



KEVIN L. FAULCONER

MAYOR

October 22, 2018

Honorable Peter C. Deddeh
Presiding Judge of the Superior Court
Post Office Box 122724
San Diego, CA 92112-2724

RE: Grand Jury Report: "The San Diego Hepatitis A Epidemic: (Mis) Handling A Public Health Crisis"

Dear Judge Deddeh:

Pursuant to California Penal Code Section 933.05(a), (b) and (c), the City of San Diego provides the attached response to the findings and recommendations included in the above-referenced Grand Jury Report.

If you require additional information or have any questions, please do not hesitate to contact Jessica Lawrence, Director of Finance Policy and Council Affairs, at 619-236-7787.

Sincerely,

Kevin L. Faulconer
Mayor

KLF/jbl

Attachments:

1. City of San Diego Response to San Diego County Grand Jury Report Entitled "The San Diego Hepatitis A Epidemic: (Mis) Handling A Public Health Crisis"

cc: Jeff Bryson, Foreperson, 2017/2018 San Diego County Grand Jury
Honorable Council President Myrtle Cole and Members of the City Council
Honorable City Attorney Mara Elliot
Andrea Tevlin, Independent Budget Analyst
Aimee Faucett, Chief of Staff
Kris Michell, Chief Operating Officer
Stacey LoMedico, Assistant Chief Operating Officer
Mary Nuesca, Assistant City Attorney
Colin Stowell, Fire Chief



**City of San Diego Response to San Diego County Grand Jury Report Entitled
"The San Diego Hepatitis A Epidemic: (Mis) Handling A Public Health Crisis"**

Pursuant to California Penal Code Section 933.05(a), (b) and (c), the City of San Diego provides the following responses to Findings 01 through 07 and Recommendations 18-10 through 18-12, included in the above-referenced Grand Jury Report, which are specific to the Mayor:

Before addressing the specifics of the Findings and Recommendations, the City would like to address two factual corrections to the report.

Report Statement 1: *At present the only medical advisor position in the City administration is in the Fire Rescue Department, where a physician has filled the position as EMS Medical Director who reports to a Deputy Fire Chief, rather than having a more direct link to City leaders.*

Response: Currently, the Medical Directors report to the Fire Chief. The Medical Directors collaborate with the Deputy Chief of San Diego Fire-Rescue's Emergency Medical Services Division (EMS), who is a licensed healthcare provider and first responder chief that oversees the operational and administrative functions of Emergency Medical Services. The Medical Directors provide oversight and guidance to the Deputy Chief of EMS, but ultimately report to the Fire Chief.

Report Statement 2: *A recent proposed change in this position designating a committee of physicians from UCSD Medical School to serve as EMS Medical Directors does not appear to the Grand Jury to improve the problem of access to city leaders and may further weaken the position by dividing authority among individuals rather than assigning to a single person.*

Response: The City of San Diego entered into a contract with UCSD Medical Center (note: not the School of Medicine) in September 2017, to receive medical direction and clinical oversight of the EMS system. Together, UCSD and the Fire Chief selected an EMS Medical Director, Dr. Chris Kahn, as well as an Assistant Medical Director, Dr. Joelle Donofrio. The two positions carry distinct and delineated responsibilities. With an additional medical director, the Fire Department has experienced increased access to medical direction and diverse expertise that represents the patients served. In addition, this agreement provides potential connection to other experts within UCSD, such as clinical specialists or data analysts.

FINDINGS 01 THROUGH 07:

Finding 03: *The lack of early cooperation between the County and the City resulted in unnecessary delays in installation of handwashing and other public health measures.*

Response: Partially Disagree

While the City agrees there were delays in the initial deployment of the handwashing stations, the City disagrees it was caused by a lack of cooperation between the City and County. The deploying of the handwashing stations throughout the city was unprecedented. After the initial 40 were deployed in early September, there were no delays with the balance of the 42 installations within the city limits.

Finding 04: *The City has not followed the procedures defined in the Health and Safety Code 101375-101380 to allow the county health officer to enforce orders and statutes relating to public health*

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Response: Disagree.

The City of San Diego complied with the California Health and Safety Code.

Finding 05: *City administrators and County health officials had different concerns in responding to the crisis and failed to appreciate each other's perspectives.*

Response: Partially Disagree

As the County expressed in their response to the report, the City and the County have a shared concern for the protection of the public's health and safety. In a public health emergency, the City takes direction from the County Public Health Director. The County Public Health Director issued a directive to the City on August 31 and the City immediately took steps to address the issues within the issued Directive. In addition, the City and County collaborated throughout the outbreak on outreach and vaccination measures.

Finding 06: *The city of San Diego does not have a staff member with medical expertise to evaluate and fully appreciate the significance of public health directives.*

Response: Disagree.

San Diego Fire-Rescue's EMS Division is an integral part of both the healthcare delivery system and the public safety net. EMS is required to address all possible types of injuries and illnesses, among all ages, regardless of the circumstances or events leading to the injury or illness. For this reason, the EMS Division is staffed by a multidisciplinary team of healthcare providers and responders with diverse clinical, pre-hospital, and community-based experience. Current members of the EMS Division include Paramedics, Registered Nurses, community outreach liaisons, and public safety responders. These healthcare providers work under the guidance of the medical directors. Dr. Chris Kahn and Dr. J. Joelle Donofrio.

