


REPORT TO CITY COUNCIL

Approved by:


Arnoldo Rodriguez, City Manager

Council Meeting of: January 18, 2023

Agenda Number: E-3

SUBJECT:

Support for local public health emergency declared upon closure of Madera Community Hospital (MCH)

RECOMMENDATION:

1. Receive informational update.
2. Adopt a resolution supporting Madera County's declaration of a local emergency due to the public health risk involved with the closure of MCH.
3. Determine whether to participate in Madera County's efforts to evaluate potential options for future hospital-level medical care in the County and direction to staff thereon.

DISCUSSION:

Upon the closure of MCH, Sherriff Pogue proclaimed a local state of emergency in his role as Director of Emergency Services for Madera County. The Madera County Board of Supervisors (MCBOS) ratified the Sherriff's action on January 3, 2023. At the MCBOS meeting on January 10, 2023, County staff received direction to study potential options and alternatives for provision of emergency and hospital medical services for the citizens of Madera. Staff recommends that the City Council (Council) support the County's efforts through adoption of a formal resolution in support of the local emergency. In addition, staff is seeking direction from Council on the next steps regarding allocation of City resources to identifying and evaluating potential options to ensure Madera's citizens are provided with hospital and emergency medical care services.

It should be noted that the local emergency is causing a regional effect. In addition to the Sherriff's MCBOS action, on January 3, 2023 the Fresno County Board of Supervisors (FCBOS) also proclaimed the existence of a local emergency, partly due to the closure of MCH, which compounded an already over-extended public health crisis caused by ongoing COVID-19, flu, and respiratory illness outbreaks. Shortly thereafter, Congressman Costa and Congressman-elect Duarte co-authored a letter to the US Department of Health and Human Services and Centers for Medicare and Medicaid Services to highlight the dire situation and request that the agencies give

the current medical crisis in Madera their full attention and evaluate options to provide emergency relief.

BACKGROUND:

During a Public Comment portion of the August 3, 2022, Council meeting, Madera Community Hospital (MCH) informed the Council of the financial hardship it faced as a result of operating during the COVID-19 pandemic and requested \$1 million in American Rescue Plan Act (ARPA) to allow continued operations while its affiliation with St. Agnes Medical Center/Trinity Health was under consideration with the State Attorney General. Per MCH, it faced financial and operational strain exacerbated by the pandemic's impacts. More specifically, per MCH, they have accrued millions in debt due to labor cost inflation, costly medications and treatments, and shouldering the cost of intensive care services during the pandemic. MCH's high census of Medi-Cal patients and low reimbursement rates also contributed to significant, sustained losses over several years.

MCH entered into discussions of an affiliation agreement with Trinity Health/St. Agnes Medical Center to alleviate its financial burden and to provide continuity of care for its patients. Under State law, the affiliation agreement was subject to the California Attorney General's approval. In the interim, a meeting with various officials was held to identify alternative funding options, which included:

- State Senator Caballero
- Representative for State Assemblyman Frank Bigelow
- Representative for Congressman Jim Costa
- Representatives from the Department of Justice (DOJ)
- Madera County
- Mayor Garcia
- Hospital Board of Directors Deidre da Silva, Chair
- Hospital Chief Executive Officer Karen Paolinelli
- City Manager Arnoldo Rodriguez

During this meeting, it was identified that:

- MCH was owed \$23 million from the State to which Senator Caballero's office is intervening to expedite these funds.
- If additional funding was not received, MCH had funding to operate until mid-November.
- The requested allocation of \$1 million from the City would have allowed the hospital to operate for an additional 1-2 weeks.
- Potential Federal Emergency Management Agency (FEMA) funding for COVID relief had not been previously sought by the hospital when these funds were made available for application. Congressman Jim Costa's office recommended that MCH urgently apply, as the Hospital had not tapped into this funding source.

