

Edward A. Chow, M.D.
President

David B. Singer
Vice President

Cecilia Chung
Commissioner

Judith Karshmer, Ph.D., PMHCNS-BC.
Commissioner

David Pating, M.D.
Commissioner

David J. Sanchez, Jr., Ph.D.
Commissioner

Belle Taylor-McGhee
Commissioner

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

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Department of Public Health



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MINUTES

HEALTH COMMISSION MEETING

Tuesday, March 3, 2015, 4:00 p.m.

101 Grove Street, Room 300 or Room 302

San Francisco, CA 94102

1) CALL TO ORDER

Present: Commissioner Edward A. Chow M.D., President
Commissioner David B. Singer, Vice President (left 6:11pm)
Commissioner Cecilia Chung Commissioner
Judith Karshmer, Ph.D, PMHCNS-BC
Commissioner David Pating, M.D.
Commissioner David J. Sanchez Jr., Ph.D. (arrived 4:11pm)

Excused: Commissioner Belle Taylor-McGhee

The meeting was called to order at 4:06pm.

2) APPROVAL OF THE MINUTES OF THE HEALTH COMMISSION MEETING OF FEBRUARY 17, 2015

Action Taken: The Health Commission unanimously approved the minutes of the February 17, 2015 Health Commission meeting.

3) Barbara Garcia, Director of Health, gave the report. The full report can be viewed at: <http://www.sfdph.org/dph/comupg/aboutdph/insideDept/dirRpts/default.asp>

Covered California Special Enrollment Period

Covered California open enrollment for 2015 ended on February 20. However, the marketplace is extending a special enrollment period, through April 30, 2015, for people who were unaware of the tax penalties for not carrying health insurance. This special enrollment period aligns with a similar one extended on the federal marketplace. Eligible persons will not be exempt from paying the 2014 penalties, but will have a chance to avoid the higher penalty rates slated for remaining uninsured in 2015.

Announcing the DPH Office of Compliance and Privacy Affairs

To coordinate privacy and compliance efforts across the department, I am announcing the formation of a new Office of Compliance and Privacy Affairs. This office will have centralized oversight for compliance and privacy throughout the Department and will report directly to me as the Director of Health.

I am pleased to announce the appointment of Maria X Martinez, MA as the Director of the Office of Compliance and Privacy Affairs. She will also serve as the DPH Chief Privacy Officer. Maria brings many years of experience working on inter-agency, cross-departmental system changes. She also served as the Community Programs Privacy Officer as we implemented HIPAA.

In addition to maintaining central accountability and an independent perspective from our day-to-day operations, the Office of Compliance and Privacy Affairs will strive to strengthen our internal operations and give each section the support they need to accomplish their mission. Please join me in welcoming our new leadership.

Project Homeless Connect 58

The first Project Homeless Connect (PHC) of 2015 is around the corner! Volunteer registration is now open for PHC's 58th event on March 11. Volunteer opportunities are available from 6:30 a.m. - 6:00 p.m. You can also help distribute flyers to potential volunteers or participants.

Naloxone Co-prescription Academic Detailing Project

The Substance Use Research Unit received funding from the California Healthcare Foundation to conduct "academic detailing" of community primary care providers in San Francisco to encourage co-prescribing naloxone to patients who use opioids. Part of a larger effort by DPH to address opioid overdose in San Francisco, this project dovetails with successful naloxone prescribing efforts within the CHN. Phillip Coffin and Emily Behar lead the pilot, which has led to production of user-friendly, visually-stimulating materials for patients and providers, and are reaching out directly, in one-on-one meetings, to 40 community providers. The California State Board of Pharmacy is also considering using the patient brochure in pharmacies statewide.

DPH Staff Engagement Survey - *We're Ready to Listen, We're Ready to Respond*

In addition to improving the health of our communities and providing the highest quality of care for our patients, the San Francisco Department of Public Health (SFDPH) is also committed to providing a positive workplace for our staff and providers. Understanding your values, feedback, and level of engagement is vital to our commitment and success. From March 2 through March 27, we are administering the first ever, DPH wide employee engagement survey. The survey is being administered by a third party vendor, National Research Corporation, a leader in staff and patient experience. The survey is an important step in understanding where and how we can continue to develop our organization as a great place to work.

