 2020, the Order was extended to impose similar restrictions and other safety measures on the other 18 skilled nursing facilities, and other residential *care* facilities in the City.
- On March 11, 2020, the Order was expanded again to include the skilled nursing unit at Zuckerberg San Francisco General Hospital and add additional safety requirements.
- On March 18, 2020, the Health Officer and Breed extended similar restrictions and protections to other types of residential *living* facilities in the City (presumably to other board-and-care homes, etc.).

The Order has been in place continuously for the entire year (since March 2020), effectively restricting in-person visitation. The Order and its subsequent amendments purported to allow in-person visitation when it could be done safely.

That suggests that the 108 people who have died in San Francisco SNF's through February 7 may have died alone, without visitation.

A September 4 update to the Order claimed to give facilities *flexibility* in allowing three *new* kinds of visitation: Outdoor visits (where residents and their visitors are outside), vehicle-based visits (where visitors remain in a vehicle), and window visits (where the resident remains in the building behind a window or door with a window). Sadly, as of October 13, LHH reported to the full Health Commission that it was *“still looking to identify locations for closed window visits.”*

That's of course, patently ridiculous: Between LHH's replacement buildings opened in 2010 and the old hospital facilities which are still standing in their entirety, LHH has literally *thousands* of windows. Does the Health Commission really expect members of the public to believe that not one window was ever identified at LHH for window visits, and no windows were subsequently identified between October 13 and today's date?

The Order did not permit indoor visitation.

The September 4 update to the Order claimed the City's Health Officer and the Department of Public Health had been *“reviewing the literature and data to help craft rules that will expand visitation in safer ways while also continuing to protect these populations.”*

In other words, DPH and Breed's Health Officer has been studying how to expand visitation for going on nearly six months between September 4, 2020 and March 2021, with no solution in sight.

All along, there has been only one exception for indoor visitation: To provide end-of-life visitation that required a physician determine a resident was at end-of-life, but the end-of-life visitation was restricted to one visitor at a time for only one hour at a time.

Notably, San Francisco's full Health Commission has held 36 meetings since Breed first ordered LHH closed to visitors on March 7, 2020. None of the Commission's 36 meeting agendas had a specific agenda item to discuss the policy of restricting visitors. The Commission's subcommittee on LHH — its LHH-JCC (Joint Conference Committee) of Health Commissioners and senior LHH staff — has separately held seven meetings since March 7, 2020, and the LHH-JCC, too, has not had a specific agenda item on LHH's visitation restrictions.

The full Health Commission did have one agenda item on October 13 titled *“LHH Re-opening,”* that included a presentation on visitation. The October 13 PowerPoint presentation summarized visitation parameters, including, among others:

- All visitation types [outdoor visits, window visits, and vehicle visits] must occur outside.
- Maximum of 1-hour visitation per resident per day and may be shorter if needed.

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**“ The 108 people who have died in San Francisco SNF's through February 7 may have died alone, without visitation. ”**

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**“ LHH has literally *thousands* of windows. Does the Health Commission really expect members of the public to believe that not one window was ever identified at LHH for window visits? ”**

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**“ The September 4 update to the Order claimed that SFDPH had been *‘reviewing the literature and data to help craft rules that will expand visitation ...’*. ”**

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**DPH has been studying how to expand visitation for nearly six months, with no solution in sight. ”**

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**“ There has been only one exception for indoor visitation: To provide end-of-life visitation restricted to one visitor at a time for only one hour at a time. ”**

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- Maximum of 1 occurrence of visitation per resident, per week.
- COVID-positive residents cannot receive visitors unless end-of-life.

SFDPH's September restrictions — still in place in March 2021 — prohibiting in-person, indoor visitation stands in stark contrast to guidance from CMS issued on September 17 (QSO-20-39-NH) allowing in-person visitation in SNF's provided that some conditions are met, and in contrast to California Public Health Department (CDPH) guidance that allowed indoor visits in 46 Red-, Orange-, and Yellow-Tier counties, also provided that precautions and conditions, such as visitor temperature checks for fever, wearing of face masks, and hand washing were met.

