

# Patrick Monette-Shaw

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September 24, 2019

Public Safety and Neighborhood Services Committee, Board of Supervisors

The Honorable Rafael Mandelman, Chair  
The Honorable Catherine Stefani, Member  
The Honorable Shamann Walton, Member  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: **Shameful Delay on Sub-Acute Care Solutions in San Francisco**

Dear Chair Mandelman and Members of the Public Safety and Neighborhood Services Committee,

When I submitted testimony to PSNS Committee then-members Supervisors Ronen, Sheehy and Fewer on November 28, 2017 the number of then-known out-of-county discharges stood at just 1,381 people. Out-of-county discharges of San Francisco residents now stand at a minimum of 1,659 — but the data is incomplete and is likely far higher. I testified in November 2017:

“This Public Safety Committee must ascertain just how many out-of-county discharges of San Franciscans there have been from all private-sector and public-sector hospitals in San Francisco, dating back to July 1, 2006. As previous Civil Grand Juries have noted — and I reminded this Committee in July 2017 — ‘*You can’t fix what you don’t measure*.’”

This Committee, and the full Board of Supervisors, have done nothing in the past two years to introduce legislation requiring that all private sector hospitals submit basic out-of-county discharge data to the Department of Public Health. The delay creating such legislation is shameful!

The Health Commission and the Board of Supervisors should have known that seven years ago in 2012 CPMC — a Sutter Health affiliate — stopped admitting patients to its St. Luke’s sub-acute unit from any other non-Sutter hospital in the City. The Board and Health Department must have known that there were no other sub-acute units anywhere else in the City.

CPMC then stopped new admissions to its St. Luke’s sub-acute unit in FY 16—17, even from its own Sutter affiliates.

Table 1 shows that CPMC has admitted to DPH that it discharged 312 people out-of-county between 2016 and 2017. How many more San Franciscans CPMC has discharged out-of-county since 2017 isn’t known, in part because the Board of Supervisors has failed to enact legislation requiring that out-of-county patient discharges be reported to the City.

Since 2012, people who need sub-acute unit level of care have faced being dumped into out-of-county facilities, which this Board should also have known. In the past seven years, the City failed to address this crisis, despite knowing about it.

Then, when CPMC notified the City in June 2017 that it planned to close its sub-acute and skilled nursing units at CPMCs St. Luke’s campus at the end of October 2017, the Health Commission held a “Prop. Q” hearing on the closure on September 5, 2017. The Health Commission adopted its Resolution 17-7 finding that the closure of St. Luke’s sub-acute and SNF units *would* in fact have a detrimental effect on San Franciscans’ healthcare.

**Table 1: Public Hospital’s Out-of-County Discharges, FY 2006–2013 — FY 2018–2019**

Fiscal Year	Laguna Honda Hospital	SFGH <sup>1</sup>	Private-Sector Hospitals	Total
1 FY 06–07	35		?	35
2 FY 07–08	36		?	36
3 FY 08–09	14		?	14
4 FY 09–10	18	27	?	45
5 FY 10–11	6	54	?	60
6 FY 11–12	19	41	?	60
7 FY 12–13	26	30	39	95
8 FY 13–14	28	42	2	72
9 FY 14–15	25	68	25	118
10 FY 15–16	20	56	261	337
11 FY 16–17	20	40	449 <sup>2</sup>	509
12 FY 17–18	25	57	?	82
13 FY 18–19	14	182	?	196
<b>Total<sup>3</sup></b>	<b>286</b>	<b>597</b>	<b>776</b>	<b>1,659</b>

<sup>1</sup> San Francisco residents discharged from SFGH but not admitted to LHH. Data prior to FY 09-10 for SFGH unavailable; not tracked electronically.

<sup>2</sup> DPH only asked six private-sector hospitals to provide data: Chinese Hospital, University of California San Francisco, St. Mary’s, St. Francis, CPMC, and Kaiser. Chinese Hospital reported an unknown number of San Franciscans discharged out-of-county, and St. Mary’s, St. Francis, Chinese Hospital, and Kaiser have not provided data to DPH. The data shown here are only from CPMC (312) and UCSF (137) for calendar year 2016 and FY 2016–2017, respectively.