Two CBHS staff to advise UCSD on Evaluation Recovery Orientation of Counties

Gloria Frederico, MFT, and Diane Prentiss, MA MPH, attended the first meeting of a statewide advisory workgroup focused on Recovery Oriented practices in mental health services. Transforming mental health services to be more recovery oriented is a primary objective of the Mental Health Services Act (MHSA – Proposition 63), which was enacted ten years ago. The Mental Health Services Oversight and Accountability Commission (MHSAOAC) contracted with UC San Diego to conduct evaluation research into how effectively Recovery practices are being implemented in California counties.

Michael Baxter Memorial Event

The memorial for Michael Baxter is scheduled for Wednesday, March 25 at 4:00 p.m. at San Francisco City Hall. Family and friends and others are welcome.

Dr. Deborah Cohan featured in SF Chronicle

Deborah Cohan reached peak Internet fame a few days after her double mastectomy in November 2013. In the minutes leading up to her surgery, Cohan led her team of doctors and nurses in a Beyoncé dance party that was captured on video. The video went viral shortly after the surgery, and it's since been viewed more than 8 million times on YouTube. It's inspired dozens of similar festive dances.

She's the "dancing doc" on the Internet. But in San Francisco and the global public health community, Cohan, a UCSF obstetrician, has reached a different kind of fame. She's widely respected for her work in HIV care — specifically, in treating pregnant women with HIV and pioneering efforts to help HIV-affected couples have healthy families.

Her work reflects her dance. As a doctor and patient, she's never focused solely on survival, but on living with passion and joy. To her patients with HIV, she strives to offer hope of new life and a vibrant future at a time when they are often focused on the barest, hardest work of making it day to day. The article covers Cohan's medical experience, dealing with complex patients and how her cancer is now gone.

Michelle Long Honored

Michelle Long was honored by Mission Neighborhood Health Center at their 25th Anniversary event commemorating the establishment of Clinica Esperanza/HIV Clinic in December. Michelle was acknowledged for her contributions as the former DPH Director of HIV Health Services for leadership, advocacy and innovation in the development of models of HIV Care.

Public Comment:

Francisco Da Costa, Director of Environmental Justice Advocacy, stated that often when a member of the public requests information from the DPH, it is difficult to get the attention of Director Garcia. He noted that the information given in response to his request was basic information. He stated that he previously worked in the Police and as a Congressional liaison. He added that he is very interested in quality of life issues.

Commissioner Comments/Follow-Up:

Commissioner Singer asked for an update on enrollment in Covered California. Director Garcia stated that the San Francisco Health Network is still negotiating contracts with Covered California. She added that an update on the full enrollment of Covered California is scheduled to be presented to the Finance and Planning Committee on April 7th.

Commissioner Chow requested that an update be made to the Community and Public Health Committee regarding the Evaluation Recovery Orientation of California Counties that is listed in the Director's Report.

4) GENERAL PUBLIC COMMENT

Francisco Da Costa, Director of Environmental Justice Advocacy, stated that the environmental issues related to Candlestick Park are similar to those of the Naval Yard in Hunter's Point. He also said that the City is not addressing these environmental issues.

5) FINANCE AND PLANNING COMMITTEE

Commissioner Chung, Committee Chair, stated that the Committee discussed the Contracts Report, a request for a new perpetual software licensing agreement, and a request for relocation of the San Francisco AIDS Foundation Magnet Clinic and expansion of its substance use and mental health services. The Committee recommended that the full Health Commission approve all of the items on the Consent Calendar. It also heard a presentation on the DPH Behavioral Health Services meaningful use of electronic records.

6) CONSENT CALENDAR

Action Taken: The Health Commission unanimously approved the following:

- REQUEST FOR APPROVAL OF A NEW PERPETUAL SOFTWARE LICENSE AGREEMENT IN THE AMOUNT OF \$288,211 WITH PHILIPS HEALTHCARE FOR THE GUARDIAN AND INTELLIBRIDGE ENTERPRISE (IBE) SOFTWARE APPLICATIONS USED IN CONJUNCTION WITH PATIENT MONITORING DEVICES FOR THE NEW SAN FRANCISCO GENERAL HOSPITAL

AND TRAUMA CENTER FOR THE TERM OF MARCH 1, 2015, THROUGH FEBRUARY 28, 2020 (60 MONTHS).

