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TO THE COMMITTEE ON SAN FRANCISCO SCHOOLS AND INSTITUTIONS: ✓

Proposed Psychiatric HospitalHistorical:

In the Fall of 1937, a proposal was made by the State Department of Institutions that the University of California provide a site on the San Francisco Campus, and that the State Department of Institutions erect thereon a psychiatric hospital of at least 250 beds to which there would be attached a clinic for ambulatory patients. It was proposed that this be a cooperative enterprise between the State Department of Institutions and the University of California Medical School, the former appointing a Superintendent, Senior and Junior Staffs and other personnel, and the latter nominating a Director of Clinical and Teaching Services and a Visiting Staff to be chosen from the faculty of the Medical School, appointments to be secured by the State Department of Institutions.

The object of this proposed cooperation was to provide better diagnostic service for psychiatric patients, and a better understanding of the psychiatric and social problems connected with the commitment and care of the mentally ill, as well as to provide opportunity for the training in psychiatry, both preventive and curative, of graduate and undergraduate students, and to offer to practitioners of the State the opportunity to become familiar with modern psychiatric practice looking toward early recognition and prevention of mental diseases.

The proposed hospital was to serve as a psychiatric diagnostic unit for Northern California, under the authority, control and administrative direction of the State Department of Institutions, and all patients admitted from Northern California at any mental hospital were, of necessity,

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to pass through it for study and diagnosis, only those remaining who could appropriately be treated therein. The hospital was also to be used for research into the problems of medicine, psychiatry, medical and surgical neurology, neuropathology, and sociology as they arise in the administration of State service to the mentally ill.

Through such a cooperative arrangement as that proposed, the State Department of Institutions was to have the advantage of the consultation services of the staff of the Medical School in medical, surgical, pediatric, pathological, X-ray and other essential fields, while the Medical School was to have available the facilities for training of students in the wards, clinics, laboratories, and social service units of the hospital, as well as for research in the fields of neurology and psychiatry.

Preliminary Study and Suggested Conditions of Agreement:

Early study of this proposal by a special committee representing the Medical School and the Comptroller's Office, included consideration of the site, the building and improvements, and administration, and led to the formulation of specific conditions which might be used as a basis for drawing a contract between the State and the Regents.

With regard to the site, the area originally under consideration was the block on the North side of Parnassus Avenue, between First and Second Avenues. This was purchased in the year 1932-33 at a cost of \$49,419 as a possible site for a dental clinic, which need has now been met by the construction of the new Clinic Building on the main campus of the Medical Center. At present, the University has no definite plan for the use of this property. It was recommended that, if the proposal of the State Department of Institutions be accepted, such portion of this block as might be needed be leased to the State on a 99-year basis.

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The following items were suggested as salient points of a proposed agreement between the State and the Regents of the University:

1. The Regents of the University of California:
 - (a) To grant to the State a lease of a site for a psychiatric hospital building, on a 99-year basis, rental free.
 - (b) To provide live steam and other utilities from the Medical Center campus.
 - (c) To cooperate in staffing the hospital by:
 1. Appointing a Director of Clinical, Research and Teaching Services at University expense.
 2. Nominating the Senior Staff of the psychiatric hospital for inclusion on the State Civil Service eligibility list.
 3. Appointing the Visiting Staff of the hospital from the staff of the University of California Medical School.
 4. Appointing necessary instructors of nursing education as related to psychiatric treatment.

2. The State of California:
 - (a) To erect a psychiatric hospital and clinic, and to connect these buildings with the Medical Center campus by construction of a tunnel under Parnassus Avenue.
 - (b) To assume all expense of maintenance and operation of the hospital.
 - (c) To appoint a Medical Director and Superintendent in general charge of the hospital, acceptable to the faculty of the Medical School.
 - (d) To appoint the Senior Medical Staff from the Civil Service eligibility list nominated by the staff of the Medical School.
 - (e) To provide all of the necessary nursing and attendants staff of the hospital.
 - (f) To reserve to the University an option to use any and all available

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facilities for teaching medical students, student nurses and trainees in psychiatry, and for research in psychiatry.

The Finance Committee of the Regents, on October 15, 1937, gave general approval to this proposed agreement and referred to the President and the Comptroller further negotiations with the Director of Institutions.

Further Considerations:

Although the original plan contemplated control by the Department of Institutions, a proposal was made in 1938 by then Governor-elect Olson that he provide \$500,000 for a psychiatric hospital as an addition to the University's budget for 1939-41. This led to further studies of organization resulting in an alternative plan which embodied close cooperation with the Department of Institutions but was based upon the premise that the Hospital should be constructed, maintained, operated and administered by the University. It was anticipated that in future biennia the University might receive an annual subsidy from the State to meet operating costs in excess of income.

During the first half of the year 1939, various conferences, involving the Director of Institutions, the Office of the State Architect, the President, the Dean and other representatives of the Medical School, the Comptroller and various members of his staff, were held. These conferences were directed primarily toward: (1) determining whether the University or the Department of Institutions should undertake the construction of the Hospital and the subsequent operation and administration thereof; (2) agreeing upon the organization of the staff, by whom to be appointed and with what restrictions, division of authority and control over respective services, etc.; (3) agreeing upon the number of beds to be provided and the allocation of space to the various services of the Hospital; (4) choice of a site, later consideration having indicated the desirability of locating

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on the main campus of the Medical Center rather than across Parnassus Avenue.

