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**MINUTES
JOINT CONFERENCE COMMITTEE MEETING FOR
LAGUNA HONDA HOSPITAL AND REHABILITATION CENTER
November 14, 2023, 4:00 p.m.
101 Grove Street, Room 300
San Francisco, CA 94102 & via Webex**

1. CALL TO ORDER

Present: Commissioner Tessie Guillermo, Chair
Commissioner Laurie Green, M.D., Member

Excused: Commissioner Edward A. Chow, M.D., Member

Staff: Roland Pickens, Sandra Simon, Lucia Angel, Chuck Lamb, Jennifer Carton-Wade, Lily Conover, Lisa Hoo MD, Nawzaneen Talai, Neda Ratanawongsa MD, Sherri Soto, Terry Dentoni, Naveena Bobba MD, Daniela Kim MD, Baljeet Sangha

The meeting was called to order at 4:04pm.

2. APPROVAL OF MINUTES FOR MEETING OF OCTOBER 10, 2023

Public Comment:

Patrick Monette-Shaw provided verbal comment and submitted the following written summary:

I remain concerned the LHH-JCC's October 10 meeting minutes are still unclear on the status of hiring LHH's Medical Director. Also in the minutes, regarding LHH Policies and Procedures discussed on the Consent Calendar, I want to report LHH's Admissions Policy just adopted still wrongly refers to the "Chief Medical Officer" as having final admission decision approval. CMS/CDPH directed LHH to adopt the SNF standard practice of referring to that position as the "Medical Director," and to stop using the "CMO" job title traditionally used in "Acute-Care Hospitals." It will be LHH's "Medical Director" who will be in charge of LHH's six-bed Acute Ward and admissions to LHH's other SNF units, NOT a "CMO." The Admissions Policy needs to be corrected using SNF-industry terminology, and SFHN and SFGH managers brought in to manage LHH (but actually MISMANAGED LHH) must STOP using acute-care hospital terminology when referring to LHH staff positions!

Action Taken: The LHH JCC unanimously approved the October 10, 2023 LHH JCC minutes.

3. GENERAL PUBLIC COMMENT:

Patrick Monette-Shaw provided verbal comment and submitted the following written summary:

During today's 11/14/2023 JCC meeting Ms. Simon, on behalf of Mr. Pickens, testified that as of today, "We are anxiously awaiting that [FIRST Medicare] revisit [CMS inspection FULL] survey." Slide 1 in today's presentation stated, "We are now subject to a FULL survey by CMS, which could happen at any time." Previously, Mr. Pickens informed the Board of Supervisors' June "Committee of the Whole" LHH hearing CMS' recertification process requires TWO full inspection survey's separated by a mandatory 90-day reasonable assurance waiting period to ascertain sustained compliance. Word is the Health Commission will claim a partial "ABBREVIATED" Health component-only survey conducted 6/5/2023 to 6/7/2023 as part of a "90-Day Monitoring Survey" required by LHH's "Settlement Agreement" BEFORE the Medicare recertification application was submitted on 8/16/2023 somehow now counts toward two mandatory full inspection surveys. You can't turn this fiction into fact — if on 11/14/2023 LHH was awaiting its FIRST inspection!

4. EXECUTIVE TEAM REPORT

Roland Pickens, Director and CEO, SF Health Network & Executive Sponsor LHH Recertification Incident Command, presented the item.

Public Comment:

Patrick Monette-Shaw provided verbal comment and submitted the following written summary:

What's taking so long to have LHH's "Medicare Recertification" site visit begin? At this rate, resumption of admissions are probably still four months away. San Franciscans will be lucky if admissions restart before April 2024 — at which point all new admissions will have been stopped for two full years! One relevant question is whether LHH has received any more "Immediate Jeopardy" or "Actual Harm" citations as a result of State surveyors showing up to investigate the many "Anonymous" complaints reported to CDPH during the past six months to a year. For instance, information being presented during today's LHH-JCC meeting indicates State surveyors showed up during October 2023 to investigate three anonymous complaints — which are all being reviewed by CDPH's District Office, rather than having been resolved during the site visits, or during the site visit "exist interviews." Has the LHH-JCC discussed these three anonymous complaints in "Closed Session" ?

Dr. Teresa Palmer agreed that the delay with admissions is causing suffering. She requested details on why this is taking so long. She feels like LHH is not telling the public what is happening. It does not feel good that there has been no Family Council for so many years. There is a lack of transparency. The Council could have met remotely. What happened to the Medical Director? What happened to 75 residents being moved to lower level of care. It sounds like placements have not been found. If there continues to be a lack of services in San Francisco, this will impact LHH, including undue pressure to accept inappropriate placements. What is the plan for behavioral cohorting? Have you staffed the BERT team?

Carol Bettencourt, Staff Attorney, Legal Assistance to the Elderly, submitted the following written public comment:

I am very disappointed that there is not more information in the slides for the Executive Team Report about recent and proposed discharges from Laguna Honda Hospital. Although it gives the number of "Planned" and "Unplanned" Discharges in October, more information is needed, such as the bases for these discharges and the patient's destination post-discharge. At a recent meeting, we were told that an estimated 75 people had been proposed for discharge who are claimed to no longer need skilled nursing care. How many of these people have actually been discharged? I hope more information will be given at the November 14, 2023, meeting about these and other important issues, including the question of when admissions will resume, inadequate staffing, and the proposed resumption of admission of patients from SF General who have behavioral health or substance use issues and the lack of adequate services for them.

