

COMMUNITY HEALTH CARE PLANNING ORDINANCE

When is the ordinance in effect?

This ordinance was passed by the voters on November 8, 1988, and became effective as of December 8, 1988.

Who implements this ordinance?

The Health Commission (charged with “managing and controlling...all matters pertaining to the preservation, promotion, and protection of the lives, health, and mental health of the inhabitants of the City and County...”)

What does this ordinance require?

- A) Private hospitals shall provide public notice prior to closing a hospital inpatient or outpatient facility, eliminating or reducing the level of services provided, or prior to the leasing, selling or transfer of management.

This ordinance applies to general acute care hospitals and acute psychiatric hospitals, as defined in California Health and Safety Code (HSC) Sections 1250 et seq., other than public hospitals. This ordinance also applies to the clinics of these hospitals. This ordinance does not apply to facilities providing a lower level of care, such as skilled nursing facilities, congregate living health facilities, and intermediate care facilities.

When a general acute care hospital or an acute psychiatric hospital closes a hospital inpatient or outpatient facility, eliminates or reduces the level of service provided in such a facility, or leases, sells or transfers management of such a facility, it is required to provide public notice.

The reference to “hospital” throughout these procedures shall mean hospitals and their clinics.

To “reduce services” shall mean to make a substantial reduction in the level of clinical services.

It shall refer only to a reduction that the hospital anticipates will remain in effect for a period of three (3) months or longer.

- B) The hospital shall provide public notice, including a notice posted at the regular public and employee entrances, and Emergency and Admitting entrances.
1. The public notice shall contain a detailed list of the announced or proposed reductions or changes and the expected number of patients and employees affected by both facility and service. The notice shall include the sentence, “The Health Commission will hold a hearing on this proposed change; for information as to date, time, and place, call the Health Commission at 554-2666.”
 2. The public notice required by the ordinance shall include, at a minimum the posting of a notice and the mailing of notice to the Secretary of the Health Commission at least 90 days before the intend date of action. Compliance with these minimum requirements shall be deemed compliance with the public notice requirements of the ordinance.
 3. The public notice from the hospital is to be sent to the Secretary to the Health Commission, 101 Grove Street, Room 311, San Francisco, CA 94102.
 4. The public notice should be minimally 8-1/2” x 11” in size and legible.
 5. The notice shall be posted in two languages in addition to English. The two languages shall be chosen in a manner designed to provide notice to those non-English-speaking persons who predominate among the hospital’s client and employee population. The hospital may provide the notice in additional languages if it chooses.
- C) Except in the case of remodeling/construction, a temporary reduction or elimination of services of three months or more requires the 90 days’ public notice as set forth herein. With respect to remodeling/construction, the 90 days’ public notice is required if the work will require a reduction or elimination of services of six months or more. If it will require a reduction or elimination of services of less than six months, the 90 days’ public notice and a public hearing are not required if the hospital provides written notice to the Secretary of the Health Commission before the work begins.
- D) If the Health Commission determines that the proposed action will be detrimental, the Health Commission shall further explore in these public hearings what alternative means are available in the community to provide the service or services to be eliminated or curtailed.
- E) Pursuant to a statement of intent included in the ordinance, the meaning and effect of the ordinance is to be construed consistent with the purpose and construction of California Health and Safety Code Sections 1442 and 1442.5 and consistent with applicable state and federal law.

What are the procedures of the Health Commission?

- A) The Secretary to the Health Commission will schedule a public hearing during the period of time between the date that the hospital gives notice of the proposed or announced change and the date that the change is to occur.
- B) The Health Commission may elect to have a sub-committee to conduct the public hearing; the sub-committee would report on the evidence received in the public hearing and make a recommendation to the full Commission.
- C) In preparation for the hearing, the following information would be requested from the hospital:
- Name, address, phone number and contact person for the institution.
 - Description of the proposed project.
 - Utilization, financial and staffing information.
 - Timeframe and schedule for implementation.
 - Alternatives considered to the project
- D) During the hearing, the hospital whose action is the subject of the hearing shall be afforded an opportunity to present any information relating to its proposed action and to respond to matters raised by any other persons during that hearing. Members of the public who cannot attend the hearing are encouraged to send written testimony to the Health Commission prior to the hearing. This testimony shall become part of the record of the record before the Health Commission.
- E) At the conclusion of the public hearing the Health Commission shall make findings based on evidence and testimony from the public hearings and submitted written material that the proposed action will or will not have a detrimental impact on health care service of the community. The Health Commission can schedule a subsequent hearing if further information is required, and make findings at a subsequent meeting.
- F) The Health Commission will send out notices to the hospital and those persons who have asked in writing to be on the mailing list for notice of hearings under this ordinance four (4) weeks prior to the scheduled hearing for any change that the hospital proposes after the adoption of these procedures.
- G) If a hospital fails to comply with the public notice requirements of the ordinance, the Health Commission may request the City Attorney to seek a court order restraining the hospital from implementing the intended action until the hospital so complies.

Any person/organization may notify the Health Commission in writing of the intention of a hospital to substantially reduce or eliminate services of which the Health Commission may not be aware. Such notification shall include reasonable substantiation of the facts; and it shall then be the obligation of the Health Commission and the Department to make prompt inquiries as to the information provided.

- H) Upon the adoption of or amendment to these procedures by the Health Commission, the Secretary shall distribute copies to general acute care and acute psychiatric hospitals, the press, and those persons on the mailing list for notice of hearings under this ordinance.

These procedures were adopted on a temporary basis on May 3, 1989, with the understanding that they can be amended at a future public hearing. These procedures were amended by the Health Commission on November 18, 2008.