Recognizing the dire condition and immediate need for funding, State Senator Caballero and Assemblyman Bigelow secured \$5 million in state funding to support MCH debt relief to ensure services continue without interruption or closure while the merger with the Trinity Corporation/St. Agnes Medical Center was under consideration. Additionally, MCH received a loan of \$15 million from Trinity Health to ensure continued operations while the merger was under negotiation and state-review.

Subsequently, at Council's direction, relief funding was revisited for further consideration on September 21, 2022, where MCH provided additional details that would justify the request for \$1 million in ARPA funds. Considering that 100 percent of ARPA funds received by the City were previously allocated to the City's Sewer and Water Enterprise Funds for public infrastructure projects to lower utility rates for all citizens at a public hearing in August 2021, and that any reallocation of monies would not sustain a long-term solution for MCH, Council elected to sponsor the MCH/Trinity Health affiliation with a Letter of Support in lieu of reallocating ARPA funding.

On December 15, 2022, Attorney General Rob Bonta conditionally approved the affiliation agreement between MCH and Trinity Health. Under the terms of the agreement, Trinity committed to the following:

- Making financing available up to \$45 million for installing and implementing a new medical records system and providing seismic upgrades to the hospital;
- Spending \$3 million per year on other necessary investments into the hospital, including equipment upgrades.

Under the terms of the conditional approval, the Attorney General required, among other things, that Trinity:

- Use commercially reasonable best efforts in good faith to maintain services at the Madera Community Hospital for five years;
- Accept price caps to ensure continued affordability for Madera residents;
- Ensure continued certification of the hospital as a Medi-Cal and Medicare facility;
- Provide charity care, financial assistance to patients, and community benefits;
- Comply with nondiscrimination rules in the provision of healthcare services; and
- Provide emergency reproductive healthcare services, notice and information to the public about nonemergency reproductive healthcare not provided, as well as information about alternative licensed providers and transport.

Following the Attorney General's conditional approval, Trinity Health Corporation elected not to proceed with the affiliation agreement, leading to MCH announcing it would cease operations and close permanently. The public and agency-partners were provided with less than one week's notice regarding the closure of some services, including the emergency medicine and labor and

delivery departments. MCH also advised their agency partners at that time that they would be filing for Chapter 11 bankruptcy for a sale of assets.

The Hospital's closure leaves approximately 160,000 Madera County residents and surrounding communities without full-service healthcare facilities, including a 24-hour emergency room, surgical facilities, radiology services, and inpatient critical care. Specifically, the closure of MCH poses numerous challenges to the delivery of public health services to the community. These include, but are not limited to, the following:

1. Mandated services to the medically indigent;
2. Medical facility for 72-hour crisis holds for adults and children;
3. Delays in response times for Emergency Medical Services personnel to the community due to emergency room closure and extended travel to transport patients to out-of-county hospitals;
4. Strain to surrounding healthcare facilities and increased patient volume;
5. Rerouting of local law enforcement from other matters of public safety to health-care-related emergencies;
6. Overall negative impact on health outcomes for all residents as MCH was the only emergency/acute care facility that served both adults and children in the City, and the only adult care hospital in the County.

In response to the immediate risk to public health and public safety, staff recommends Council consider adopting a resolution supporting the County's declaration of a Local State of Emergency. The County has authorized their Chief Administrative Officer to begin evaluating potential options for future hospital-level medical care in Madera County. Staff requests direction from Council on participating in a joint evaluation of potential options with Madera County and requests that the City Manager be authorized to allocate staff time and monetary resources within his established authority to partner with Madera County on this endeavor.

FINANCIAL IMPACT:

The fiscal impact of the closure of MCH is currently unknown, whereas any funding allocated to efforts to study potential options would be from the City's General Fund. Specifically, the adopted budget includes an allocation of funds for emergency/contingency purposes in the Central Administration budget. This could support a City-County joint study of the situation by a subject matter expert. Any potential expenditures in excess of the adopted budget would be brought to Council for consideration should the need arise.

In addition, on January 4, 2023, MCH CEO Paolinelli once again requested that ARPA funds be re-appropriated to the hospital. MCH followed up by forwarding audited financial statements. Due to other obligations, staff has not reviewed said reports.