CDPH's *All Facilities Letter #20-22.5* issued on October 23 authorized *in-facility* visitation of SNF residents in jurisdictions in the Red Tier (San Francisco was then in the Red Tier, and only entered the Purple Tier on November 29). That meant *indoor* visitation.

Indeed, San Francisco was in the Red Tier in August and moved into the Orange Tier on September 29. Accommodation for indoor visitation should have been implemented as far back as September 17, since San Francisco didn't enter the Purple Tier until November 29.

Not allowing indoor visitation violates honoring the human rights of the residents

Dr. Louise Aronsen, a noted geriatrician at UCSF, has said she thinks we can safely say there is abundant evidence that 1) Ongoing visitation restrictions are leading to irreversible declines and deaths among nursing home residents, 2) Nursing home residents are being deprived of their civil and human rights in ways other populations are not — with the possible exception of prisoners, and 3) SFDPH leaders had been informed of this growing evidence-base repeatedly over a five-month period.

In addition to DPH leaders knowing visitation restrictions have been impacting SNF resident's civil and human rights, so too must Mayor Breed. After all, as recently as 2016, Breed's grandmother reportedly died at LHH.

On February 19, a patient advocate who has a family member in a San Francisco SNF reached out to San Francisco's Health Commission and SFDPH urging them to revisit the issue of visitation in long-term care facilities, and asking that visitation policies be placed on the Health Commission's March 2, 2021 meeting agenda.

They made the request anticipating that on March 3 San Francisco is expected to be moved from the Purple Tier back to the Red Tier, given that CDPH and CMS guidelines allow indoor visitation. Even LHH has acknowledged it is preparing to resume visitation on March 3, the day after the Health Commission's March 2 meeting.

It took the Health Commission five days before it responded, saying:

*“Because the San Francisco COVID-19 Command Center Information and Guidance Branch is currently working on the issue of visitation at long term care and skilled nursing facilities, the Health Commission leadership, in consultation with DPH leadership, asked me to let you know that the item will not be included on the 3/2 Health Commission meeting agenda.”*

That response was ridiculous for a number of reasons. First, as noted above, DPH's Health Officer claimed to have been studying how to expand visitation for going on nearly six months since September 4, 2020. Now we learn that the *COVID-19 Command Center Information and Guidance Branch* is part of the team developing the visitation guidance. What is it taking the Guidance Branch so long?

In response to a subsequent *Westside Observer* request for public records seeking the name of the director of the Guidance Branch is, SFDPH lamely stalled on February 26, claiming *“The Information*

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**“ SFDPH's restrictions prohibiting in-person, indoor visitation in September stands in stark contrast to guidance from CMS issued on September 17 allowing in-person visitation in SNF's.”**

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**“ Even LHH has acknowledged it is preparing to resume visitation on March 3, the day after the Health Commission's March 2 meeting.”**

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**“ DPH's Health Officer claimed to have been studying how to expand visitation for going on nearly six months since September 4, 2020.”**

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and Guidance Branch Director is not always the same person for the entirety of the activation” and suggested e-mailing the I&G Branch to find out who is the current director.

That was patently ridiculous. The minutes of the Health Commission’s February 16 meeting notes that Dr. Rita Nguyen, director of the *COVID-19 Command Center Information and Guidance Branch* presented an agenda item titled “*COVID-19 Update*” on February 16. Presumably, Dr. Nguyen was still the I&G Branch director 10 days later on February 26 and still is.

Second, the *San Francisco Chronicle* [reported](#) on February 20 that about 90% of LHH’s residents have gotten their first vaccine shot and 85% have been fully vaccinated with both shots; and 84% of LHH’s clinical staff have gotten their first vaccine shot and 80% have been fully vaccinated.

The *Chronicle* also reported that no Laguna Honda residents have tested positive for the virus since Jan. 18, the last patient in LHH’s COVID unit was discharged “last week,” and LHH “*administrators are planning to allow family and friends to resume visiting residents starting March 3.*” [March 3 is presumably the date on which Mayor Breed and SFDPH anticipates the City will return to the Red Tier.]

Since LHH administrators are reportedly planning to resume visitation on March 3, isn’t this the perfect time for the Health Commission to revisit and publicly discuss LHH’s indoor visitation policy now? After all, March 10, 2021 marks the one-year anniversary of residents in San Francisco’s long-term care facilities having to endure the isolation brought on by Mayor Breed’s March 20, 2020 Order prohibiting visitors in all of the City’s SNF’s.

