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\$2.00

# Laguna Honda patients win community care lawsuit

BY CHRIS RAUBER

San Francisco Business Times

Advocates for disabled patients at Laguna Honda Hospital won a two-year class-action legal battle last week, when a San Francisco district court judge approved a settlement that will give residents at the giant city-run long-term-care facility access to housing and care in the community.

Supporters say settlement of the October 2006 Americans with Disabilities Act suit — *Chambers et al. vs. the City and County of San Francisco* — is also expected to improve coordination of care.

Elissa Gershon, a lead attorney for the plaintiffs at Oakland-based Protection & Advocacy Inc., a nonprofit advocacy group that is changing its name to Disability Rights California, said the city has agreed to oversee \$2 million annually for a rental subsidy program and \$3 million per year for other community-based services.



Gershon

Gershon estimates the settlement will affect between 2,000 and 3,000 San Francisco residents over the next five years, as residents of Laguna Honda take advantage of the new program, and other would-be Laguna Honda residents follow suit.

"Those are not the only costs (in the agreement), but they are the two big ones," she said.

San Francisco's Department of Public Health runs Laguna Honda, which had nearly 1,100 beds a few years ago but now uses just 850 as it shrinks to fit a downsized rebuild. When the rebuild is completed in the spring of 2010, the number of beds will decline further, to 780, according to a Laguna Honda spokesman.

Gregg Sass, the department's chief financial officer, estimates that "this settlement is going to require tens of millions of dollars over time," but in the long run will reduce the need to institutionalize patients at Laguna Honda.

The agreement between the city and plaintiffs includes provisions for Medi-Cal-funded subsidies for individuals over the next five years to pay for accessible housing units with support services to help them live independently, along

with a new program to coordinate services across various city departments. It affects Medi-Cal eligible Laguna Honda residents, patients on Laguna Honda's waiting list, San Francisco General Hospital patients who are eligible for discharge to Laguna Honda and some patients who were recently discharged from the long-term-care facility.

Eligible individuals will be "accessed for, referred to and provided with" subsidized housing, assisted living and nursing care, case management, substance-abuse treatment, mental-health services and assistance with meals, according to representatives of the plaintiffs. In addition, they say, 500 Medi-Cal home and community-based waiver slots, which allow individuals to receive long-term care at home instead of in institutions, will be made available to eligible San Francisco residents.

Protection & Advocacy filed the suit Oct. 11, 2006, in U.S.

District Court, on behalf of six Laguna Honda residents, including lead plaintiff



Katz

Mark Chambers, and the Independent Living Resource Center of San Francisco.

Critics had argued that the city already provides community-based options, and that Protection & Advocacy's and the Independent Living Center's approach would undercut Laguna Honda's ability to provide institutionalized care for patients who need it.

Last November, however, Director of Public Health Mitch Katz, M.D., announced a preliminary settlement agreement, which he called at the time, an "innovative first step" to move more patients into the community. The Department of Public Health and the city's Department of Aging and Adult Services will jointly manage the new program.

Other groups that provided legal support for the plaintiffs included the AARP Foundation's litigation unit, the Bazelton Center for Mental Health Law, the Disability Rights Education and Defense Fund, and the law firm of Howrey LLP, which provided pro bono assistance, including work by East Palo Alto-based partner Henry Su.