ALTERNATIVES:

Council could direct staff to conduct its own study separate of the County regarding future hospital services in Madera. Council could also direct staff to allocate additional monetary resources towards the project; such direction would be brought back for consideration at a future meeting to amend the City's operating budget.

ATTACHMENTS:

1. Resolution supporting the County's Proclamation of a Local Emergency
2. Resolution of the Board of Supervisors of Madera County Ratifying and Extending the Declaration of a Local Emergency and Declaration Proclaiming the Existence of a Local Emergency, Closure of Madera Community Hospital
3. Resolution No. 23-006 of the Fresno County Board of Supervisors Proclaiming the Existence of a Local Emergency
4. Letter from Congressman Costa and Congressman-elect Duarte to the Department of Health and Human Services and Centers for Medicare and Medicaid Services

1. Resolution supporting the County's Proclamation of a Local Emergency

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA
SUPPORTING THE COUNTY'S PROCLAMATION OF THE EXISTENCE OF A
LOCAL EMERGENCY DUE TO THE CLOSURE OF MADERA COMMUNITY
HOSPITAL**

WHEREAS, on December 29, 2022, the Madera County Sheriff/Madera County Director of Emergency Services declared a local emergency based on an imminent and proximate threat to public safety in Madera County caused by the sudden and unexpected closure of Madera Community Hospital, the City's only general acute care hospital and emergency room that provided services to both adults and children; and

WHEREAS, the Madera County Board of Supervisors ratified the declaration of a local emergency on January 3, 2023, related to the closure of Madera Community Hospital; and

WHEREAS, the City Council of the City of Madera hereby finds that there continues to exist an imminent and proximate threat to public health and safety from the closure of Madera Community Hospital; and

WHEREAS, conditions of disaster or of extreme peril to the safety of persons within the City have resulted from and continue due to the sudden termination of emergency and other medical services at Madera Community Hospital, thereby causing significant and unanticipated strain and depletion of local resources and the conditions warrant and necessitate supporting the declaration of a local emergency; and

WHEREAS, the closure of Madera Community Hospital came at a time when the region's healthcare network was already significantly strained by ongoing cases of COVID-19, flu, and respiratory viruses; and

WHEREAS, the Fresno County Board of Supervisors declared an emergency on January 3, 2023, related to the current healthcare crisis affecting medical facilities in their County, compounded by the closure of Madera Community Hospital.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY RESOLVES AS FOLLOWS:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The City Council finds that the state of emergency conditions related to the closure of Madera Community Hospital set forth in the Madera County Sheriff's Proclamation of Emergency are ongoing and are recognized as an imminent threat to our citizens.

Section 3. The City Council hereby recognizes and affirms the existence and conditions of a state of emergency as proclaimed by the Madera County Board of Supervisors and the City affirms, authorizes, and acknowledges the existence of a local emergency throughout the City.

Section 4. The City Council further requests that the Governor make available any State assistance programs and seek additional Federal assistance programs to provide relief to the public agencies and private individuals that have been or will be harmed by this emergency.

Section 5. The City Council supports the proclamation issued by Sherriff Pogue on December 29, 2022, ratified by the Madera County Board of Supervisors on January 3, 2023.

Section 6. The City Clerk is directed to provide a certified copy of this resolution to Madera County, Fresno County, and all state and federal legislative representatives for the City of Madera.

Section 7. This resolution is effective immediately upon adoption.

* * * *

2. Resolution of the Board of Supervisors of Madera
County Ratifying and Extending the Declaration of a
Local Emergency and Declaration Proclaiming the
Existence of a Local Emergency, Closure of Madera
Community Hospital

BEFORE
THE BOARD OF SUPERVISORS
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

In the Matter of

BOARD OF SUPERVISORS

) Resolution No.: 2023 - *COF*
)
) A RESOLUTION OF THE BOARD OF
) SUPERVISORS OF MADERA COUNTY
) RATIFYING AND EXTENDING THE
) DECLARATION OF A LOCAL
) EMERGENCY (CLOSURE OF MADERA
) COMMUNITY HOSPITAL)
)