- REQUEST FOR APPROVAL OF A NEW AGREEMENT IN THE AMOUNT OF \$1,148,448 WITH ORGANIZATIONAL INTELLIGENCE, LLC TO PROVIDE DEVELOPMENT, CUSTOMIZATION, SUPPORT AND ACCESS TO WEB-BASED DECISION SUPPORT SYSTEM SOFTWARE TO BE USED BY THE SAN FRANCISCO HEALTH NETWORK FOR MARCH 25, 2015 TO MARCH 24, 2019 (4 YEARS).
- MARCH 2015 CONTRACTS REPORT
- REQUEST FOR SITE APPROVAL FOR RELOCATION OF CONTRACTED MAGNET CLINIC AND EXPANSION OF SUBSTANCE USE AND MENTAL HEALTH SERVICES OF SAN FRANCISCO OF SAN FRANCISCO AIDS FOUNDATION AS REQUIRED BY CHAPTER 79 OF THE SAN FRANCISCO ADMINISTRATIVE CODE, THE CITIZEN'S RIGHT-TO-KNOW ACT OF 1998, ALSO REFERRED TO "PROP. I."

7) DPH BUDGET FY 2015-16 & FY 2016-17

Greg Wagner, Chief Financial Officer, gave the budget presentation. Bill Kim, CIO, presented information for item 9 as part of the presentation for this item.

Note: After the presentation for this item, the Health Commission moved to item 8 to hear the presentation and comment from members of the public in attendance. After the Health Commission voted on item 8, it returned to discuss and vote on item 7.

Commissioner Comments/Follow-Up

Commissioner Chow asked what the amount for primary care is being decreased. Mr. Wagner stated that in last year's SFDPH budget, there was an expansion of primary care funds to increase staffing for a proposed primary call center and a new primary care clinic; however neither of these initiatives moved forward. Therefore this year's budget includes a realistic hiring plan for primary care positions. He noted that this indicates a slower rate of growth, not an intended reduction.

Commissioner Chow requested an update on the cultural humility trainings and cultural competency activities within SFDPH.

Commissioner Chow acknowledged the contribution of Commissioner Singer to consistently advocating for the SFDPH to prioritize investment in an electronic medical record. He noted the \$20M added to the SFDPH base budget is for this purpose.

Commissioner Pating noted that Commissioner Singer had to leave due to a family issue and on his behalf asked Mr. Wagner to discuss the impact of future hiring and permanent FTEs on the budget. Mr. Wagner stated that this year's budget had a positive variance due to unfilled positions. He anticipates that the number of hires for next year will increase due in part to the opening of the new SFGH hospital building and IT needs. He noted that each request for a new position is analyzed to determine if it is essential. Mr. Wagner also stated that the SFDPH finance staff are getting budget policies in place to ensure the Department is prepared for an economic downturn.

Commissioner Chung asked if analysis has been done on the long-term need of the 89 new IT positions requested in the budget. Bill Kim, SFDPH CIO, stated that these positions are integral to the development and maintenance of the proposed electronic medical record system.

Commissioner Chung stated that it is important to keep patient health literacy in mind when designing the electronic medical record system.

Commissioner Karshmer thanked the SFDPH for prioritizing the investment in the electronic medical record.

Commissioner Pating suggested that the SFDPH develop a document that presents the rationale for the cost of the SFDPH-wide electronic medical record system. He added that the document may be helpful to assist the public, auditors, and potential donors in understanding the importance of the system to future SFDPH revenue.

Commissioner Chung asked if Mr. Kim will be reviewing all IT contract requests to the Health Commission to ensure that each request fits into the SFDPH long-term IT vision. Director Garcia stated that Mr. Kim has already been reviewing all IT contract-related requests for this reason.

