TOWER TALK

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Opinion: Underreported Matters of Great Concern for SFT Residents

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Four conditions comprise a sine qua non for the satisfaction and well being of a majority of San Francisco Towers' residents: Service, Safety, Security, and Stability. These fundamental pillars comprise a covenant of care, our best chance for serenity.

Individual residents may vary in the value they place on each of these conditions. Regardless of personal weightings, all of us are concerned at some level with having good service and living in a physically safe environment. We want to be secure in the knowledge that regardless of future personal health and financial developments, we will have access to appropriate levels of care. We expect that the fundamental conveniences and conditions in operation at the time of our SFT entry will be honored throughout our lifetime.

ESC's rebranded organization, "COVIA," specifies in its marketing materials that it will deliver on all of these critical dimensions. Regrettably, conditions are evolving that cast doubt on COVIA's capacity to meet this commitment. Among the threats are:

(1) ESC's dogged insistence on severance from the Episcopal Church and its possible intent to transition to a profit seeking corporate status,

(2) Opaque and possibly inappropriate, or even illegal, procedures for calculating resident fee increases,

(3) Management's refusal to guarantee continued operation of a skilled nursing facility on the SFT site, and

(4) A growing incidence of crime and intimidation on our immediate SFT premises and our physical perimeter.

The following information is not routinely available to SFT residents. This communiqué is intended to inform, not alarm. An assumption is that the more we accurately know, the greater will be our ability to protect ourselves, individually and collectively.

1. Judicial Appeal of Bishop v ESC Court Decision

A trial court decision preserving the Episcopal Bishop's participation in ESC governance is now before the California Court of Appeal. Litigants, ESC and the Episcopal Church, have already spent millions of dollars on legal fees in this dispute. (ESC legal expenses are paid from revenues derived from CCRC residents. Church revenues come from multiple sources.)

Appellant briefs are to be submitted to the Court in May. Presumably, oral arguments and, hopefully, a court decision will take place later in 2018.

There are two essential questions involved in the judicial appeal:

(1) Can ESC, operating as a religious non-profit organization, subject to California law, unilaterally sever church ties without violating rights of the beneficiaries it is chartered to serve, namely, all ESC residents?

(2) If ESC management-initiated church severance is ruled illegal, will ESC's "re-branding," and possibly profit seeking transformative efforts, survive a court ruling that invalidates church severance altogether?

As legal issues are now framed in the appeal, justices will hear primarily Episcopal Church-ESC governance matters and disputes over interpretation of the ESC/Diocese "Sponsorship Agreement."

Rights and preferences of residents in ESC-operated communities, a definable legal class of charitable organization beneficiaries, are unlikely to receive careful appeal court attention.

Discussions have been initiated by tenants with a third party attorney team, experienced in matters involved in this appeal, exploring means by which this lack of resident perspective can be remedied.

2. Administrative/Political Appeal of ESC Fee Calculations

In July 2017, a SFT resident complaint was filed with the California Department of Social Services (DSS), the appropriate state CCRC oversight

agency, requesting review of processes by which ESC calculates resident fee increases.

As of this Tower Talk distribution, DSS has not rendered an opinion. Since the elapsed time seems reasonable as a response period, selected SFT residents are seeking alternative means by which the issue might be rightly concluded.

3. Management Exploration of Alternate Skilled Nursing Arrangements

ESC management has signaled that it is exploring a major program change; the goal of which would be to remove the skilled nursing center from The Towers.

One possible skilled nursing center substitute would be a program called "Home Health Care," which, if approved by the State, would offer skilled nursing in resident apartments.

A change of this nature would circumvent burdensome federal, state, and local agency oversight and tedious regulation. Possibly, it might reduce operating expenses.

The precise nature of this issue is clouded. The eventual outcome is not now known, or easily predictable. The issue appears managerially complicated, confounded by local, state and federal regulation, and exacerbated by prior miscommunication.

Despite confusion, one thing is certain. Few other issues match the intensity of this SFT-resident concern. In the absence of clear knowledge, residents are vulnerable to rumor and misplaced anxiety.

Some residents may favor home health services delivered in their apartments. Others, however, may have entered SFT expressly because they wanted skilled nursing for themselves or a partner delivered in a setting separate from their apartment but within the confines of SFT.

Discussions of any major change in the service understandably provoke profound resident anxiety.

4. Safety: Crime Could Change Everything

If you do not now routinely lock your apartment door, do so. If you go out at night, strive to have a partner. If you go out during the day, be unusually careful.

Few things could undo resident peace of mind as quickly or as dramatically as crime. Realize, however, The Towers is located at the center of a cluster of criminally conducive conditions. We are but one of numerous senior residential centers located in our part of the Van Ness corridor. There are many physically vulnerable elderly citizens on the streets during the day, There are also numerous small businesses routinely engaged in cash transactions that render them attractive targets for burglary and theft.

These conditions constitute a target rich environment for lawless elements, particularly those inhabiting nearby homeless encampments. Small wonder crime is on the increase around us.

Readers are likely aware of the tribulations of the Yohannes family operating the convenience store on Austin and Franklin. However, police reports make clear that which is immediate to us is but a small part of a larger neighborhood and citywide problem; other nearby merchants are being regularly victimized by burglaries and snatch and grab robberies.

Gentrification of the neighborhood, construction of added numbers of nearby upscale apartments and condos will likely have a long run ameliorative effect on crime. However, in the short run, there are important steps that can be taken to protect us better.

Several residents are exploring formation of a task force cutting across SFT departments and residential interest. The purpose would be to generate practical steps to enhance resident safety.