WHEREAS, California Government Code section 8630 and Madera County Code Chapter 2.78 empowers the Director of Emergency Services/Sheriff to proclaim a local emergency when the County of Madera is affected or likely to be affected by the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons within the County; and

WHEREAS, on December 29, 2022, the Director of Emergency Services/Sheriff declared a local emergency based on an imminent and proximate threat to public safety in Madera County caused by the sudden and unexpected closure of Madera Community Hospital, the County's only general acute care hospital and emergency room that provides services to both adults and children (the December 29, 2022 proclamation is attached hereto as Exhibit A); and

WHEREAS, under Government Code section 8630, the local emergency shall not remain in effect for more than seven (7) days unless ratified by the Board of Supervisors; and

II

II

WHEREAS, the Board of Supervisors hereby finds that there continues to exist an imminent and proximate threat to public health and safety from the closure of Madera Community Hospital in Madera County for the reasons set forth in Exhibit A; and

WHEREAS, conditions of disaster or of extreme peril to the safety of persons within the County of Madera have arisen within the County caused by the sudden termination of emergency and other medical services at Madera Community Hospital, thereby causing significant and unanticipated strain and depletion of local resources, and the conditions warrant and necessitate proclaiming the continued existence or threatened existence of a local emergency; and

WHEREAS, the conditions created by the closure of Madera Community Hospital further imperil the County's ability to meet its obligations to provide health care services to its indigent and poor residents pursuant to Welfare and Institutions Code section 17000.

NOW, THEREFORE, the Board of Supervisors of the County of Madera resolves as follows:

1. The local emergency declared on December 29, 2022, by the Director of Emergency Services/Sheriff is hereby ratified.

2. The need for continuing this local emergency and local health emergency shall be reviewed as required by Government Code section 8630 and the Board of Supervisors shall proclaim the termination of this local emergency and local health emergency at the earliest possible date that conditions warrant.

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The foregoing Resolution was adopted this 3rd day of January 2023, by the following vote:



Supervisor Wamhoff voted:

yes

Supervisor Rogers voted:

yes

Supervisor Poythress voted:

yes

Supervisor Gonzalez voted:

yes

Supervisor Macaulay voted:

yes

A handwritten signature in blue ink that reads "David B. Rogers".

Chairman, Board of Supervisors

ATTEST:

A handwritten signature in blue ink that reads "Karen Schirner".
Clerk, Board of Supervisors

Approved as to Legal Form:
COUNTY COUNSEL

James N.
By: McCann
Deputy County Counsel

Digitally signed by: James N. McCann
DN: CN = James N. McCann email =
jmcann@lozanosmith.com C = US
Date: 2022.12.30 11:02:41 -08'00'

EXHIBIT “A”



OFFICE OF THE SHERIFF

Tyson J. Pogue, Sheriff-Coroner

DECLARATION PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY CLOSURE OF MADERA COMMUNITY HOSPITAL

WHEREAS, Section 8630 of the Government Code and Chapter 2.78 of the Madera County Code authorize the Director of Emergency Services to proclaim the existence of a local emergency within County of Madera when it is affected or likely to be affected by the existence or threatened existence of conditions of emergency or of extreme peril to the safety of persons and property within the territorial limits of Madera County; and

WHEREAS, the Director of Emergency Services does hereby find that conditions of extreme peril to the safety of persons and property have arisen within Madera County, caused by the sudden and unexpected closure of Madera Community Hospital, with only seven days' notice to the County and general public, which will occur on or about Friday, December 30, 2023; and

WHEREAS, Madera Community Hospital is the County's only general acute care hospital and emergency room that provides services to both adults and children, the closure of which is likely to imperil the health and safety of the County's residents and visitors by requiring adult persons seeking emergency medical and hospital services to, in the majority of circumstances, travel, or be transported by ambulance, outside of the County to obtain those services; and

WHEREAS, closure of Madera Community Hospital is expected to strain and deplete local resources, such as law enforcement, fire suppression, adult and child protection services, behavioral health, and ambulance services, thereby creating critical delays in the provision of such services; and

WHEREAS, termination of medical services at Madera Community Hospital further imperils the County's ability to provide health care services to its indigent and poor residents pursuant to Welfare and Institutions Code section 17000; and

WHEREAS, the aforesaid conditions warrant and necessitate the proclamation of a local emergency; and

WHEREAS, it has now been found that local resources will be unable to cope with the effects of this emergency.