Jeanne Crawford submitted the following written public comment:

The use of beds at LHH for patients with severe behavioral health needs is **not** what LHH is intended for. I know the SFGH is under immense pressure to place these patients, but discharging them to LHH is not right and endangers them and other patients. The City must find alternatives - otherwise there is risk of incidents that will lead to loss of decertification again. What is the plan? Will the admitting staff at LHH be supported in refusing admittance to inappropriate admissions?

Melanie Grossman, President, Older Women's League, submitted the following written public comment:

Older Women's League is gratified that Laguna Honda Hospital is steadily moving toward recertification. However, we hope that recertification will occur at a quicker pace. Many patients are languishing in out of county facilities. This highlights the dire lack of facilities to care for needy qualified patients here in San Francisco. We need to have more and better services for elderly, disabled, and unwell, including those who need more intensive behavioral and addictions treatment. Also, the waver to prevent the closure of existing beds at Laguna Honda Hospital is especially important to serve San Franciscans in need of skilled nursing beds, which are scarce and getting scarcer. Older women who do not have family to support them are especially hurt by the lack of quality placements accepting Medical in SF. Laguna Honda has traditionally been their refuge. Please work to prevent bed cuts and improve alternate services in the city.

Commissioner Comments:

Commissioner Green thanked staff for responding to her written questions. She asked if LHH has any leverage in regard to requesting CMS conduct the necessary surveys for Medicare accreditation. Ms. Simon stated that LHH has no influence on when surveyors will arrive. LHH has communicated to CMS that it is ready for the surveys.

Commissioner Green stated that from her perspective, there has been good communication with families during the pandemic, showing every effort that LHH has done all it can to ensure the residents during that time. She asked for more information regarding whether people can participate in the Family Council remotely. Ms. Simon stated that the Family Council is an independent group which is supported by LHH staff, and is a safe space to be able to discuss concerns with relevant LHH leaders and staff. Ms. Carton-Wade stated that there is capacity for hybrid meetings. She noted that the Family Council used to be run by LHH staff. However, newer regulations stipulate that staff must provide safe space for families and provide opportunity to invite LHH staff to the meeting. She noted that during the pandemic, LHH offered town halls.

Commissioner Guillermo asked if any residents were involved in the earthquake preparedness exercise. Ms. Simon stated that only staff were involved. Commissioner Guillermo encouraged future opportunities for LHH residents to be involved in these exercises.

Commissioner Guillermo thanked staff for the detailed annual report. She commended everyone for staying-survey ready and acknowledged the ongoing work and stress related to the recertification process.

Commissioner Guillermo asked for an update on the CMO position. Ms. Simon stated that a conditional offer has been made, and Human Resources is working on the final steps in the process.

5. HIRING AND VACANCY REPORT

Priya Nayar, LHH HR Operations Director, DPH Human Resources, presented the item.

Public Comment:

Patrick Monette-Shaw provided verbal comment and submitted the following written summary:

It's weird that the November "Vacancy Report by FTE" report shows LHH's total "BUDGETED FTE" positions have climbed again by 13 additional FTE's from the total of 1,471 total Budgeted FTE's documented in the October Vacancies report presented to this LHH-JCC. How can the total BUDGETED FTE's change from month

to month, given that the City Budget passed in July 2023 doesn't change LHH's Budgeted allocation every month? What job classes are the 13 additional FTE's in? "Home Health Aide" VACANCIES and "Patient Care Assistant" VACANCIES have both gone up by a total of six positions in the past month. Why are there \ vacancies in those job classes? There are also increases in "Activity Therapist" VACANCIES. Why are increases in vacancies happening? Has HSAG as the QIE or another consultant done a "root cause analysis" of what's causing the increase in vacancies in these essential job classification codes?

Commissioner Comments:

Commissioner Green asked for more information regarding alternatives for health aides since there is no registry for these services. Ms. Nayar stated that she will check on this information and send a response through Mr. Morewitz.

6. REGULATORY AFFAIRS REPORT

Geraldine Mariano, Director of Regulatory Affairs, presented the item.

Public Comment:

Patrick Monette-Shaw provided verbal comment and submitted the following written summary:

The November "Regulatory Report" is very worrisome. The "Survey Updates" section of it shows three "Facility Reported Incidents" were investigated on-site in October involving "Anonymous Complaints" — all still under review by CDPH's District Office. That's very alarming! Because new admissions were halted in April 2022, and perhaps fewer behavioral health admissions, the cumulative "Regulatory Affairs" reports for January to October 2023 show 65 fewer FRI's in resident-to-resident-, staff-to-resident-, other-to-resident-abuse FRI's and "theft/fiduciary abuse" incidents. However, there's been a concomitant offsetting increase of 34 MORE serious FRI's involving "STAFF TO RESIDENT NEGLECT," "Injuries of Unknown Source," "Major Injuries," "Disease Outbreaks," "Other Adverse Events," "Potential Privacy Breaches," and "AWOL's AMA's/ Unplanned Discharges than in calendar year 2022. There's still November and December yet to go in 2023. The resident census as of October 2023 dropped to 478 residents. Why were there 34 MORE serious FRI's in 2023 given far fewer residents?