Physicians and Courts: Selected Survey Findings

Excerpted from *Medscape*,
a business publication for physicians

A survey of 4,000 practicing U.S. physicians, engaged in 25 medical specialties, reported the following:

Magnitude

Ninety-seven percent of practicing physicians possess malpractice insurance.

Fifty-five percent of physician respondents have been named in a malpractice suit.

Five percent of defendant physicians asserted the suit was "justified." Six percent were "unsure." Eighty-nine percent responded the suit was "unjustified."

Specialties Most Vulnerable to Suit

Eighty-five percent of surgeons and Ob-Gyn specialists had been sued

Top Five Causes of Suit

Failure to diagnose or delayed diagnosis

Complications from treatment or surgery

Poor outcome or disease progression

Failure to treat or delayed treatment

Wrongful death

Things Physicians Would Have Done differently

Better chart documentation

Never taken on the individual as a patient in the first place

Order test that would have "covered" me in case of a malpractice suit

Been more careful in the way I phrased things to the patient

Spent more time with the patient and his or her family

Respondent Suggestions for Reducing Suits

Avoid burnout

Tort reforms

No-fault settlement caps

Penalize frivolous suits

Entré Nous

Sugar Caen

Austin and Van Ness are engaged in their morning coffee, reading their ideologically oriented, personal prejudice-reinforcing newspapers, and exchanging views. Let's listen:

Aus: I love living in San Francisco. It is such a beautiful natural setting and our city officials are so compassionate and tolerant. Are we not fortunate?

Van: We certainly agree on the first and last parts of your statement.

Aus: Huh! What do you mean?

Van: I agree that San Francisco occupies an idyllic geographic setting, one of the most beautiful pieces of real estate in the world. I also agree that we are fortunate. Otherwise, I think your exclamations regarding city officials are 180 degrees wrong.

Aus: You don't think our elected supervisors are compassionate and tolerant?

Van: Irrelevant! I do not give a hoot regarding their emotional predisposition.

Aus: Don't you think making San Francisco a sanctuary city, allocating $24 million in public funds for legal assistance of undocumented immigrants, gentle treatment of drug addicts, and imposition of residential rent controls are relevant examples of compassion and tolerance?

Van: Your view is clouded by cannabis, albeit possibly legally obtained cannabis. I think our elected and administrative officials are a bunch of incompetent boobs. Their job is not to protect the indigent, assist illegals, or distort free market dynamics; it is to serve those of us who vote and pay taxes.

Aus: Just how are you and your white privileged self not being well served? Pray tell.

Van: San Francisco is on its way to being a third-world city. Infrastructure is decaying. Homelessness

is a growing, spreading filth and fear. Crime is increasing. Vehicle noise levels are making people deaf. The middle class has abandoned public schooling. The city is losing its soul. It will soon be no better and no different than Calcutta.

Aus: Losing its soul! That sounds over-the-top. Tourism levels suggest you are wrong on all counts. This is the city everyone wants to visit. Ferry boats crisscrossing the bay. Hotel occupancy is high. Cable cars are still climbing to the stars. The symphony is well attended. Van Ness Avenue is being beautified.

Van: Stop right there. Paul Sedway's 2017 Tower Talk column made clear the Van Ness boondoggle; hundreds of millions spent on a little over two-mile strip that forces Muni riders to cross several lanes of traffic to catch a bus. That's exactly the kind of idiocy on the part of our city officials that I am complaining about. Moreover, it is not the cable cars that are reaching to the stars. It's cable car fares that are climbing to the stars.

Aus: But Van Ness renovations are federally funded. It's not really our money that's being wasted.

Van: Dear God! Spare me!

Aus: If you want the city to be cleaned up, beautified, and schools restored to the academic standards we grew up with, then you're going to have to tolerate higher taxes. All those things cost money. No one wants higher taxes.

Van: City coffers are overflowing. Tax collections and developer fees have never been higher. Construction in the financial district and SOMA is generating billions in property taxes. SF schools are publicly funded at a per pupil rate close to twice the national average. Judgment, accountability, and values are the issue, not money.

Aus: Whatever did you mean by "the city is losing it's soul?"

Van: Look at the property around Civic Center. No self-respecting city that values aesthetics and propriety over property developers would permit construction of towering skyscrapers looming over their City Hall. Our Civic buildings are our public soul and they are being dwarfed and trivialized by high rises ringing them. If you want other examples, remember the excitement of the Fillmore district when we were growing up. That's all gone too. Further, City officials have abandoned the zoo.

Aus: I think what you were ranting about is simply change, modernism. What bothers you is happening to all cities everywhere in the world.

Van: Come out of your cry closet. Paris is not losing its charm. Chicago continues to be vibrant in a blustery manner. Even Nashville is outstripping us in its ability to accept the modern era and keep its unique past.

Aus: What is the solution?

Van: That's a good question. It is not clear that millennial techies know anything of our city's history or choose to identify with the charm that we knew growing up.

Aus: Why are you so harsh on the millennial techies?

Van: These overly protected snowflakes live in a bubble, riding sleek air-conditioned buses, wearing earphones, en route to their suburban jobs. I don't know that they can be counted upon politically to preserve our city.

Aus: I think you are grumpy and getting old.

Van: I think you float through life like Steve Jobs, wearing reality distortion blinders.

Aus: Enough already! It's Monday: it must be burger bar day; your favorite.

Tower Talk is a collection of opinion, anecdotes, humor, and informational items of potential interest to the San Francisco Towers' community. Tower Talk is privately published and does not carry the approval or endorsement of SFT Management, nor rely upon SFT resources. It contains no commercial content and is not intended to replace regular Towers' publications. All comments, complaints, and compliments should be directed to James Guthrie at sugarcaen00@gmail.com.