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January 5, 2005

The Honorable Gavin Newsom
Mayor of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102

Re: The Lack of Mayoral Vision for Laguna Honda Hospital

Dear Mayor Newsom,

When you met with Sister Miriam Walsh, Director of Laguna Honda Hospital's (LHH) Pastoral Care Department on November 17 at her request, I was honored she invited me to sit in on that meeting, along with several dedicated LHH physicians advocating for their patient's care, and others whom Sister Miriam invited to attend, including Virginia Leishman, the former director of nursing at LHH for 44 years. Apparently at your request, Dr. Mitchell Katz, Director of Public Health, and John Kanaley, the new Executive Administrator of LHH, attended, as well.

I recall Sister Miriam's first question to you was (paraphrasing): "Under whose authority is the mission of LHH to care for San Francisco's frail elderly in this long-term care skilled nursing home being changed from the will of the voters in 1999?"

Since your meeting with Sister Miriam, problems at Laguna Honda have worsened. Among the many problems with the situation at LHH is your silence, given the lack of a publicly-stated mayoral vision for LHH's mission in a written position paper on LHH.

As you must surely know, Health Commissioner Jim Illig, whom you appointed to the Commission, has been saying for the past year that the mission of Laguna Honda Hospital is going to change. As well, John Kanaley announced at the December 23 LHH-Joint Conference Committee that the LHH Executive Committee, during two retreats it held on November 23 and December 9 — both held just days after your meeting with Sister Miriam — had unanimously agreed to remove "long term care" from the mission statement for Laguna Honda Hospital, which, in and of itself, is a huge change to LHH's mission.

Rather than answering Sister Miriam's first question directly, you deferred by asking former City Attorney Renne, who also attended, for an interpretation of the language of Proposition A. As I noted to you later during the November 17 meeting, Ms. Renne's recitation that Proposition A did not mention that LHH would be rebuilt to house frail elderly was inaccurate. You may recall I noted that the November 1999 voter guide contained many dozens of paid arguments in favor of Prop A, 34 of those arguments were paid for, in part, by Dr. Mitchell Katz, Director of Public Health, and by SEIU 790. Many of the 34 paid arguments featured various then-City officials, including members of the Health Commission, the Chief of the Fire Department, DPH's Chief Financial Officer, the Chief Medical Officer of DPH's Community Health Network, Dr. Katz himself, then City Attorney Louise Renne, Congresswoman Nancy Pelosi, and two paid arguments by Senator Dianne Feinstein. In addition, Dr. Katz and SEIU also paid for the arguments of Sister Miriam and Virginia Leishman. Among other City fathers, there were many arguments in favor of Prop A paid for by other people, including by eight members of the Board of Supervisors, but excluding you.

As I noted to you on November 17, correcting Ms. Renne, those representations by these officials, along with the actual language of Proposition A, created a compact with the voters, as they pledged to maintain LHH as a medical model skilled nursing facility for elderly San Franciscans. It was the combination of the ballot arguments and the Proposition that convinced voters they had a compact with the City; trusting the integrity of the compact, 73.1% of voters cast their ballots, indicating their will by directing the City to rebuild LHH as a skilled nursing home.

You will also recall that Sister Miriam ended her meeting with you by asking you point blank, "Mr. Mayor, what is your vision for Laguna Honda Hospital?," or words to that effect. You again sidestepped providing Sister Miriam with a direct answer, regaling us with an anecdote your father taught you as a young boy: That when faced with a problem or a new situation, you should "seek out" information before forming an opinion.

Given *The Examiner's* interview with you in today's edition, in which it noted you have mentioned a desire to honor San Francisco's values, that you view as one of those core values compassion and a sense of community, and that you "respect local folks very much," I remain struck by the vagueness of your answer to Sister Miriam.

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Nearly two months have passed since your November 17 meeting without further word from you about LHH's mission. I maintain that your information "seeking" should begin and end with the will of the voters, and your quest should quickly come into alignment with their will.

First, you have had fully eight-years as an elected official of San in order to have formed an opinion on LHH's mission. Since you were a City Supervisor for seven years, and our Mayor for one year, you should be highly educated on the issues facing LHH during the past decade. Those issues should not be anything new to you, nor require "seeking" more information prior to forming an opinion on, or a vision of, LHH's future. There is a plethora of City employees who can brief you on the worsening issues facing LHH, should you really be that uninformed.

Notably, on June 21, 1999, while Supervisor of District 2, you sided with your "colleague," Supervisor Kaufman, by voting against putting the LHH rebuild bond measure on the November 1999 ballot; your remaining nine colleagues, however, sided with Dr. Katz and the Health Commission, who were strongly in favor of rebuilding LHH for the elderly. Subsequently, on August 16, 1999, you again joined Kaufman by failing to join your eight colleagues in signing the Board of Supervisors paid argument in favor of Proposition A that appeared in the voter guide.

Disturbingly, in order to hand then Mayor Willie Brown his final so-called "balanced" budget (that was actually out of balance by \$25 million), you, along with the remaining ten members of the Board of Supervisors voted on June 2, 2003 to introduce Ordinance 191-03 to improperly permit the diversion and misappropriation of \$25 million in tobacco settlement funds — under trust and given the compact — that the voters were lead to believe would only be used for rebuilding LHH. Subsequently, you voted unanimously with the Board on July 15, 2003 to pass Ordinance 191-03. All of you, along with Willie Brown, must have surely known in June and July 2003 that Proposition A did not permit the use of tobacco settlement funds for balancing the City budget, so it is inexplicable that you voted along with a unanimous Board to permit misappropriating funds held in an account for the public trust to rebuild LHH.