<sup>3</sup> Data excludes out-of-county patient diversions prior to hospitalization via the Diversion and Community Integration Program (DCIP), and “Transitions” and successor programs, and excludes out-of-county placements chosen by families due to a lack of appropriate level of care beds in San Francisco.

**Note:** Data is preliminary and subject to change by SF DPH.

**Source:** San Francisco Department of Public Health responses to records requests.  
Updated: **July 18, 2019**

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After the Health Commission ruled against CPMC, then-Director of Public Health Barbara Garcia began working in 2017 on identifying where 70-bed sub-acute beds could be created in existing spaces in the City's private-sector hospitals. Garcia had made some progress working with St. Mary's to host some of the beds.

The Board of Supervisors stepped in on September 12, 2017 and held a "Committee of the Whole" (CoW) hearing on St. Luke's at the urging of Supervisors Ahsha Safai and Hillary Ronen, rather than waiting for several weeks to hold a second hearing before the Supervisors Public Safety and Neighborhood Services Committee, as it first had on July 26.

But on August 21, 2018 Director Garcia was forced out due to a contract-steering scandal, and her efforts came to a screeching halt. It's unknown whether the new Director of Public Health, Grant Colfax, has lifted a finger to pick up where Garcia left off trying to open sub-acute beds quickly, or whether the issue is even on his radar screen.

On September 3, 2018 I specifically asked now Board President Norman Yee to introduce legislation *requiring* each and every private-sector and public-sector hospitals in the City, and also RCFE facilities, to submit out-of-county discharge information, including a limited amount of demographic data, to DPH annually on a Fiscal Year basis going forward.

I also recommended that such legislation should also require all hospitals report annually their out-of-county discharges to the types of long-term care facilities (including RCFE's and SNF's) facilities listed in the table in Appendix E, Summary of San Francisco LTC Residential Facilities, in HMA's report (starting on page 77 in the PDF file), and additionally require them to report the number of out-of-county discharges to other acute-care hospitals and to sub-acute care facilities. Supervisor Yee has failed to sponsor such legislation.

Labor leader Kim Tavaglione has reportedly been working with the Board of Supervisors to craft legislation to require out-of-county discharge reporting, but she may have overstepped wanting the public- and private-sector hospital to report burdensome details about each discharge, rather than seeking basic data reporting. Why hasn't that legislation been submitted and enacted? What's the delay?

It is incumbent on the Board of Supervisors to require that all of the private-sector hospitals — including St. Francis, St. Mary's, and Kaiser — provide data on all out-of-county discharges of San Francisco residents in order to gain an historical context of just how severe this problem has been back to FY 2006—2007 from all hospitals in the City.

The PSNS Committee should quickly develop legislation to:

1. Direct the Department of Public Health issue an RFP within six months to develop a public-private partnership entity to identify and open 70 sub-acute beds in the City within the next years. Negative patient outcomes, and out-of-county patient dumping has simply got to stop!
2. Move along, and finalize, legislation requiring all hospitals in the City to report basic-level out-of-county discharge information to the Department of Public Health, including retroactive data.

This issue has languished for at least two years, if not longer. Lives are at stake! It's long past time for the Board of Supervisors to act, meaningfully.

Respectfully submitted,

**Patrick Monette-Shaw**

*Columnist, Westside Observer* Newspaper

cc: The Honorable Sandra Lee Fewer, Supervisor, District 1  
The Honorable Aaron Peskin, Supervisor, District 3  
The Honorable Gordon Mar, Supervisor, District 4  
The Honorable Vallie Brown, Supervisor, District 5  
The Honorable Matt Haney, Supervisor, District 6  
The Honorable Norman Yee, Supervisor, District 7  
The Honorable Hillary Ronen, Supervisor, District 9  
The Honorable Ahsha Safai, Supervisor, District 11  
John Carroll, Clerk of the Public Safety and Neighborhood Services Committee  
Carolyn Goossen, Legislative Aide to Supervisor Hillary Ronen  
Lee Hepner, Legislative Aide to Supervisor Aaron Peskin

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