Given LHH’s rate of resident and staff vaccinations, now is clearly the appropriate time for the Health Commission to discuss revising and updating LHH’s visitation policies.

Since Mayor Breed is pushing to reopen indoor dining and reopen schools, the Health Commission should mandate that LHH be reopened for indoor visitation. After all, isolation kills, too.

### **Breed’s Other Reckless Hostage: Sunshine**

As I [wrote](#) in April 2020, Breed’s shelter-in-place (SIP) Order on March 13, 2020 hoping to contain spread of the COVID-19 virus and flatten the curve from the global pandemic decimated access to public records and public meetings in San Francisco.

Her antipathy to our local Sunshine Ordinance is well known.

Part of Breed’s March 13, Order temporarily suspended San Francisco Sunshine Ordinance §67.25(a) and (b), the “*Immediate Disclosure Request*” provision in Sunshine that strengthened the California Public Records Act (CPRA) to provide for expedited release of public records. Ten days later, Breed issued a supplementary Order on March 23, 2020 further temporarily suspending Sunshine Ordinance §67.21(a) and (b), which provide that members of the public can inspect or examine records in person at City offices open to the public, provided they comply with CPRA.

Breed’s 10 supplementary amendments through April 14, 2020 following her February 25, 2020 *Declaration of a Local Emergency* have successively stripped away many other significant portions of the Sunshine Ordinance. And various of the supplementary amendments to her Declaration of a Local Emergency clamped down on City policy and advisory bodies from holding any public meetings, and ordered City agencies to cease nonessential operations and nonessential City business.

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**“ Minutes of the Health Commission’s February 16 meeting notes that Dr. Rita Nguyen was director of the COVID-19 I&G Branch. Presumably, she still is.”**

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**“ Given LHH’s rate of resident and staff vaccinations, now is clearly the appropriate time for the Health Commission to update LHH’s visitation policies.”**

**“ Since Mayor Breed is pushing to reopen indoor dining and reopen schools, the Health Commission should mandate that LHH be reopened for indoor visitation.”**

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**“ Breed’s shelter-in-place (SIP) Order on March 13, 2020 decimated access to public records and public meetings in San Francisco. Her antipathy to our local Sunshine Ordinance is well known.”**

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**“ Supplementary amendments to Breed’s February 25, 2020 Declaration of a Local Emergency clamped down on City policy and advisory bodies from holding any public meetings.”**

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As of February 28, 2021 advisory bodies, City agencies, and the Board of Supervisors are still confined to holding only remote meetings where public attendance is prohibited. We remain reduced to Zoom meetings and call-in testimony.

Her antipathy to Sunshine dates back years even before she was elected as president of the Board of Supervisors. Back in 2015 Breed initially voted as the lone dissenter on a Board of Supervisors vote on legislation requiring all City supervisors to publicly disclose their appointment calendars. [She later backed down and was forced into supporting the legislation.]

On April 4, 2018, the Sunshine Ordinance Task Force ruled 7-to-0 that Breed had failed six times between 2015 and 2017 to respond to public records requests, and had failed to appear or send a representative on her behalf to 10 Sunshine Task Force hearings to explain why she had ignored responding to the records' requests. The Task Force referred her failures to then District Attorney George Gascón for enforcement. [Predictably, Gascón took no action so Breed skated.]

Breed has a long record of failing to comply with San Francisco's Sunshine Ordinance, suggesting she feels she is above public accountability laws. According to records from the Sunshine Ordinance Task Force (SOTF), SOTF has twice ruled that Breed failed at least two times to produce records of people she has blocked from Twitter or Facebook (*Josh Wolf vs. Breed*, [17-018](#), and *Michael Petrelis vs. Breed*, [17-094](#)). When she served as Acting Mayor for 42 days, Breed also failed to make detailed mayoral calendars available to the public within three days after calendar entries were added (*Michael Petrelis vs. Breed*, [18-007](#)). In addition, Breed failed to provide all of her out-going (sent) e-mails on a variety of topics between March 1, 2015 and April 23, 2015 (*Michael Petrelis vs. Breed*, [15-029](#)).

