




Date: March 15, 2018

To: Mayor and Members of the City Council

From: Patrick H. West, City Manager 

Subject: Community Hospital Update

Introduction

MemorialCare has indicated their desire to cease services at Community Hospital of Long Beach (Community Hospital) by July 3, 2018. Over the past several months, the City of Long Beach (City) has been working with various state agencies including the Office of Statewide Hospital Planning and Development (OSHPD) and the California Department of Public Health (CDPH). OSHPD regulates building and planning, as well as seismic compliance for all hospital buildings in California. CDPH oversees hospital licensing.

This memorandum is intended to provide you with: (1) a timeline of events and actions since being notified of MemorialCare's intent; (2) an update of the current situation; and, (3) a summary of next steps.

Timeline

On February 16, 2018, the City of Long Beach formally: (1) declined MemorialCare's proposal to allow the acute care hospital license to expire and transition Community Hospital to a psychiatric care facility; (2) requested MemorialCare to renew the acute and psychiatric care licenses at Community Hospital through April 28, 2019; and, (3) requested written notification from MemorialCare to allow the City to seek other hospital providers, or parties interested in the site. Since that time, several major events have taken place:

- **March 5, 2018** – MemorialCare issued a 120-day lease termination notice and indicated hospital services at Community Hospital would cease by July 3, 2018. The City immediately contacted CDPH to inquire about potential options available to the City.
- **March 6, 2018** – CDPH contacted MemorialCare and MemorialCare confirmed they are closing Community Hospital due to inability to meet hospital seismic requirements, but CDPH had not received a formal letter or notification from MemorialCare. MemorialCare was asked to send a letter to CDPH and follow the notice requirements as required by Health and Safety codes and submit a closure plan as soon as possible.
- **March 7, 2018** – MemorialCare notified the City's Fire Department of their decision to divert all advanced life support (ALS) transports from Community

Hospital, effective March 8 or 9, 2018. This notification was wholly unexpected. City staff reached out to CDPH to determine whether or not MemorialCare had complied with existing State laws related to their decision to divert all ALS ambulances from Community Hospital.

- **March 8, 2018** – CDPH confirmed MemorialCare had yet to comply with State statutes for downgrading hospital services. The City sent MemorialCare a letter stating that the City expects the following from MemorialCare: (1) a plan to expand emergency room services at Memorial Hospital for ALS patients to adequately serve patients who can no longer use Community Hospital due to the sudden diversion of ALS services; (2) a private inter-facility transport for walk-in patients or other patients at the hospital who are determined to need ALS care; and, (3) explicit confirmation that MemorialCare will extend the acute and psychiatric care licenses at Community Hospital through April 28, 2019.
- **March 9, 2018** – CDPH informed the City they were in receipt of a formal letter from MemorialCare regarding the proposed ceasing of operations, including the elimination of basic emergency services, at Community Hospital no later than July 3, 2018. The letter from MemorialCare to CDPH does not mention a discontinuation of ALS ambulance services to the hospital effective March 8 or 9, 2018.

Acute Care Hospital Services

It is clear MemorialCare has begun to wind down their operations at Community Hospital, and ALS paramedic ambulances continue to be diverted from the facility. However, it is important to note Basic Life Support (BLS) ambulances are continuing transports to Community Hospital, and these patients are being accepted by the facility.

Prior to MemorialCare diverting ALS from Community Hospital, the Fire Department transported, on average, 14-15 patients per day to Community Hospital. In a typical day, 6-7 were BLS patients, and 8-9 were ALS patients. Last year, the Fire Department transported 5,437 individuals to Community Hospital. Of this population, 3,088 were ALS transports and 2,349 were BLS transports.

- **Basic Life Support.** Since BLS patients have not been diverted from Community Hospital, the Fire Department is continuing to transport, on average, the same number of BLS patients per day to the facility. That said, the County local emergency services agency (LEMSA) has informed the Fire Department that they are evaluating BLS transports to Community Hospital. The Fire Department is working on contingency plans for the potential diversion of BLS patients, although a timeframe for when our BLS ambulances will also need to divert patients has not been provided.

- **Advanced Life Support.** Since the ALS diversion went into effect on Friday, March 9, 2018 at 7:00 a.m., 49 ALS patients have been transported to other area hospitals.

The data above is current as of March 14, 2018.

Long Beach Actions

Attached, is a letter the City sent to CDPH and LEMSA regarding our desire for existing hospital services to be maintained for as long as State law allows.

Next Steps

Immediate Actions

Given the rapid developments from MemorialCare, the City conducted a conference call with CHPH on March 9, 2018.

CDPH indicated they contacted MemorialCare on the afternoon of March 9, 2018 and informed MemorialCare that the hospital needed to continue providing ALS emergency services for 90-days, unless there were extenuating circumstances that prohibit MemorialCare from continuing these services based on Health and Safety Code (HSC) Section 1255.1. On March 10, 2018, CPDH conducted a site visit at Community Hospital, but was unable to speak at length with a MemorialCare representative. A conference call between CDPH and MemorialCare took place on March 12, 2018.

There are two parallel sets of procedures MemorialCare must follow as they begin to wind down operations at Community Hospital: a State process, overseen by CDPH; and a County process, overseen by LEMSA.

