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Patients sue Laguna Honda Hospital

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by [Chris Rauber](#)

Six patients at **Laguna Honda Hospital**, San Francisco's public long-term-care facility for the poor and disabled, have filed a lawsuit accusing the city of violating their civil rights by keeping them there.

The class-action lawsuit, filed Oct. 11 in U.S. District Court in San Francisco, said the actions of the City and County of San Francisco and Laguna Honda "result in the unnecessary segregation and isolation" of Laguna Honda residents, in violation of the Americans with Disabilities Act and other federal and state laws.

The lawsuit is the latest volley in a long-standing controversy over Laguna Honda and whether the city should proceed with its ongoing construction of a new hospital that could cost up to \$600 million. It claims the city is responsible for finding other community-based, long-term care alternatives in the community. The **Independent Living Resource Center of San Francisco**, a local nonprofit that advocates for and assists people with disabilities, is also a plaintiff in the case, and the Washington, D.C.-based AARP Foundation Litigation, an arm of the national senior citizen's advocacy group, is co-counsel for the plaintiffs.

Opponents of the controversial rebuild say San Francisco is the only major city in the country that's still running its own nursing home and is running directly counter to national trends by going ahead with the giant rebuild project. Critics say the rebuild is more about politics than

patient care: The rebuild is a pet project of the powerful **Service Employees International Union**, which could lose a lot of union jobs if San Francisco were to scale back the massive project.

Officials at Laguna Honda and the **San Francisco Department of Public Health** chose not to comment, because they hadn't seen the lawsuit. Previously, Mitch Katz, the department's director, defended the city's approach as the best of the options available to it, given cost pressures and what he called the unwillingness of state **Medi-Cal** officials to push for funding for alternative care.

Attorneys for the plaintiffs said the lawsuit is intended to protect the constitutional rights of Laguna Honda residents who have no financially feasible alternatives to staying there, not to halt the seismic rebuild of the 1927-era skilled-nursing complex.

"The case is not about stopping the rebuild, it's about making sure that people aren't confined at Laguna Honda, whether the old Laguna Honda or the new Laguna Honda, simply because the buildings are built," said Elissa Gershon, an attorney for the plaintiffs at Protection and Advocacy Group Inc., a federally funded Sacramento-based nonprofit that advocates on behalf of people with disabilities. "Our concern is that people are being institutionalized unnecessarily and that San Francisco hasn't made a sufficient commitment to provide viable options as alternatives to segregation at Laguna Honda."

Those alternatives exist, according to Protection and Advocacy, which has a regional office in Oakland. An example is Mission Creek Day Health, a new adult day-care center that opened May 1 a block from AT&T Park in the South of Market district. That facility is partnering with the Mission Creek Senior Community, a 139-apartment low-income senior housing project sponsored by **Mercy Housing California**, a nonprofit that develops affordable housing with needed support services.

"It's not just about patients with disabilities," said Elizabeth Zirker, another Protection and Advocacy attorney. "As baby boomers and seniors age, they want to be at home, with (needed) services," not warehoused in large institutions like Laguna Honda. "This is a civil rights issue and I don't think the general public understands that."

Attorneys for the unhappy Laguna Honda residents say the city's approach violates federal and

state law, including the ADA. The U.S. Supreme Court ruled in 1999 that unnecessary institutionalization "is a form of illegal discrimination," according to the lawsuit.

Some plaintiffs have chosen not to be fully identified, but others have come forward. Gerald Scott, a 53-year-old who has lived at Laguna Honda since he suffered brain damage after being brutally beaten at age 25, and Mark Chambers, a 47-year-old former computer programmer, also an assault victim with a traumatic brain injury, who now must primarily communicate using a computerized communications device that lets him push buttons to produce synthesized verbal messages. Both say they desperately want to leave Laguna Honda, and have been designated by officials there as able to leave the facility, but have not been provided with other alternatives by city officials.

"I want to be more comfortable, and not (subject to) so much confusion," Scott said, in an outdoor interview within sight of the construction site for the new facility.

Chambers, a native San Franciscan, hopes to move out of Laguna Honda, live in the community, and have a more active social life. Chambers, who has done volunteer work at the San Francisco Public Library and Glide Memorial church, has a rare private room at Laguna Honda, but still wants out. "I will need help," he said haltingly. "I am preparing to move out into the community, somewhere with my own room, but where I can be with other people."

A prior lawsuit by Protection and Advocacy was partially settled in March 2004, leading to Laguna Honda's implementation of a Targeted Case Management program to assess its residents or potential residents and develop discharge or alternative plans for those who don't need to be permanently institutionalized. However, according to the current lawsuit, the city has received numerous extensions, and hasn't fully complied with that settlement agreement. According to the suit, assessments by the city show that "the vast majority of Laguna Honda's more than 1,000 residents are capable of living, and prefer to live, in a more integrated setting," meaning one better integrated into the broader community.


Meanwhile, construction continues at Laguna Honda, where the skeleton of the new structure is now in place, surrounded by giant cranes, concrete mixers and other signs of progress.

John Kanaley, Laguna Honda's executive administrator, told the San Francisco Business Times

Oct. 10 that all of the structural steel for a 780-bed new Laguna Honda facility will be up within days, creating the skeleton for a planned three-building replacement facility. "Right now," he said Oct. 10, "we're on track to meet that budget."

A full rebuild to 1,200 beds is expected to cost the city as much as \$750 million, and the partial, 780-bed version now under construction could approach \$600 million in cost. Final decisions haven't been made on whether to build a fourth structure on the site, which would add another 420 beds, for a total of 1,200, according to Kanaley.

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