In addition to the four Sunshine complaints described above, an additional five Sunshine complaints had been filed against Breed after she was first sworn in as District 5 Supervisor in January 2013. No other City supervisor had nine Sunshine complaints filed against them between January 2013 and March 2018.

As recently as February 24, 2021 the SOTF's Compliance Subcommittee voted 3-to-0 to forward to the full SOTF another complaint that Mayor Breed didn't comply with a previous SOTF Order in *Anonymous v Breed, et al.* (19-103) that had ruled Breed's future meeting calendar entries must be minimally redacted, not withheld entirely. A revised response from the Mayor for her forward calendar entries redacted the dates, times, locations, and recurrences of future meetings, which the Compliance Committee ruled was still unacceptable. Breed's still up to her old tricks, her antipathy to Sunshine still in play.

She's still trying to evade production of public records now that she's our elected Mayor.

Here we are at the one-year anniversary of Breed's SIP Order, and Sunshine on open government is still being held hostage by Breed. After an entire year, it's high time she's forced to reverse her SIP order and open up public meetings and reinstate such niceties as Immediate Disclosure Requests for public records.

After a full year, enough should be enough!

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**“ As of February 28, 2021, advisory bodies, City agencies, and the Board of Supervisors are still confined to holding only remote meetings where public attendance is prohibited.”**

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**“ Breed has a long record of failing to comply with San Francisco's Sunshine Ordinance, suggesting she feels she is above public accountability laws.”**

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**“ As recently as February 24, 2021 the SOTF's Compliance Subcommittee voted 3-to-0 to forward to the full SOTF another complaint that Mayor Breed didn't comply with a previous SOTF Order in *Anonymous v Breed, et al.***

**She's still trying to evade production of public records now that she's our elected Mayor.”**

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**“ We're at the one-year anniversary of Breed's SIP Order, and Sunshine on open government is still being held hostage by Breed. After an entire year, it's high time she's forced to reverse her SIP order and open up public meetings.”**

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## Multiple COVID Anniversaries; What Comes Next?

As we cross several one-year anniversary dates, it's obvious that COVID is nowhere near over, despite hopes raised by the three current vaccines.

Notably, three factors remain: COVID, COVID, and COVID.

Now that we're crossing multiple one-year anniversaries of COVID in our City, it's important to keep some key milestones in mind:

February 25, 2020	Mayor Breed issues <i>State of Emergency</i> Order
March 6, 2020	Breed shuts down Laguna Honda Hospital (LHH) to visitors
March 11, 2020	World Health Organization (WHO) declares global COVID pandemic
March 16, 2020	Breed issues <i>shelter-in-place</i> Order; all bars in San Francisco closed
March 19, 2020	Governor Newsom issues statewide <i>shelter-in-place</i> Order
March 23, 2020	Breed clamps down on San Francisco's Sunshine Ordinance; restricts public meetings
March 24, 2020	First COVID death reported in San Francisco
March 25, 2020	First staff member diagnosed with COVID at LHH reported
March 26, 2020	First patient diagnosed with COVID at LHH reported

We've crossed the inaugural anniversaries of the WHO declaration of a global pandemic, and Breed's *shelter-in-place* Order. So where are we, a year later?

It's instructive to update some key statistics presented in this article:

- Table 1: San Francisco had 31,544 COVID cases as of January 31, 2021. Six weeks later, as of March 20, 2021 (with a three-day lag back to March 17) the City had reached 34,710 cases, an increase of 3,116 additional cases.
- Table 1: San Francisco had 380 COVID deaths as of January 31, 2021. Six weeks later, as of March 20, 2021 (with a three-day lag back to March 17) the City had reached 451 COVID deaths, an increase of 71 more deaths.
- Table 2: There were 2,678 COVID cases among children 18-years-old or younger in San Francisco as of December 31, 2020, which climbed to 3,672 cases by February 8, 2021. As of March 20, 2021 (with a three-day lag back to March 17), the City had reached 3,918 cases among children 18-years-old or younger, an increase of 1,240 cases since December 31.