NOW, THEREFORE, BE IT HEREBY DECLARED that a local emergency now exists throughout Madera County; and

IT IS FURTHER DECLARED AND ORDERED that during the existence of the local emergency the powers, functions, and duties of the Director of Emergency Services and the emergency services organization of the County shall be those prescribed by state law, and by ordinances and resolutions of Madera County approved by the Board of Supervisors; and

IT IS FURTHER DECLARED AND ORDERED that a copy of this Declaration be forwarded to the Governor of the State of California; and

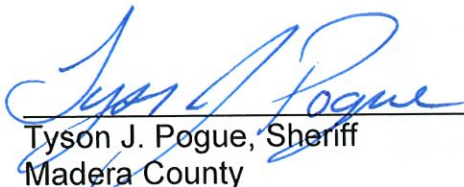
IT IS FURTHER ORDERED that a copy of this Declaration be forwarded to the State Director of the Office of Emergency Services; and

IT IS FURTHER ORDERED that Sheriff Tyson J. Pogue, County Sheriff and Emergency Services Director, or his designee, is hereby designated as the local Hazard Mitigation Coordinator of the County of Madera for the purpose of assessing damage within Madera County and consulting with federal/state survey teams about hazard mitigation actions; and

IT IS FURTHER ORDERED that Sheriff Tyson J. Pogue or his designee, is hereby designated as the authorized representative for public assistance, and Sheriff Tyson J. Pogue, or his designee, is hereby designated as the authorized representative for individual assistance of the County of Madera for purposes of receipt, processing and coordination of all inquiries and requirements necessary to obtain available state and federal assistance; and

BE IT FURTHER RESOLVED that the County of Madera also requests the State of California to waive regulations that may hinder response and recovery efforts, to make available recovery assistance under the California Disaster Assistance Act, and to expedite access to federal resources and any other appropriate federal relief programs; and

BE IT FURTHER RESOLVED AND ORDERED that the local State of Emergency shall be deemed to continue to exist until its termination is proclaimed by the Madera County Board of Supervisors.



Tyson J. Pogue, Sheriff
Madera County

12/29/2022

Date

3. Resolution No. 23-006 of the Fresno County Board of
Supervisors Proclaiming the Existence of a Local
Emergency

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF FRESNO, STATE OF CALIFORNIA

IN THE MATTER OF THE
HOSPITAL CAPACITY
IN FRESNO COUNTY

PROCLAIMING THE
EXISTENCE OF A LOCAL
EMERGENCY

WHEREAS, the California Emergency Services Act (Government Code section 8630, et. seq.) establishes procedures for proclaiming emergencies and for responding promptly to the needs that arise during emergencies; and

WHEREAS, section 2.44.060.A. of the Fresno County Code and Section 8630 of the Government Code empower the Emergency Services Director to request the Board of Supervisors if in session, to proclaim the existence of a local emergency when the County is affected by or likely to be affected by a public calamity; and

WHEREAS, the Board of Supervisors of the County of Fresno does hereby find that a crippling disaster, which severely impairs public health and public safety, is created by conditions of extreme peril to the safety of persons and property which have arisen within said County, due to the multiple infectious illnesses that is exceeding the capacity and infrastructure at hospitals in the County of Fresno, commencing on the 3rd day of January 2023 and continuing; and

WHEREAS, due to a rise in respiratory illnesses, flu, and COVID-19, as well as other illnesses local hospitals are experiencing record numbers of patients requiring admission at local hospitals; and