At this time, CDPH is awaiting a request from MemorialCare for an exemption to HSC Section 1255.1(c) due to the current reduction of emergency services. MemorialCare is expected to provide justification or reason, and target timelines for CDPH's consideration. Any concerned parties can submit comments to CDPH for possible consideration affecting patient health and safety, but the hospital ultimately makes this business decision in their operations and planned closure. The appropriate mailing address for CDPH is:

Virginia B. Yamashiro R.N.
Chief, Field Operations – Non-Long-Term Care
Licensing and Certification Program
California Department of Public Health
1615 Capitol Avenue, MS 3001
P.O. Box 997377
Sacramento, CA 95899-7413

Letters can be emailed to Virginia Yamashiro at Virginia.Yamashiro@cdph.ca.gov.

30-day to 90-day Actions

Now that MemorialCare has formally submitted their 90-day closure notification letter to CDPH, two specific sections of State law apply:

Health and Safety Code Section 1255.1 requires MemorialCare to provide public notice of planned reduction or elimination of hospital services at Community Hospital. This section of State law, reads as follows:

“(a) Any hospital that provides emergency medical services under Section 1255 shall, as soon as possible, but not later than 90 days prior to a planned reduction or elimination of the level of emergency medical services, provide notice of the intended change to the state department, the local government entity in charge of the provision of health services, and all health care service plans or other entities under contract with the hospital to provide services to enrollees of the plan or other entity.

(b) In addition to the notice required by subdivision (a), the hospital shall, within the time limits specified in subdivision (a), provide public notice of the intended change in a manner that is likely to reach a significant number of residents of the community serviced by that facility.”

Health and Safety Code Section 1255.25 requires MemorialCare to provide a 30-day notice of closure to the public, CDPH, and County Board of Supervisors. CDPH has informed the City that there is no requirement for an approval process from CDPH and LEMSA. This section of State law, reads as follows:

“(a)(1) Not less than 30 days prior to closing a health facility, as defined in subdivision (a) or (b) of Section 1250, or eliminating a supplemental service, as defined in Section 70067 of Chapter 1 of Division 5 of Title 22 of the California Code of Regulations, the facility shall provide public notice of the proposed closure or elimination of the supplemental service, including a notice posted at the entrance to all affected facilities and a notice to the department and the board of supervisors of the county in which the health facility is located.

(2) Not less than 30 days prior to relocating the provision of supplemental services to a different campus, a health facility, as defined in subdivision (a) or (b) of Section 1250, shall provide public notice of the proposed relocation of supplemental services, including a notice posted at the entrance to all affected facilities and notice to the department and the board of supervisors of the county in which the health facility is located.

(b) The notice required by paragraph (1) or (2) of subdivision (a) shall include all of the following:

- (1) A description of the proposed closure, elimination, or relocation. The description shall be limited to publicly available data, including the number of beds eliminated, if any, the probable decrease in the number of personnel, and a summary of any service that is being eliminated, if applicable.*
- (2) A description of the three nearest available comparable services in the community. If the health facility closing these services serves Medi-Cal or Medicare patients, this health facility shall specify if the providers of the nearest available comparable services serve these patients.*
- (3) A telephone number and address for each of the following, where interested parties may offer comments:*
 - (A) The health facility.*
 - (B) The parent entity, if any, or contracted company, if any, that acts as the corporate administrator of the health facility.*
 - (C) The chief executive officer.”*

CDPH has made it clear to the City that the processes described above fall under the State’s jurisdiction. Long Beach will continue to follow up with CDPH and engage on the development of hospital downgrade and potential closure or transfer plans, as appropriate.

For more information, please contact John Keisler, Director of Economic Development, at (562) 570-5282 or Diana Tang, Manager of Government Affairs, at (562) 570-6506.

cc: Charles Parkin, City Attorney
Laura Doud, City Auditor
Tom Modica, Assistant City Manager
Kevin Jackson, Deputy City Manager
John Keisler, Director of Economic Development
Michael DuRee, Fire Chief
Kelly Colopy, Director of Health and Human Services
Robert Luna, Chief of Police
Rebecca Garner, Assistant to the City Manager
Diana Tang, Manager of Government Affairs
DiMare, Brown, Hicks, & Kessler, LLC

Attachment
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CITY OF LONG BEACH

OFFICE OF THE CITY MANAGER

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PATRICK H. WEST
CITY MANAGER

March 15, 2018

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Cathy Chidester, Director
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County of Los Angeles
10100 Pioneer Blvd. Suite 200
Santa Fe Spring, CA 90670

Re: Community Hospital of Long Beach – Closure Processes and Notification

Dear Ms. Yamashiro and Ms. Cidester:

On behalf of the City of Long Beach (City), I write to express the City's desire for existing hospital services at Community Hospital of Long Beach (Community Hospital) to be maintained for as long as State and county laws and regulations allow, and as required per noticing timeframes and procedures.

Long Beach understands the California Department of Public Health (CDPH) is currently overseeing the wind down of operations at Community Hospital by MemorialCare Community Medical Center Long Beach (MemorialCare), and is working with MemorialCare to ensure compliance with State statutes, including:

- Health and Safety Code, Section 1255.1
- Health and Safety Code, Section 1255.25
- Health and Safety Code Section 1300(b)

While MemorialCare is the current lessee at the property known as Community Hospital, which is owned by the City, the City recognizes the legal authority on matters related to hospital licensure and operations does not extend beyond that of a landlord-lessee relationship. As such, the City has been working with MemorialCare and has sent several letters regarding the wind down of operations (attached for your information).

Thank you for your attention to this matter. Should you have any questions, please feel free to contact Diana Tang, Manager of Government Affairs, at (562) 570-6506 or diana.tang@longbeach.gov.

Sincerely,

PATRICK H. WEST
City Manager

cc: Mayor and Members of the City Council
Charles Parkin, City Attorney
John Bishop, MemorialCare, Chief Executive Officer