Dr. Chris Kahn is a practicing emergency room physician at UCSD Medical Center. In his position, he receives real time notifications of public health directives both locally and nationally. He holds a Master of Public Health degree and is a member of multiple San Diego county committees and boards that ensure his understanding and involvement in these issues.

Dr. Donofrio is a practicing pediatric emergency room physician and is the pediatric physician's representative to San Diego County EMS. In that position, similar to Dr. Kahn, she is a member of multiple committees focused on public health issues related to the pediatric population.

These two physicians, in collaboration with the field experience of the EMS Staff, position the EMS department to monitor the community for medical patterns and collaborate with public health initiatives. However, some medical conditions, such as Hepatitis A, have non-specific signs and symptoms requiring in-hospital diagnosis and retrospective analysis. In these cases, the ability for EMS to participate in public health efforts is dependent on the willingness of hospitals and public health oversight agencies to collaborate and share data. In addition, state law places City EMS under

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the authority of the County of San Diego Emergency Medical Services and efforts outside of traditional 911 response are permitted at the discretion of the County or the County's efforts to obtain permission from the state.

Recommendations 18-10 THROUGH 18-12:

Recommendation 18-10: *That the City of San Diego adopt the procedures described in Health and Safety Code §§101375-101380 to reinforce the authority of the county health officer in dealing with public health crises.*

Response: Partially Disagree.

If the City were to adopt a resolution or ordinance, the Council would take that action, not the Mayor. The City has already complied with Health and Safety Code sections 101375-101380. Nonetheless, on October 30, 2018, the Mayor will recommend City Council pass a resolution reaffirming the City's contractual relationship with the County for public health services within the City.

The City Attorney's Office found no legal requirement to adopt the procedures in Health and Safety Code sections 101375-101380 to reinforce the City's contractual relationship with the County for public health services. Health and Safety Code section 101380 states that once a resolution or ordinance is adopted the services shall "continue indefinitely until the governing body of the city terminates them. . . ." In 1953, through adoption of Resolution R-110405, the City contracted with the County for public health services consistent with the provisions of Health and Safety Code sections 476-477 (the prior versions of current Health and Safety Code sections 101375-101380). This contract was superseded by a second contract authorized by Resolution R-218878 in 1977. The 1953 contract and 1977 contract both contain nearly identical language to Health and Safety Code section 101375, and prior section 476, with respect to State public health laws. Specifically, the County agreed to "enforce and observe in the City . . . [a]ll orders, quarantine regulations, and rules and regulations issued by the State Department of Public Health under the provisions of the Health and Safety Code of the State of California" and "[a]ll statutes of the State of California relating to public health. . . ." (See Article I, paragraph 1 of the Basic Agreement for Public Health Services to be Furnished by County to the City of San Diego and Article I, paragraph 1 of the Second Basic Agreement for Public Health Services to be Furnished by County to the City of San Diego.) As stated in Health and Safety Code section 101380, the County's services shall continue indefinitely and no additional or annual action is required by the City.

Recommendation 18-11: *That the City of San Diego designate a medical professional to report directly to the Mayor, someone who can advise city officials on the significance or announcements regarding potential health emergencies.*

Response: Partially Disagree.

As identified in the existing Scope of Work with UCSD Medical Center, the "consultant physicians report to and receive administrative direction from the Fire Chief or designee, and provide medical

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direction in the development and administration the City's Emergency Medical Services (EMS) system and related support programs, to insure medically appropriate and evidence-based delivery of quality emergency care."

EMS in the City of San Diego is a function of the Fire-Rescue Department and the organizational reporting structure outlined in the contract supports the day to day operations of EMS in the city. It does not limit the ability or obligation of the Medical Director to report directly to the Mayor. To clarify this, the department has amended the contract, effective September 15, 2018, with the following to the Scope of Work:

"Directly advise the Mayor of the City on any known potential public health emergencies if requested as appropriate"

Recommendation 18-12: *That the City of San Diego construct and maintain additional secure restrooms and handwashing facilities in areas where the homeless congregate (a recommendation by Grand Juries in 2005/2006, 2009/2010, and 2015/2016).*

Response: Agree.

This recommendation is partially implemented.

Civic San Diego is the agency responsible for downtown permitting and planning. The agency responded to the previous Grand Jury reports, as outlined above. We agree with the recommendation and additional restrooms have been constructed or installed since 2005. It should be noted that handwashing stations were not recommended previously, but in January of 2018 the County identified 11 of 82 handwashing stations that were considered "high usage" during the time of the outbreak and the City of San Diego has kept these stations installed since the County declared an end to the outbreak in January 2018. Staff will continue to evaluate the usage to determine that they are being used.

The following highlights the additional restrooms constructed downtown:

- Fault Line Park
- Horton Plaza Park
- County Waterfront Park (this is a County of San Diego facility, but is a part of the downtown plan)
- Harbor Drive, as a part of the Embarcadero Improvements

In addition to the permanent restrooms, a Portland Loo will be reinstalled at Park Blvd and Market with the completion of the development at the location. Current estimated timeline is 2020. The City has also installed portable restrooms at the following locations, all of which include security.

- First and C Street
- 1330 G Street
- Park and 11th

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In addition, the following restrooms are to be permanently constructed, as identified in the Downtown Community Plan.

- East Village Green – est. completion 2020
- Children's Park (redevelopment) – est. completion 2020
- 7th and Market – est. completion TBD

The City and the County have a shared concern for the protection of the public's health and safety, and the City is committed to continuing to work in collaboration with the County in managing regional emergencies.