WHEREAS, due to the closure of Madera Community Hospital, there is a high probability that local hospitals will be further impacted by Madera County residents accessing hospital related care; and

WHEREAS, the normal operating bed capacity for patients in local hospitals has exceeded the maximum available bed capacities and causing critical and ill patients, admitted to the hospital,

1 to be housed and cared for in the emergency department and other areas of the hospital due to the
2 unavailability of beds and staff; and

3 WHEREAS, local hospitals are modifying conference rooms, offices, and non-traditional
4 spaces throughout the hospital as surge space to use for patient care areas due to the
5 overwhelming number of patients requiring hospital admission and care; and

6 WHEREAS, due to employee illnesses and the need for additional staffing of surge space
7 at local hospitals, staffing must be supplemented with high cost out-of-area “travel nurses,” causing
8 financial challenges. While additional staffing is needed, many hospitals have opted not to hire
9 additional “travel nurses” because they cannot absorb the cost; and

10 WHEREAS, there are no available staffed hospital beds within the region and adjacent
11 counties, which would allow local hospitals to decrease the patient load by transferring patients to
12 other hospitals; and

13 WHEREAS, the region’s only Level I Trauma Center has had to decline certain transfer
14 requests from other hospitals due to no bed availability; and

15 WHEREAS, due to the overwhelming receipt of persons accessing the emergency
16 department and creating unsafe conditions within the hospital, Community Regional Medical
17 Center was recently placed on temporary diversion status; and

18 WHEREAS, the Local EMS Agency has requested ambulance providers to implement the
19 “Assess and Refer Policy” that requires ambulance personnel to perform an assessment and limit
20 the transport of persons requesting transportation to the hospital that are determined to be non-
21 emergent; and

22 WHEREAS, local resources are inadequate to cope with the effects of said emergency and
23 the combined forces of other political subdivisions of the State are required to assist the County to
24 combat the effects of said emergency; and

25 NOW THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists
26 throughout said County; and

1 IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local
2 emergency, the powers, functions, and duties for the emergency organization of this County shall
3 be those prescribed by state law, ordinances and resolutions of this County, and by the Fresno
4 County Operational Area Master Emergency Services Plan, as approved by the Board of
5 Supervisors; and

6 IT IS REQUESTED that the Governor of California find and declare the County of Fresno to
7 be in a state of emergency, as a result of the multiple infectious illnesses that is exceeding the
8 capacity and infrastructure at hospitals and the anticipated increase in patient volume due to the
9 recent closure of Madera Community Hospital. We request that the Governor issue such orders or
10 directives to State agencies as may be necessary to immediately alleviate the impacts of hospital
11 bed capacity; and

12 IT IS FURTHER REQUESTED that the Governor make available any and all State
13 assistance programs, including California Disaster Assistance Act assistance, and seek additional
14 Federal assistance programs, including Robert T. Stafford Act assistance, to provide relief to the
15 public agencies and private individuals that have been or will be harmed by this emergency; and

16 IT IS FURTHER ORDERED that a copy of this proclamation be forwarded to the State
17 Director of the Office of Emergency Services.

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THE FOREGOING was passed and adopted by the following vote of the
Board of Supervisors of the County of Fresno this 3rd day of January, 2023, to-wit:

AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero
NOES: None
ABSENT: None
ABSTAINED: None



Sal Quintero, Chairman, Board of Supervisors

ATTEST:
BERNICE E. SEIDEL
Clerk, Board of Supervisors

By  _____
Deputy

4. Letter from Congressman Costa and Congressman-elect Duarte to the Department of Health and Human Services and Centers for Medicare and Medicaid Services

Congress of the United States
Washington, DC 20515

January 5, 2023

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Secretary Becerra and Administrator Brooks-LaSure:

This letter is to bring your attention to dire financial circumstances at Madera Community Hospital (MCH) in Madera, California. After financial solvency issues and a failed merger, the hospital declared bankruptcy and shut its doors to new patients on January 3, 2023. The closure of this hospital leaves over 100,000 residents without a hospital in their community. I urge you to use all authorities at your disposal, including declaring a local health emergency, to ensure continued healthcare services are provided to the region.

