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**HEALTH COMMISSION
CITY AND COUNTY OF SAN
FRANCISCO**

**London N. Breed Mayor
Department of Public Health**



Grant Colfax, MD
Director of Health

Mark Morewitz, M.S.W.
Executive Secretary

TEL (415) 554-2666

FAX (415) 554-2665

Web Site: <http://www.sfdph.org>

AGENDA

HEALTH COMMISSION MEETING

Tuesday October 18, 2022 4:00 p.m.

101 Grove Street, Room 300

San Francisco, CA 94102 & via Webex

This meeting will be held in person at the location listed above. As authorized by California Government Code Section 54953(e) and Mayor Breed's 45th Supplement to her February 25, 2020 emergency proclamation, it is possible that some members of the San Francisco Health Commission may attend this meeting remotely via Webex. In that event, those members will participate and vote by video. Members of the public may attend the meeting to observe and provide public comment at the physical meeting location listed above or online at <https://sfdph.webex.com/sfdph/onstage/g.php?MTID=e9c52b51154e48711cdcdcf54a9ef1a3a>. Everyone attending the meeting in person is required to wear a mask throughout the meeting, per DPH requirements. Instructions for providing remote public comment can be viewed on page 4 of this meeting agenda.

1) CALL TO ORDER

RAMAYTUSH OHOLONE LAND ACKNOWLEDGEMENT

The San Francisco Health Commission acknowledges that we are on the unceded ancestral homeland of the Ramaytush (rah-my-toosh) Ohlone (O-lon-ee) who are the original inhabitants of the San Francisco Peninsula. As the Indigenous stewards of this land, and in accordance with their traditions, the Ramaytush Ohlone have never ceded, lost, nor forgotten their responsibilities as the caretakers of this place, as well as for all peoples who reside in their traditional territory. As guests, we recognize that we benefit from living and working on their traditional homeland. We wish to pay our respects by acknowledging the Ancestors, Elders, and Relatives of the Ramaytush Ohlone community and by affirming their sovereign rights as First Peoples.

2) FOR DISCUSSION:

**LAGUNA HONDA HOSPITAL AND REHABILITATION CENTER (LHH)
CLOSURE PLAN AND CMS RECERTIFICATION UPDATE**

(Roland Pickens, Director, San Francisco Health Network and Acting LHH CEO)

THE CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS) TERMINATED LHH'S PARTICIPATION IN THE MEDICARE AND MEDICAID PROVIDER PARTICIPATION PROGRAMS IN APRIL 2022. AS A RESULT, LHH IS REQUIRED BY CMS TO TRANSFER OR DISCHARGE PATIENTS WHILE APPLYING FOR RECERTIFICATION TO THE MEDICARE AND MEDICAID PROVIDER PARTICIPATION PROGRAMS.

3) **CLOSED SESSION**

- A) Public comments on all matters pertaining to the Closed Session. (San Francisco Administrative Code Section 67.15).
- B) Vote on whether to hold a Closed Session in relation to item 3.D below. (Action Item)
- C) Vote on whether to hold a closed session in relation to item 3.E below regarding pending litigation and to assert the attorney-client privilege in relation to that closed session discussion.

Motion that the Health Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding existing litigation to which the City and County of San Francisco is a party and proposed settlements as described below and whether to assert the attorney-client privilege in relation to those matters. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending litigation matters listed below.

(San Francisco Administrative Code Section 67.10(d); and California Government Code Section 54956.9(d)(3)). (Action Item)

- D) 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.

FOR DISCUSSION:

**LAGUNA HONDA HOSPITAL AND REHABILITATION
CENTER QUALITY UPDATE REGARDING RECENT
REGULATORY SURVEY ACTIVITY**

(Roland Pickens, Director, San Francisco Health Network; Troy Williams, Chief Quality Officer, San Francisco Health Network; and Baljeet Sangha, Chief Operating Officer, San Francisco Health Network)

- E) Closed Session Pursuant to San Francisco Administrative Code Section 67.10(d); and California Government Code Section 54956.9(d).

