

# **Review of Health Commission-Related Roles and Responsibilities**

**August 19, 2014 Planning Meeting**

# Overview of the Health Commission's Roles and Responsibilities

- The general duties of all boards and commissions include adopting policies for the department, submitting nominations to the Mayor for appoint of the department head, overseeing and if necessary removing the department head, approving departmental budgets and exercising oversight and inquiry power over departmental operations. (Charter 4.102)
- Formulate, evaluate and approve goals, objectives, plans and programs and set policies consistent with the overall objectives of the City and County, as established by the Mayor an the Board of Supervisors through the adoption of City legislation. (Charter 4.102)
- Develop and keep current an Annual Statement of Purpose outlining its areas of jurisdiction, authorities, purpose and goals, subject to review and approval by the Mayor and the Board of Supervisors. (Charter 4.102)
- After public hearing, approve applicable departmental budgets or any budget modifications or fund transfers requiring the approval of the Board of Supervisors, subject to the Mayor's final authority to initiate, prepare and submit the annual proposed budget on behalf of the executive branch and the Board of Supervisor's authority under Charter Section 9.103.
- Recommend to the Mayor for submission to the Board of Supervisors rates, fees and similar charges with respect to appropriate items coming within their respective jurisdictions. (Charter 4.102)
- Submit to the Mayor at least three qualified applicants, and if rejected, to make additional nominations in the same manner, for the position of department head, subject to appointment by the Mayor (Charter 4.102)

# Overview of the Health Commission's Roles and Responsibilities

- Remove a department head; the Mayor may recommend removal of a department head to the commission, and it shall be the commission's duty to act on the Mayor's recommendation by removing or retaining the department head within 30 days; failure to act on the Mayor's recommendation shall constitute official misconduct. (Charter 4.102)
- Conduct investigations into any aspect of governmental operations within its jurisdiction through the power of inquiry, and make recommendations to the Mayor or the Board of Supervisors. (Charter 4.102)
- Exercise such other powers and duties as shall be prescribed by the Board of Supervisors. (Charter 4.102)
- Appoint an executive secretary to manage the affairs and operations of the board or commission. (Charter 4.102)
- In addition to these general rules, the Charter requires the Commission, acting through the department, to manage and control the City's hospitals and emergency medical services, and in general to preserve, promote and protect the physical and mental health of the City's inhabitants, except where the Charter grants such authority to another officer or department. (Charter 4.110) The Commission and the Department also determine the nature and character of public nuisances and provide for their abatement. (Charter 4.110)
- Charter 4.102 provides that "any dictation, suggestion or interference [in administrative affairs] herein prohibited on the part of any member of a board of commission shall constitute official misconduct..." Thus, in addition to requiring that a commission deal with administrative matters solely through the department head or his or her designees, section 4.102 prohibits *individual members* of boards and commissions from dictating, suggesting or interfering in administrative matters. (City Attorney Opinion 90-01, p.3) The prohibition does not, however, prevent individual commissioners from seeking information from the department head about the department's operations. Further, with the department head's consent, commissioners may also seek information from Departmental staff.

# Overview of the SFDPH Director of Health's Roles and Responsibilities

- Appoint qualified individuals to fill positions within the department that are exempt from the civil service provisions of the Charter, and discipline or remove such employees. Charter 4.126; Admin. Code 2A.30
- Act as appointing officer under the civil service provisions of the Charter for the appointing, disciplining, and removal of employees. Admin. Code 2A.30; Charter A8.329
- Issue or authorize requisitions for the purchase of materials, supplies, and equipment required by the department. Admin. Code 2A.30.
- Adopt rules and regulations governing matters within the jurisdiction of the department, subject, if applicable, to Charter section 4.102. Charter 4.126.
- With approval of the City Administrator, reorganize the department. Charter 4.126.

# Role of the Joint Conference Committees

- Joint Conference Committee or “JCC” is a common name in the hospital industry for committees established to maintain a forum in which members of the governing body, hospital administration, and the medical staff can discuss hospital matters.
- The JCCs are subordinate to the governing body. The governing body delegates specific duties to these committees but retains ultimate responsibility and control over the institutions.
- JCCs are “legislative bodies” under state law and “policy bodies” under the San Francisco Sunshine Ordinance [Gov’t Code 54950 et. Seq., (the Ralph Brown Act), and the SF Admin. Code Chapter 67]
- JCCs review and approve the appointment and reappointment of medical staff members, bi-annual reports from clinical services, and reports from the Quality Improvement and Patient Safety Committee. The Chief of Staff refers these matters to the JCC, which provides a mechanism for monitoring, evaluating, and reporting on the necessity, quality and level of services.
- JCCs meet in closed session for the limited purpose of considering quality improvement matters. (Evidence Code Section 1157.7)