MCH is a vital institution. Opened in 1971, it services both the City of Madera—with a population of 64,000—along with rural parts of Madera County—which has significant poverty and a large Hispanic community. A majority of the hospital's population benefits from federally funded healthcare coverage, including Medicare, Medicaid, and the Children's Health Insurance Program (CHIP). The hospital provided 103 critical care beds along with three rural clinics run by MCH. The community benefited from its accessible maternity services, emergency room, and ambulatory services.

The pandemic and rising healthcare prices, especially staffing costs, took a toll on Madera Community Hospital. After operating in the red for several years, MCH began accepting bids to be acquired. Trinity Health (Trinity) won the bid. Trinity submitted a proposal to take over MCH to California's Attorney General in Fall of 2022. After a thorough review process, balancing the needs of the Madera community with Trinity's requirements, California Attorney General Rob Bonta approved the sale on December 15, 2022. Trinity Health announced it would not move forward with the acquisition a week later, sending the community into disarray. Labor and delivery services ended on Wednesday, December 28th. The emergency department closed on Friday, December 30th. All other hospital services ceased on January 3rd. The rural clinics located in Madera, Chowchilla, and Mendota will close on January 10th. The Madera Sheriff's Office proclaimed a local state of emergency following the closure of MCH on December 29th.

The people of Madera are hurting. I have heard from many constituents expressing their concern, both from Madera and the surrounding communities. They are scared about the uncertainty of not having access to healthcare. One individual explained that he does not have access to a car and does not know how he is going to get his mother to and from appointments.

Another called asking how much wait times are going to increase at her local hospital, which will help service individuals who would have otherwise been directed to MCH. //

The San Joaquin Valley is already medically underserved. We are now asking the brave frontline workers who are stretched thin and burnt out to stretch themselves just a little farther. Local hospitals are taking on additional patient loads at an already very strenuous moment of our country's healthcare system due to the "tripledemic." The neighboring Fresno County-which houses the next closest hospital to MCH, Community Regional Medical Center (CRMC)-proclaimed a local emergency due to hospital capacity. Community Regional Medical Center is working at disaster level status to treat patients from COVID, flu and RSV. As the only Level 1 Trauma Center in Central California its emergency department has more than 200 patients and has had to divert trauma patients due to overcapacity. It has about 100 patients awaiting rooms. CMRC is also taking in patients transferred out of Madera Hospital and needs additional staffing and resources from the federal government to safely meet the demand.

The Department of Health and Human Services (HHS) has existing statutory authority to intervene. Section 319 of the Public Health Service (PHS) Act (42 U.S.C. §247d) provides HHS "broad legal authorities to provide assistance to states and local entities," including assisting localities with developing and implementing a response to meet health emergencies or problems.¹ In addition to declaring a Public Health Emergency, you could activate the U.S. Public Health Service (USPHS) Commissioned Corps and select members of the Medical Reserve Corps (MRC) to ensure that those in Madera are receiving care. In addition, 42 U.S.C. §247d 3b gives you the authority to award competitive grants or cooperative agreements to help entities improve surge capacity and enhance community preparedness. This authority will allow you to assist the surrounding hospitals as they face the current surge of patients.

The people of Madera County and the Valley deserve nothing less than the same basic and critical healthcare services afforded to other Americans. I respectfully request you give this situation your full and fair consideration. I stand ready to work with you to ensure this hospital can continue to serve the community.

Sincerely,



JIM COSTA
Member-Elect



JOHN DUARTE
Member-Elect

Cc: Jeffrey Reynoso, Region IX Director, U.S. Department of Health and Human Services
Mark Ghaly, Secretary, California Health & Human Services Agency

¹ <https://aspr.hhs.gov/legal/Pages/Legal-Authority-of-the-Secretary.aspx#:~:text=The%20HHS%20Secretary%20has%20legal%20authority%20to%20take,and%20Cosmetic%20Act%3B%20and%20the%20Social%20Security%20Act.>