Discussion has centered on whether it is safe for kids to return to school. Discussion seems to be missing whether it is safe for asymptomatic children to return home from school to family members who may not have received vaccinations yet.

- Table 4: Per the Centers for Medicare and Medicaid Services (CMS) COVID cases among both staff and residents in SNF's as of the week ending February 28, 2021:

<u>Jurisdiction</u>	<u>COVID Cases</u>			<u>COVID Deaths</u>		
	<u>2/7/21</u>	<u>2/28/21</u>	<u>Increase</u>	<u>2/7/21</u>	<u>2/18/21</u>	<u>Increase</u>
Nationwide	1,173,075	1,191,900	18,825	128,684	131,634	2,950
California	106,467	107,390	923	8,905	8,978	73
San Francisco	1,114	1,128	14	108	108	0
LHH	226	233	7	6	6	0

In the four weeks between Sunday February 7 and Sunday February 28, nearly 19,000 additional COVID cases and nearly 3,000 additional deaths occurred in SNF's nationwide. Despite the fact that COVID vaccination of staff and residents in San Francisco's 19 SNF's was to have been completed before the week ending on Sunday, January 17, there were an additional 14 new COVID cases, including 7 new cases among LHH staff during the four-week period ending February 28.

It's staggering that we've reached nearly 1.2 million COVID cases and 131,634 nursing home COVID deaths in Skilled Nursing Facilities nationwide (which are vastly under-reported, given the New York State nursing home deaths scandal).

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**“ As we cross several one-year anniversary dates, it's obvious that COVID is nowhere near over, despite hopes raised by the three current vaccines. ”**

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**“ It's staggering we've reached nearly 1.2 million COVID cases and 131,634 COVID deaths in SNF's nationwide (which are vastly under-reported). ”**

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Despite Breed's lockdown of LHH on March 6, 2020 the facility has racked up 171 staff and 62 patients for a total of 233 COVID cases, plus 6 patient deaths, before reaching the one-year anniversary lockdown through February 28, 2021.

Breed and Dr. Colfax have been suspiciously quiet, and recklessly buried one of their key failures: We know from CMS data that 110 deaths — fully 24.4% of San Francisco's now 451 COVID deaths — occurred in our City's 19 SNF's, suggesting that saving livelihoods, not lives, was Breed's principal focus despite her having closed SNF's to visitors in March 2020.

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**“Breed and Colfax have recklessly buried one of their key failures: We know from CMS data that 110 deaths — fully 24.4% of San Francisco's now 451 COVID deaths — occurred in our City's 19 SNF's.”**

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Those 110 COVID deaths in San Francisco SNF's may have occurred in total isolation, without any visitation and support from those people's family and friends!

Unfortunately, data isn't available to document how many more of San Francisco's 451 deaths through March 16 (the one-year anniversary of Breed's shelter-in place Order) occurred in RCFE's, ARF's, board-and-care homes, and other congregate living facilities in the City.

### “Scariants” vs. Variants

ABC's *World News Tonight*, *With David Muir* reported on March 11, 2021 that 51% of new COVID cases are now from COVID variants/mutations, including the South Africa and New York variants that are reportedly much more contagious.

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**“As of March 11, 2021, 51% of new COVID cases are now from COVID variants/mutations, including the South Africa and New York variants.”**

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The U.K. variant is recently reported to be not only more contagious, but also more deadly. COVID variants, notably the U.K. and New York strains, threaten to undermine vaccination progress and block, respectively, President Biden's and Mayor Breed's goals of getting the nation and our City reopened by late 2021 or in early 2022.

As recently as February 22, 2021, the *San Francisco Chronicle* [reported](#) concerns over the new California variation have been raised. The *Chronicle* article reported, in part, that a joint research project in San Francisco's Mission District coordinated by Unidos en Salud and conducted by UCSF, the Chan-Zuckerberg BioHub, SFPDPH, and The Latino Task Force for COVID-19 have local experts worried about the California variant.

A UCSF research team led by infectious disease expert Dr. Charles Chiu — who is a professor of laboratory medicine and the director of the UCSF-Abbott Viral Diagnostics and Discovery Center — determined that in outbreak situations, the variant (presumably the California variant) was associated with worse outcomes from COVID-19, including patients infected with the variant were more likely to be put on a ventilator, need treatment in an ICU, or die. Dr. Chiu's team also appears to have concluded people may be more prone to reinfection from the variant.