By August, 1939, it was understood that complete agreement had been reached between the Department of Institutions and the Medical School and in a conference between the President, the Director of Institutions, the Dean of the Medical School, the Comptroller and the Superintendent of the University Hospital, it was agreed that the State Department of Architecture should proceed with plans for building and that the University would work out a form of contract with the Department of Institutions which would give the University full control of the personnel of the unit. During the latter part of the year, plans for the building progressed and a rough draft of a suitable form of contract was prepared by the Attorney for the Regents. These facts were reported on January 12, 1940, to the Committee on San Francisco Schools and Institutions, which "approved the work done so far and the continuance of negotiations." At a later date, March 8, 1940, a further report and preliminary plans were presented to the Committee, which "approved the plan and arrangements as so far made." On May 24, 1940, Architect W. C. Hays showed the Committee the working plans for the new Psychiatric Hospital, and on motion of Regent Giannini, "the Committee voted to approve the plans." Finally, on May 24, 1940, the Board of Regents voted, on recommendation of this Committee, "That the President be given full power to act for the Regents in arranging a contract with the State Department of Institutions for the operation of the Psychiatric Hospital and that the officers of the Board be authorized to execute the contract."

Contract Provisions:

The principal provisions of the contract as drawn by the Attorney, for the President, under this grant of authority, were, briefly, as follows:

1. The University to make available as a site for the proposed hospital, a

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- parcel of land on the Medical Center campus.
2. The State to construct and equip the Hospital at its own expense.
 3. The Hospital to be occupied, managed, administered, operated and maintained by the University as a separate unit but in coordination with the existing University Hospital, taking account of the need for cooperation with the Department of Institutions in formulating an investigative program involving the public interest and the public care and treatment of the mentally ill.
 4. All necessary personnel, supplies and services to be provided by the University.
 5. A director to be appointed by the University upon nomination of a committee consisting of the President of the University and the Director of Institutions.
 6. The University to collect all fees and make all disbursements of funds.
 7. Research and teaching projects undertaken by the University to be wholly supported financially by the University, and those undertaken by the State to be wholly supported financially by the State.
 8. The University to contribute annually one-half the salary of the Director.
 9. All other costs of maintenance, management, administration and operation of the Hospital and all costs of repair and replacement of equipment, and of provision of new equipment, and all costs of necessary maintenance and repair of the Hospital, which are in excess of income from fees and other charges, to be borne by the State under a specified plan of reimbursement to the University.
 10. The State to be permitted to assign regular employees of the Department of Institutions for such duty at the Hospital as may be approved by the Director, with salary and expenses paid by the State.

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11. The University to be permitted to terminate this agreement and thereafter to have exclusive control, ownership and possession of the Hospital and its equipment if the State should at any time become six months delinquent in making any reimbursement or payment under this agreement and should not within thirty days after notice from the University repair its default.
12. The State to be permitted to terminate this agreement and demand from the University a lease upon the Hospital and all of its equipment for a specified period and at a specified rental if the University should at any time fail to provide sufficient funds to meet its obligations under this agreement and should not within six months after notice from the State repair its default.
13. Both parties to declare that it is their purpose to carry out a program of study and education for the benefit of the State without regard to the special interests of either party.

Certain of these provisions proved unsatisfactory to the State Director of Institutions, and he proposed that a conference be held between representatives of the Department of Institutions, the Department of Finance, the State Personnel Board, the Attorney-General's Office, and the University. Such a conference was held on June 21, 1940 at which the discussion was directed toward informing State representatives of the practical aspects of the University acting as agent for the State in the operation of the Hospital, and it was agreed that, if there were no legal obstacles, the plan proposed by the University was desirable.

Final draft of an agreement was left to a committee consisting of the Attorney for the Regents and a representative of the Attorney-General's Office. In the preparation of this draft, the following legal difficulties have been suggested:

1. The Attorney-General has expressed the opinion that the money appropri-

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ated in 1939 for the construction of a psychiatric hospital unit cannot be expended by the Department of Institutions for construction of such a unit on land leased or licensed for use by the Regents. It has been suggested that the Regents sell the necessary land for a nominal consideration but it is probable that such a sale could not legally be made except under conditions which might be inadvisable for the University to accept.

2. There appears to be some question as to whether or not the Department of Institutions:
 - (a) Is presently authorized under the law to take any steps toward operation of a psychiatric unit.
 - (b) Would have the power, in view of existing constitutional provisions relating to Civil Service, to enter into an agreement with the Regents whereby the Regents would operate the Hospital in return for compensation. Operation of the Hospital with Civil Service personnel would be the alternative.
 - (c) Could be provided, under agreement with the Regents, with the necessary materials and supplies from the existing storeroom at the University Hospital, or would have to make purchases through usual State purchasing agencies. The latter would entail duplication of labor and expense, and provision of special storage facilities.

The President and the Attorney for the Regents agree that it would be undesirable to sell a piece of the campus for a site for a psychiatric hospital in the administration of which the University might come to have no part. The Attorney for the Regents is of the opinion that the obstacles indicated under (2) could be overcome and that some plan could be worked out by which the State could legally entrust the entire operation of the

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Hospital, including the provision of materials and supplies and all services, to the Regents. This would be in line with the first proposed draft of agreement which he submitted, and the provisions of which are briefly stated in the preceding section of this report. However, he points out that doubts of legality expressed by others should not be disregarded, and that it might not be well to enter into a contract which did not have the whole-hearted acceptance by the Attorney-General and others as to its soundness and enforceability.

Recommendation:

In view of the foregoing facts, and the further fact that insistence by the President and Attorney upon the points which they regard as important may result in preventing the consummation of an agreement and the construction of facilities much needed both by the University and the State Department of Institutions, we ask from this Committee further instructions. I recommend that the actions of the President and Attorney be approved and that they be authorized to proceed along the lines they have been following.

August 9, 1940

Robert G. Sproul

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