When Ms. Renne learned of the improper and illegal misappropriation, she threatened to sue the City to recover those funds, and we believed she would do so in order to comply with the language of Proposition A — that it, is to recover the \$25 million for use in rebuilding *buildings* for a facility or facilities to replace LHH.

So imagine my surprise when I had to go before the Board of Supervisors Rules Committee in December 2003 objecting to a proposed settlement with Ms. Renne to use \$20 million of the misappropriated funds for acquiring furniture, fixture, and equipment (FFE), instead, which clearly diverted the \$25 million for a second time. Surely, since you were still a Supervisor in December 2003, you must have known and been informed of the deal being struck with Ms. Renne. As you may remember, when I asked the Rules Committee what they were going to do with the \$5 million difference between the misappropriated \$25 million and the \$20 million deal with Renne, they suddenly (within five hours), revised the tentative agreement (Version 8) that became the final agreement, upping the arrangement with Renne to the full \$25 million. That deal was subsequently approved by Resolution of the Board of Supervisors in January 2004 after you took office as Mayor.

I note with interest that you did not, as Mayor during the same time Renne was the Chief of your Transition Team, attempt to stop the Board of Supervisors, and you quietly permitted the second diversion of the \$25 million from its intended purpose by way of a mere Resolution, since as you know, Proposition A also made no provision that the tobacco settlement account could be used to acquire FFE.

Given the history described above, surely you have formed some ideas about LHH and its mission by now.

Second, the voters in 1999 clearly told you, the Board of Supervisors, and the Office of the Mayor exactly what San Franciscans want and expect: A nursing home in which to care for the elderly. It is growing increasingly clear that this nation simply does not sufficiently respect our elderly among us, and has not paid adequate attention towards funding long-term care skilled nursing facilities.

Indeed, as Mayor, it cannot have escaped your notice that the issue of the change in patient population at Laguna Honda, which is drastically changing the mission of LHH, has been a source of disagreement between Dr. Katz and LHH's staff for now over ten months, since March 2004, while you have sat by and not said a single word about it. Shortly before you appointed Tony Hall to be the director of the Treasure Island Development Authority, then Supervisor Hall called into question Dr. Katz's decision making ability regarding the change in the LHH admissions policy and its effect of the

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elderly frail residents of LHH; surely you must be aware Hall raised this question on June 24, nearly seven months ago. Since Hall's hearing, you have sat by without becoming actively involved in what is happening at LHH.

I trust you will recall that many of the assertions Dr. Katz made during the November 17 meeting were refuted by others in attendance. You indicated that you would work with Dr. Katz to develop solutions, but in the past two months, no publicly-released plans have been forthcoming from either of your good offices.

Third, when several physicians at Laguna Honda requested a meeting with you last year, it took nearly two months for them to obtain an appointment with you, but when they arrived, you did not meet with them; instead, you had your Chief of Staff, Mr. Kawa, meet with them. You missed an important opportunity in which to educate yourself about the problems at LHH from the perspective of physicians who work there who were advocating for their patients' healthcare.

Fourth, I am aware that you have received many, many letters from a variety of concerned citizens over the course of the past six months describing in great detail the worsening problems at LHH. For just one example of information that has been sent to you, frail elderly female San Franciscans are being displaced to out-of-county skilled nursing homes in order to admit more vigorous male patients from San Francisco General Hospital, many of whom are not even San Francisco residents. In other words, rather than returning out-of-county residents to their own counties of origin for care, we are sending San Francisco's elderly residents in need of long-term care out of county instead. Another example involves potential discrimination against elderly Asian/Pacific Islander San Franciscans who are being denied admission to LHH. Another example I am aware you have been informed about is the new "social rehabilitation" and "behavioral health" programming at LHH that is rapidly replacing LHH's mission to provide long-term care to the frail elderly and disabled.

It is abundantly clear that the City, under your leadership as Mayor, appears to be "repurposing" Laguna Honda's mission into a "social rehabilitation center," against the express intent of the vast majority of San Francisco voters.

It is long past time for you to have developed a "mayoral vision" for Laguna Honda Hospital. Had you left unaddressed for several months the worsening issue of violence in the Bayview/Hunters Point neighborhoods, or ignored the situation with the hotel strike for two months, there would have been great public outcry. There *has been* public outcry about the dire situation facing LHH, yet you have still not responded to Sister Miriam's questions for fully two months.

Before the situation at Laguna Honda deteriorates any further, as it rapidly has since your November meeting with Sister Miriam, I urge you to put away your questing gear, quickly end this Quixotian quest, put down your copy of Robert Kennedy's collected speeches (as reported in today's *Examiner*) long enough to complete fully investigating the situation at LHH, and come clean with San Franciscans.

Since the problems at LHH should no longer be "new" to you, about which you were taught to explore, tell us clearly, and now: Exactly what are your plans, Mr. Mayor, for the use of the LHH facilities at 375 Laguna Honda Boulevard?

Respectfully yours,

Patrick Monette-Shaw
Independent Community Observer

cc: Sister Miriam Walsh
Virginia Leishman
San Francisco Board of Supervisors
San Francisco Health Commission
Mitch Katz, MD, Director of Public Health, San Francisco Department of Public Health
Benson Nadell, Director of San Francisco Long Term Care Ombudsman Program, Family Service Agency of San Francisco
Susan Mizner, Director, Mayor's Office on Disability
Bruce Livingston, Executive Director, Senior Action Network
John Farrell, Laguna Honda Committee for the West of Twin Peaks Central Council