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**“Dr. Charles Chiu's UCSF research team determined the California variant was associated with worse outcomes from COVID-19, including patients infected with the variant were more likely to be put on a ventilator, need treatment in an ICU, or die ... and may be more prone to reinfection from the variant.”**

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Results of the Mission District research suggested that efforts to mass vaccinate people quickly must be ramped up before additional variants may evolve and emerge. The February 22 *Chronicle* article also quoted SFPDPH's Acting Health Officer, Dr. Susan Philips, who said the variants “are a wild card.”

However, some medical experts in other jurisdictions are claiming that some media reports about the variants simply amount to “scariants,” with insufficient proof at this point to be reliable news reporting. Dr. Paul Offit, a professor at the University of Pennsylvania and a member of the FDA's vaccine advisory panel recently said “I think we scare the hell out of ourselves when we watch national television. I call them ‘scariants’.”

Unfortunately, Offit did not discern which national television programs he was referring to. In my opinion, if he was referring to *Fox News*, Offit may well have a valid point. But it's completely disingenuous to lump *all* national news programs — say *MSNBC* along with the likes of *Fox News* — into a single group defined as “scariants” to discredit potentially valid concerns.

Presumably, Unidos en Salud, UCSF's Dr. Chiu, the Chan-Zuckerberg BioHub, and SFPDPH's Dr. Susan Philip are not "scariants" and were not relying on "national television" to arrive at their concerns, instead relying on research data collected in the Mission District.

The reigning opinion in the general medical literature is there is no threat from variants — provided people get vaccinated. What remains worrisome is whether the variants will pose a continuing threat from people who choose not to get vaccinated.

Indeed, Dr. Chiu did *not* conclude that the variants are causing problems with vaccines, but Chiu and his UCSF team said it is too early to know if the variants will cause new outbreaks and a new wave of infections (and deaths). Chiu believes there is urgency to mass vaccinate more people before additional variants may evolve and emerge. Notably, Chiu says he believes the vaccines will remain effective.

On March 15, 2021 [ABC Channel 7 TV](#) quoted UCSF's Dr. George Rutherford saying: "The vaccine is *not ineffective* against [the Brazil variant], it's just *not as effective* against it." On the same broadcast, Stanford University School of Medicine's Dr. Catherine Blish said, "When we mix too much in close settings, share air with other people then a variant like [the Brazil variant] or the UK variant frankly pose similar dangers in that they're more transmissible and you're more likely to spread it in group settings." Presumably, Blish may have been referring to "close settings" like eating indoors in restaurants or drinking in bars and taverns.

Dr. Blish acknowledged that masking and distancing will continue to be effective, but in jurisdictions like Texas lifting masking and social distancing mandates, you have to wonder if people aren't getting the message about how risky the variants are.

I obviously have no medical training. But I have to wonder why are Pfizer and Moderna now racing to develop booster shots, if they thought their first-generation vaccines would *not* work against the variants? Why would they bother spending significant, and perhaps huge research development dollars to create booster shots in a revised booster-plus-original-formula if they believe emerging variants pose no risk to their current vaccine's efficacy?

## Reopening Too Soon

Of note, on March 12 both Germany and Italy announced resuming partial, or potential nationwide, lock-downs because of outbreaks and a surge in COVID infections possibly due to emergence of variants. Spain, Norway, and France may have quickly followed suit.

On Sunday, March 14 President Biden's new director of the CDC, Rochelle Walensky, indicated on ABC television that the CDC — presumably on behalf of Biden's administration — is very concerned that the nation is reopening too soon. The concern is based, in part, on the fact that too many jurisdictions are relaxing or entirely eliminating restrictions such as social distancing and mandating wearing of face masks, and some jurisdictions are reopening restaurants and bars at 100% of capacity.

San Francisco's November surge in COVID cases and the January surge in cumulative deaths is intimately tied to Breed's various and reckless previous efforts to reopen the City too soon. That's because she continues eyeing and coveting reopening measures by focusing on livelihoods, rather than on lives, new COVID variants and mutations be damned.