Action Taken: The Health Commission unanimously approved the DPH Budget FY 2015-16 & FY 2016-17.

8) MESSAGE ESTABLISHMENTS IN SAN FRANCISCO & CODIFICATION OF STATE LAW AND AMENDMENTS TO THE SF HEALTH CODE; RESOLUTION

Cyndy Comerford, Environmental Health Branch, gave the presentation.

Dianna Kezone, Legislative Aide to Supervisor Tang, stated that Supervisor Tang's intent is to codify AB1147's provisions returning regulatory controls back to local jurisdictions. Through this legislation, her office hopes to implement AB1147 within the Health Code and allow the SFDPH to better regulate massage establishments given state law changes. She added that Supervisor Tang has been working closely with the local massage community and is open to amendments which streamline the process for massage business permits.

Minouche Kandel, Women's Policy Director at the Department on the Status of Women, thanked Supervisor Tang's leadership on this ordinance. She also stated that the Department of the Status of Women staff work on the Mayor's Task Force on Anti-Human Trafficking and noted that the Commission on the Status of Women passed a resolution in support of the proposed ordinance.

Public Comment:

Adam Gordon, a massage practitioner, stated that the state law passed to exempt some massage practices from local oversight was because it was too onerous. He added that local planning and land use codes make it very complicated and expensive to start a new massage business in San Francisco.

Beverly May, Director of the California Massage Therapy Council, stated that the state did not intend for massage practices to have to go back to bureaucratic procedures imposed by local governments. She added that massage has come a long way from having to be practiced within other businesses such as chiropractor offices or hair salons.

Marcia Degelman, UCSF Osher Center of Integrated Medicine, stated that massage is stress relief which enables people to change their nervous system and is preventative health care. She added that San Mateo monitors all massage establishments without involving land use issues.

Tony Siacotos, American Massage Therapy Association, stated that SB731 did not prevent public health inspections for any massage establishment. He also stated that the 2006 changes were initiated by sex workers, not by massage advocates.

Stacey Degooyer, massage therapist, stated that the resolution convolutes massage therapy and brothels/trafficking. The massage community in San Francisco would like these two types of businesses to be considered differently. Massage therapists provide health benefits and are small businesses.

Randi Kirby, National Holistic Institute, stated that the Institute graduates approximately 100 students a year; each student pays \$15,000 in tuition costs. She is concerned that increasing the costs of starting a private practice will impact the ability of new practitioners to afford to start their practices in San Francisco.

Dexter Lee, Owner of Massage Envy, stated that it took several years to work with the Planning Department to establish his massage business. He is not sure he would open a second location in San Francisco due to regulation issues.

Irene Diamond stated that she opened the first massage and wellness center in San Francisco. She requested that legislation should separate legitimate massage businesses from illicit businesses. She added that the proposed ordinance does not prevent other types of businesses such as a tanning salon from operating illicit activities.

Jennifer Lightstone, owner of Psoas Body, stated that she hopes there will be more time allowed to figure out the best way to move forward with an ordinance. She pointed out that her business was monitored by the state and she was in full compliance; however she was not monitored by the SFDPH and is now concerned that she will be required to pay start-up costs even though her business has been in operation since 2003.

Jeremy Galvin, San Francisco massage therapist, is concerned that the ordinance will prevent legitimate massage therapists from opening new practices in San Francisco due to the cost.

Commissioner Comments/Follow-Up:

Commissioner Chung asked the following questions:

- What are the issues for massage therapists who conduct business in clients' homes?
- How can the ordinance protect those who are vulnerable and also enable the SFDPH to conduct STD/HIV prevention activities as appropriate?
- Have massage therapists and those who have been trafficked been involved in the development of the ordinance?

Ms. Comerford stated that massage outcall permits are part of the San Francisco system. The SFDPH gives licensing test in multiple languages and in person; the state only administers the test in English online. She added that protecting vulnerable populations and providing prevention and care is a goal; she noted that the proposed outreach workers may be able to best assess the health and service needs of anyone found to be trafficked.