PROPOSED ACTION: SETTLEMENT OF LITIGATION: United States Department of Health and Human Services – CITY TO PAY \$203,885.

CITY AND COUNTY OF SAN FRANCISCO, Plaintiff, vs. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, XAVIER BECERRA, Secretary of the Department of Health and Human Services; and DOES 1-25, Defendants.

(U.S. District Court, Northern District of California, Case No. 3:22-CV-4500) (Action Item)

NOTE: The Health Commission will meet in Closed Session for 60 minutes and then return to Open Session. Members of the public attending the meeting via online access may return to the meeting 60 minutes after the Health Commission goes into Closed Session, and Open Session will start again shortly thereafter. Members of the public attending in person will be asked to leave the room for 60 minutes and will be let back in once the Health Commission returns to Open Session. The Health Commission will not return to Open Session sooner than 60 minutes after starting Closed Session. If the Health Commission does not complete the Closed Session discussion within the 60-minute period, it will return to Closed Session at the end of the meeting.

RECONVENE IN OPEN SESSION

1. If Closed Session is complete, 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).) (Action item)
2. If Closed Session is complete, 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)).

4) **PROPOSED ACTION:** **APPROVAL OF THE MINUTES OF THE HEALTH COMMISSION MEETING OF OCTOBER 4, 2022.**

**Minutes of the meetings of October 4, 2022.*

5) **FOR DISCUSSION:** **DIRECTOR'S REPORT**

(Grant Colfax MD, DPH, Director of Health)

- COVID-19
- MPX
- Departmental News
- Budget

**Director's Report*

THE HEALTH COMMISSION WILL HEAR AN UPDATE OF DPH ACTIVITIES INCLUDING COVID-19 AND MPX-RELATED DATA AND INITIATIVES.

6) **FOR DISCUSSION:** **ANNUAL COMPLIANCE TRAINING**

THE HEALTH COMMISSION WILL PARTICIPATE IN THE ANNUAL COMPLIANCE TRAINING.

7) **FOR DISCUSSION:** **OFFICE OF COMPLIANCE AND PRIVACY AFFAIRS ANNUAL REPORT**

THE HEALTH COMMISSION WILL DISCUSS THE DPH ANNUAL COMPLIANCE AND PRIVACY AFFAIRS REPORT.

8) **GENERAL PUBLIC COMMENT**

AT THIS TIME, MEMBERS OF THE PUBLIC MAY ADDRESS THE COMMISSION ON ITEMS OF INTEREST TO THE PUBLIC THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE COMMISSION THAT ARE NOT ON THIS MEETING AGENDA. WITH RESPECT TO AGENDA ITEMS, YOUR OPPORTUNITY TO ADDRESS THE COMMISSION WILL BE AFFORDED WHEN THE ITEM IS REACHED IN THE MEETING. EACH MEMBER OF THE PUBLIC MAY ADDRESS THE COMMISSION FOR UP TO THREE MINUTES. THE BROWN ACT FORBIDS THE COMMISSION FROM TAKING ACTION OR DISCUSSING ANY ITEM NOT APPEARING ON THE POSTED AGENDA, INCLUDING THOSE ITEMS RAISED AT PUBLIC COMMENT. PLEASE SEE PAGE 4 OF THIS AGENDA FOR INFORMATION REGARDING INSTRUCTIONS FOR MAKING PUBLIC COMMENT.

9) **FOR DISCUSSION:** **COMMUNITY AND PUBLIC HEALTH COMMITTEE UPDATE**

THE COMMITTEE CHAIR WILL GIVE A BRIEF UPDATE ON MATTERS DISCUSSED AND/OR RECOMMENDATIONS MADE IN THIS COMMITTEE INCLUDING AN UPDATE FROM ENVIRONMENTAL HEALTH EMERGENCY RESPONSE TEAM AND A PUBLIC HEALTH ACCREDITATION UPDATE.