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**Unidos en Salud, UCSF's Dr. Chiu, the Chan-Zuckerberg BioHub, and SFPDPH's Dr. Susan Philip are not so-called 'scariants' and were not relying on 'national television' to arrive at their concerns, instead relying on research data collected in the Mission District."**

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**What remains worrisome is whether the variants will pose a continuing threat from people who choose not to get vaccinated."**

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**UCSF's Dr George Rutherford said 'The vaccine is not ineffective against [the Brazil variant], it's just not as effective ...'."**

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**But why are Pfizer and Moderna now racing to develop booster shots, if they thought their first-generation vaccines would not work against the variants?"**

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**On March 14 President Biden's new director of the CDC, Rochelle Walensky, indicated the CDC is very concerned that the nation is reopening too soon."**

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**Breed continues eyeing and coveting reopening measures by focusing on livelihoods, rather than on lives, new COVID variants be damned."**

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Even Dr. Fauci is concerned that we are reopening too quickly nationwide, particularly since so many jurisdictions are now abandoning requiring mandatory face masks. After all, asymptomatic folks with a COVID variant hitching a ride can hop on a two-hour or three-hour flight into SFO, jumping state borders between jurisdictions eliminating restrictions entirely and jurisdictions that are only modestly and cautiously loosening restrictions.

Even though San Francisco's local Health Officer had previously presented to our Small Business Commission that indoor dining increases the risk of COVID spread, Breed appears to be hell bent and salivating once again over reopening indoor dining (even if only at 25% of occupancy), in addition to rushing to get kids back in schools after the City was allowed to move back into the Red Tier on March 3. She's itching to move the City into the Orange Tier, but had to wait for another three weeks, given the rules.

How does Breed justify moving back to indoor dining if her own Health Officer believes indoor dining increases the spread of COVID? Have the COVID variants mutated to the point that indoor dining no longer increases the risk of acquiring COVID?

Have a sufficient number of San Franciscans received vaccinations to the point where the City has developed herd immunity such that indoor dining and reopening schools are really safe? [Me? I'm not going to an indoor restaurant for a meal any time soon, and perhaps not for years to come.]

On March 17, 2021 the San Jose *Mercury News* [reported](#) that the CDC has labeled the California variant — known as B.1.427/B.1.429 — a “*variant of concern*,” joining a designation shared by strains first identified in Great Britain, South Africa and Brazil, in part because it appears resistant to drugs used to treat patients. It's also likely that there's an element of what is called “*antibody escape*,” where, if you were infected before you may not be protected against reinfection.

### Callousness Trumps Breed's Recklessness

Breed's first year managing COVID response in San Francisco was “*reckless*” precisely because of her transient, shifting solutions that resulted in the City moving multiple times between the various Tiers as placed livelihoods ahead of lives.

Now, given that as of March 11, 2021 over 51% of all of new COVID cases are now coming from variants/mutations, Breed may recklessly be anticipating moving into the Orange Tier on March 24, allowing restaurants to reopen at 50% of capacity.

Caught between “Yes” and “No,” about reopening San Francisco, it appears Breed quickly proved herself cowardly by recklessly racing towards “Yes, Yes, Yes” — health outcomes be damned.

“... *And it howled so spooky for its eagle soul  
I nearly broke down and cried  
But the split tongue spirit laughed at me  
He says, 'your serpent cannot be denied' ...*

“... *Behind my bolt locked door  
The eagle and the serpent are at war in me  
The serpent fighting for blind desire  
The eagle for clarity ...*

“... *And we are twins of spirit  
No matter which route home we take  
Or what we forsake  
We're going to come up to the eyes of clarity  
And we'll go down to the beads of guile”*

— Joni Mitchell, *Don Juan's Reckless Daughter*

When Breed sent her “*One Year Later*” [self-congratulatory e-mail](#) from her City e-mail account on March 17, 2021 to mark the one-year anniversary of her March 16, 2020 shelter-in-place Order, she **callously** wrote not one word about the 451 deaths in the City through March 16, 2021 and not one word 25% of those deaths had occurred in the City's 19 SNF's. Classic Breed guile — and gall.