Commissioner Pating asked for the approximate costs of setting up a new massage business. Ms. Comerford stated that is approximately \$680 to apply for a new license and then approximately \$1,200 annually to renew it. She added that additional costs may accrue for a police background check and Fire and Building Department fees. She added that Supervisor Tang's office has coordinated community meetings in regard to the development of the ordinance. The SFDPH is open to accepting suggestions that do not jeopardize the health or wellbeing of those working in massage establishments.

Commissioner Pating asked for information on other activities that the SFDPH is involved in to address human trafficking. Director Garcia stated that the SFDPH works with the Police and Building inspection and participates on the Mayor's Taskforce on Human Trafficking.

Commissioner Pating stated that he was moved by the public comments of the professionals from the massage community. He noted the impact of the cost for licensing and other fees on these small business owners and operators. He suggested that the local massage community be part of the ordinance development process to address relevant issues with their legitimate businesses.

Commissioner Singer stated that when something is regulated, it dampens economic activity. He asked what outcomes related to human trafficking are expected from the amended ordinance. Ms. Comerford stated that the City will know the number of local massage businesses for monitoring purposes which includes keeping track of those businesses with licenses revoked or suspended. She added that the SFDPH is working to develop performance metrics for health workers monitoring these businesses.

Commissioner Karshmer stated that the discussion of the ordinance is skewed towards human trafficking prevention, which is an important intention. However, the legitimate massage practitioners and businesses are heavily impacted. She encouraged the SFDPH to continue working with the community to find amendments that may be helpful to the massage community without lessening the impact of measures to decrease human trafficking.

Commissioner Pating suggested the following amendments to the resolution:

- FURTHER RESOLVED, that the Health Commission supports collaboration to develop amendments to the Health Code, which mitigate the overall burdens of licensing, costs and regulation on massage practitioners and establishments, while maintaining net fiscal neutrality and ensuring public health and safety.
- FURTHER RESOLVED, that the Health Commission supports future evaluation of the impact of these regulatory amendments to the Health Code to ensure that identified public health, safety and welfare goals are met.

Commissioner Chow requested that the word “illicit” be taken out of the following statement of the draft resolution:

- Further Resolved , that the Health Commission supports additional amendments fo the Health Code to enhance enforcement, transparency and education by providing SFDPH with tools to effectively regulate ~~illicit~~ massage establishments while providing appropriate oversight that allows the law-abiding massage industry to flourish.

Commissioner Chow requested that the SFDPH work with the Health Commission Executive Secretary to finalize the language of the resolution. He also requested an update on the ordinance process at the April 21, 2015 full Health Commission meeting.

Action Taken: The Health Commission unanimously approved the amended resolution (See Attachment A)

9) SFDPH INFORMATION SYSTEMS UPDATE

This item was discussed as part of the item 7 discussion.

10) OTHER BUSINESS

Commissioner Chung requested an update on Ryan White Part D at the Finance and Planning Committee.

11) JOINT CONFERENCE COMMITTEE REPORTS

Commissioner Karshmer, Chair of the LHH JCC, stated that at the February 24, 2015 meeting, the Committee approved the minutes of the previous meeting in open session. In closed session, the JCC, approved the Credentials, Medical Quality Improvement, and Performance Improvement and Patient Safety Reports.

Commissioner Chow, Chair of the SFGH JCC, stated at the February 24, 2015 meeting, the Committee:

- Reviewed the Quality Management and Regulatory Affairs Reports; discussed an ICD 10 Update; reviewed the SFGH Budget Initiatives: heard a Value-Based Purchasing Update; and discussed the Administrator’s and Patient Care Services Reports.

- The Committee also heard an update on the SFGH Rebuild and Transition in addition to the SFGH RN Hiring and Vacancy Report. Based on these reports, the Committee discussed which portions of the new hospital will open in 2015 and the relevant staffing plans.
- As part of the Medical Staff Report, the Committee approved Revisions to the privilege form for Gastroenterology Service; addition to the Obstetrics-Gynecology Standardized Procedures; MOU for Licensed Acupuncturists; and Rules and Regulators for the Dermatology Service.
- In closed session, the Committee approved the Credentials Report and Performance Improvement and Patient Safety Reports.