10) **OTHER BUSINESS:**

OPPORTUNITY WHEN COMMISSIONERS, THE DIRECTOR OF HEALTH, AND THE PUBLIC MAY BRING UP TOPICS FOR DISCUSSION, PROVIDING THAT ANY ACTION IS DELAYED UNTIL PROPER NOTICE CAN BE GRANTED.

11) **FOR DISCUSSION:** **JOINT CONFERENCE COMMITTEE AND OTHER COMMITTEE REPORTS**

THE HEALTH COMMISSION WILL HEAR A BRIEF SUMMARY OF THE OCTOBER 11, 2022 LHH JCC MEETING.

12) CLOSED SESSION (CONTINUATION IF NEEDED)

- A) Return to Closed Session, if needed.
- B) Continuation of 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.

Continuation of Closed Session Pursuant to Closed Session Pursuant to San Francisco Administrative Code Section 67.10(d); and California Government Code Section 54956.9(d).

FOR DISCUSSION:

CONTINUATION OF AGENDA ITEM 3) ABOVE.

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).) (Action item)
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)).

13) ADJOURNMENT

- * Explanatory documents are available at the Health Commission Office, 101 Grove Street, Room #309, telephone 554-2666. If any materials related to an item on this agenda have been distributed to the Health Commission after distribution of the agenda packet, those materials are available for public inspection at the Health Commission Office at the address above during normal business hours.

Accessible Meeting Policy

American Sign Language interpreters and readers and/or language interpreters are available with advance notice of three business days. The Department of Public Health will make every effort to accommodate requests for sound enhancement systems and alternative formats for meeting minutes and agendas. Please make these requests as far in advance as possible. For all requests contact the Health Commission office at 554-2666. Late requests will be honored if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Cell Phone and/or Sound Producing Electronic Device Usage at Hearings

The ringing of and use of cellular phones, pagers and similar sound producing electronic devices are prohibited during public meetings. Please be advised that the Chair/President may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phones, pagers, or other similar sound producing electronic devices (Sunshine Ordinance 67A.1).

Know Your Rights under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the sunshine ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force Administrator by mail to, 1 Dr. Carlton b. Goodlett Place, Room 244, San Francisco, CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org. Citizens may obtain a free copy of the Sunshine Ordinance by contacting the Sunshine Ordinance Task Force or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfbos.org/sunshine>.

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Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (Administrative Code Section 16.520-534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, contact the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112 or visit its website at <http://www.sfgov.org/ethics>.

Meeting Access Information

Members of the public may attend the meeting in person at 101 Grove Street, room 300, or view the meeting via the links below. Anyone attending the meeting in person is required to wear a mask throughout the meeting.

<https://sfgovtv.org/DPHLiveStream>

<https://sfdph.webex.com/sfdph/onstage/g.php?MTID=e9c52b51154e48711cdcdf54a9ef1a3a>

NOTE: Depending on your broadband/WIFI connection, there may be a delay when viewing the meeting live. Those intending to make public comment are encouraged to use the Webex link to reduce the possibility of a delay.

PUBLIC COMMENT CALL-IN: 415-655-0003/ Access Code: 2455 100 2801

After entering the access code, press # twice to listen to the meeting

(There is no delay when listening to the meeting using this number.)

Information Regarding Providing Remote Public Comment

- Each individual may comment 1 time per agenda item.
- Each individual may speak for up to 3 minutes; after which time the line is automatically silenced.
- To make public comment on a specific agenda item, dial in using the information above, when the item is called.
- Dial “*3” to be added to the public comment queue for this item.
- When it is your time to speak, you will hear “Your line has been unmuted.”
- Ensure you are in a quiet location.
- Before you speak, mute the sound of any equipment around you including televisions, radios, and computers. It is especially important that you ***mute your computer*** so there is no echo sound when you speak.
- When the Commission Secretary states, “Next Caller,” you are encouraged to state your name clearly. As soon as you speak, your time allotment will begin.
- After you speak, you will go back to listening mode. You may stay on the line to provide public comment on another item.