Commissioner Comments:

Commissioner Guillermo thanked Ms. Mariano for the report.

7. LAGUNA HONDA HOSPITAL POLICIES

Carmen Trinh, Data Analytics Manager, LHH, presented the item.

Commissioner Comments:

Commissioner Green suggested that language for policy 22-01, "Abuse and Neglect Prevention Identification Protection, Reporting and Response, be added regarding internal investigations being completed in 5 working days. Ms. Talai stated that this is included in the table within the policy, but staff can add language elsewhere.

Regarding residents going against medical advice, Commissioner Green noted that it may be difficult for residents to hear the message in the heat of the moment. Ms. Talai stated that because incidents of residents going against medical advice are so individualized, it is difficult to address all possible scenarios in a policy. The policy was written to cover required regulations and broad situations. Dr. Ratanawongsa stated that staff attempt to provide counseling in anticipation of these events; documentation of these conversations are included in the patient chart.

Commissioner Guillermo noted that item 9 in the AMA policy should state that "LHH will advise," instead of "LHH should advise." Ms. Talai stated that this language will be revised.

Action Taken: The LHH JCC voted unanimously to recommend that the full Health Commission approve the following, with the understanding that LHH JCC members' questions and comments will be addressed prior to the full Health Commission approval.

November 2023

<u>Item</u>	<u>Scope</u>	<u>Policy No.</u>	<u>Policy Title</u>
1	Facility-wide	n/a	Organ Donation Policy
2	Facility-wide	n/a	Safe and Homelike Environment
3	Facility-wide	20-07	Against Medical Advice
4	Facility-wide	22-01	Abuse and Neglect Prevention Identification Protection, Reporting and Response
5	Facility-wide	24-06	Resident and Visitor Complaints/Grievances
6	Facility-wide	25-15	Medication Administration
7	Facility-wide	26-02	Management of Dysphagia and Aspiration Risk
8	Facility-wide	27-02	Referrals for Rehabilitation Services
9	Facility-wide	27-06	Guidelines for Inpatient Rehabilitation Facility Documentation
10	Facility-wide	50-02	Resident Trust Account
11	Medical Staff	C01-03	Organ/Tissue Transplant Donation Program
12	Nursing	B 5.0	Resident Identification and Color Codes
13	Nursing	J 1.1	Obtaining, Handling, and Storage of Medications and Treatments
14	Nursing	J 1.3	Aerosol/Nebulizer and Appendix
15	Nursing	J 1.4	Instillations of the Eye, Ear and Nose
16	FNS	1.83	Resident Meal Service

8. CLOSED SESSION

- A) Public comments on all matters pertaining to the Closed Session. (San Francisco Administrative Code Section 67.15).

Patrick Monette-Shaw provided verbal comment and submitted the following written summary:

As this LHH-JCC goes into closed Session, if you know now whether the three anonymous complaints CDPH investigated on site during October being reviewed by CDPH's District Office have resulted in additional "Immediate jeopardy" or "Actual Harm" citations against Laguna Honda Hospital, for once in your lives you should vote during Closed Session to disclose that and immediately inform members of the public about it proactively when you come out of today's Closed Session!

- B) Vote on whether to hold a Closed Session.

Action Taken: The LHH JCC unanimously voted to hold a closed session.

- C) Closed Session Pursuant to Evidence Code Sections 1156, 1156.1, 1157, 1157.5, 1157.6, and 1157.7; Health and Safety Code Section 1461; San Francisco Administrative Code Sections 67.5, 67.8, 67.8-1, and 67.10; and California Constitution, Article I, Section 1.

CONSIDERATION OF MEDICAL QUALITY IMPROVEMENT

CONSIDERATION OF MEDICAL STAFF CREDENTIALING MATTERS

CONSIDERATION OF PERFORMANCE IMPROVEMENT AND PATIENT SAFETY REPORTS

LHH Joint Conference Committee

November 14, 2023

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AND PEER REVIEWS

QUALITY IMPROVEMENT MEDICARE RECERTIFICATION UPDATE AND QUALITY IMPROVEMENT CLOSURE PLAN UPDATE

RECONVENE IN OPEN SESSION

1. Discussion and Vote to elect whether to disclose any portion of the closed session discussion that is not confidential under Federal or State law, The Charter, or Non-Waivable Privilege (San Francisco Administrative Code Section 67.12(a).)
2. Possible report on action taken in closed session (Government Code Sections 54957.1(a) and 54957.7(b) and San Francisco Administrative Code Section 67.12(b).

9. POSSIBLE DISCLOSURE OF CLOSED SESSION INFORMATION

Action taken: The LHH JCC voted to not discuss discussions held in closed session.

10. ADJOURNMENT

The meeting was adjourned at 5:46pm.