12) COMMITTEE AGENDA SETTING

Commissioner Chow noted that Health Commission officer elections are scheduled for the March 17th meeting. However because this is a Health Commission planning session, the Commission will vote at that time whether to postpone the elections to the April 21, 2015 meeting.

13) ADJOURNMENT

The meeting was adjourned at 7:12pm.

**Health Commission
City and County of San Francisco
Resolution No. 15-5**

**RESOLUTION TO SUPPORT THE CODIFICATION OF CALIFORNIA STATE A.B. 1147 AND ADDITIONAL
AMENDMENTS TO INCREASE HEALTH AND SAFETY OF MASSAGE ESTABLISHMENTS.**

WHEREAS, the mission of the San Francisco Department of Public Health (SFPDH) is to protect and promote the health of all San Franciscans, particularly San Francisco's vulnerable populations; and

WHEREAS, SFPDH recognizes the many therapeutic benefits of the practice of massage therapy, which include tempering aches and pains, easing stress, and reducing blood pressure; and

WHEREAS, SFPDH has a long history of working in partnership with many of San Francisco's massage establishments and practitioners to support their operation in compliance with the Health Code; and

WHEREAS, the San Francisco Health Code authorizes the Director of Public Health or his/her designee to implement the licensing and regulations of massage practitioners and establishments; and

WHEREAS, in order to ensure the health of San Franciscans, the Director of Public Health has designated the Health Officer and his/her staff of the Environmental Health Branch to implement the Health Code as it relates to permitting and licensing requirements for massage establishments and massage practitioners; and

WHEREAS, in recent years, a change in State law created an unintended loophole that impacted the ability of cities and counties to use their authority to regulate and zone massage establishments; and

WHEREAS, in San Francisco, the inability to impose local regulation has led to a marked increase in the number of massage establishments, especially in some areas of the City that now exhibit a significant concentration of such establishments; and

WHEREAS, in San Francisco and other parts of California, the lack of local regulation has also resulted in the opening of many illicit massage establishments, which have a great impact on vulnerable populations as they are often associated with illegal and criminal activity such as human trafficking and other human rights violations; and

WHEREAS, illicit massage establishments are detrimental to health and safety of the community and also impact the local economy, as they drive legitimate business away, potentially affecting the vitality of neighborhoods and the provision of adequate services for residents and visitors alike; and

WHEREAS, the loophole created by State law has made oversight of local massage establishments under the San Francisco Health Code difficult to enforce and has propagated the closure and subsequent reopening of many illicit establishments; and

WHEREAS, in recognition of these unintended consequences, in September 2013, California enacted Assembly Bill No. 1147 ("A.B. 1147"), which, among other things, amended state law to enable local governments to more effectively zone and regulate massage establishments; and

WHEREAS, to ensure that SFDPH can continue to protect and promote health through the regulation of all massage establishments in San Francisco, San Francisco Health Code must be amended to align local law with A.B. 1147;

NOW THEREFORE BE IT RESOLVED, that to ensure public health, safety and welfare, the Health Commission supports the codification of A.B. 1147, which will restore the ability of SFDPH to regulate all massage establishments and charge cost recovery fees; and be it

FURTHER RESOLVED, that the Health Commission supports additional amendments to the Health Code to enhance enforcement, transparency and education by providing SFDPH with tools to more effectively regulate massage establishments while providing appropriate oversight that allows the law-abiding massage industry to flourish.

FURTHER RESOLVED, that the Health Commission supports collaboration with members of the local massage community to develop amendments to the Health Code that support the ability of massage professionals and businesses to promote their profession and protect public health and safety.

FURTHER RESOLVED, the Environmental Health Branch shall explore options which mitigate the overall burdens of licensing, costs and regulation on massage practitioners and establishments, while maintaining net fiscal neutrality and ensuring public health and safety.

FURTHER RESOLVED, that the Health Commission supports future evaluation of the impact of these regulatory amendments to the Health Code to ensure that identified public health, safety and welfare goals are met.

I hereby certify that the San Francisco Health Commission at its meeting on March 3, 2015 adopted the foregoing resolution.

Mark Morewitz, MSW
Health Commission Executive Secretary