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**“ Asymptomatic folks with a COVID variant hitching a ride can hop on a two-hour or three-hour flight into SFO, jumping state borders between jurisdictions. ”**

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**“ Have a sufficient number of San Franciscans received vaccinations to the point where the City has developed herd immunity such that indoor dining and reopening schools are really safe? ”**

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**“ The CDC labeled the California variant a ‘variant of concern,’ in part because it appears resistant to drugs used to treat patients and may not protect you against reinfection. ”**

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**“ Breed's first year managing COVID in San Francisco was ‘reckless’ precisely because of her transient, shifting solutions as she placed livelihoods ahead of lives. ”**

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**“ When Breed sent her ‘One Year Later’ self-congratulatory e-mail from her City e-mail account on March 17, 2021 she callously wrote not one word about the 451 deaths in the City through March 16, 2021. Classic Breed guile — and gall. ”**

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Don Juan's *Other* Reckless Daughter: Meet Mayor Breed's twin of spirit: Callousness! One thing she knows is the *art of the split tongue* (with apologies to singer/songwriter Joni Mitchell). Let's hope in the second year of the City's COVID pandemic Breed comes up to the eye of clarity, placing saving lives— not indoor dining — first.

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**“ Don Juan's *Other* Reckless Daughter: Meet Mayor Breed's twin of spirit: Callousness! ”**

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What part of the word “*variants*” do Breed and Governor Newsom not understand? When Breed returns with Newsom for a \$450 meal at the French Laundry restaurant, perhaps they'll both rethink reopening too soon, given the emergence of variants.

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## Methodology

The data in Table 1 through the end of December 2020 and end of January 2021 is based on cases and deaths initially reported on the home page of the San Francisco Department of Public Health's *COVID Data Tracker* web site.

SFDPH initially reported on January 31, 2021 that there had only been a total of 324 COVID deaths in our City (with a three-day lag to January 28, 2021). Sadly, SFDPH underreported 56 deaths that had occurred through January 31, 2021.

By contrast, the final row in Table 5 below reporting cases and deaths through the end of January 2021 is a combination of data from *cases* and *deaths* initially reported on the home page of the *COVID Data Tracker* web site and includes adjusted data compiled from the *Data Tracker's “COVID-19 Cases [and Deaths] Summarized by Date, Transmission and Case Disposition”* report. However, the revised 186 deaths represents data adjusted for delays in reporting gleaned by downloading and cross-sorting the *Case Disposition* data from SFDPH's web site on February 20.

SFDPH creatively claims “*In order to account for the time to process tests and validate the data, cases and deaths data may be delayed*” and also claims “*Tests and cases can increase or decrease [from] previous days [following initial reporting] because of lab processing time, data validation, and case investigations.*”

Data inside the red borders in Table 5 reflect adjusted dates of death SFDPH belatedly corrected in its *Case Disposition* report. The adjustments in dates of death went all the way back to March 2020.

It should not take SFDPH upwards of over two months (31 days in January 2021, 20 days in February 2021, and 3 or more days in November and December 2020) to retroactively massage and update data about deaths that were initially reported in December 2020 and earlier due to delays in reporting of deaths.

**Table 5: SFDPH's Lag in Reporting COVID Deaths**

Retroactive Update: COVID-19 Deaths Reported in San Francisco March 5, 2020 – January 31, 2020				
Wave #	Month in 2020	Deaths Initially Reported in Month	Deaths Retroactively Adjusted in February	Difference From Initially-Reported Deaths
	March	7	9	2
1	April	22	26	4
	May	14	13	(1)
2	June	7	4	(3)
	July	11	17	6
	August	24	24	0
3	September	23	35	12
	October	40	31	(9)
	November	13	13	0
	December	33	76	43
	Total Cases Through December 31, 2020:	194	248	54
4	January 2021	186	132	(54)
	Cummulative Total:	380	380	

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**“ SFDPH initially reported on January 31, 2021 that there had only been a total of 324 COVID deaths in our City). Sadly, SFDPH underreported 56 deaths that had occurred through January 31, 2021. ”**

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Source: San Francisco Department of Public Health, *COVID Data Tracker*, through February 3, 2021, adjusted by SFDPH *Case Disposition* data.