

1 [Settlement of Lawsuit - State of Nevada, the Nevada Department of Health and Human
2 Services; Southern Nevada Adult Mental Health Services - City to Receive \$400,000]

3 **Ordinance authorizing settlement of the lawsuit filed by the City and County of San**
4 **Francisco against State of Nevada, the Nevada Department of Health and Human**
5 **Services (“DHHS”); Richard Whitley in his official capacity as Director of DHHS; the**
6 **Southern Nevada Adult Mental Health Services (“SNAMHS”); and Joanne Malay in her**
7 **official capacity as Hospital Administrator of SNAMHS for \$400,000; the lawsuit was**
8 **filed on September 10, 2013, in San Francisco Superior Court, Case No. CGC-13-**
9 **534108; entitled City and County of San Francisco v. State of Nevada, the Nevada**
10 **Department of Health and Human Services (“DHHS”); Richard Whitley in his official**
11 **capacity as Director of DHHS; the Southern Nevada Adult Mental Health Services**
12 **(“SNAMHS”); and Joanne Malay in her official capacity as Hospital Administrator of**
13 **SNAMHS; other material terms of the settlement are contractual obligations limiting**
14 **Defendants’ practices relating to transfer of patients from Defendants psychiatric**
15 **hospital to any city or county in the State of California.**

16
17 Be it ordained by the People of the City and County of San Francisco:


18 Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby
19 authorizes the City Attorney to settle the action entitled City and County of San Francisco v.
20 State of Nevada, the Nevada Department of Health and Human Services (“DHHS”); Richard
21 Whitley in his official capacity as Director of DHHS; the Southern Nevada Adult Mental Health
22 Services (“SNAMHS”); and Joanne Malay in her official capacity as Hospital Administrator of
23 SNAMHS, San Francisco Superior Court, Case No. CGC-13-534108 by the payment of
24 \$400,000 by the State of Nevada and by Defendants’ undertaking of a contractual obligation
25

1 to limit their transportation to the State of California those patients discharged from
2 Defendants' state psychiatric hospital.

3 Section 2. The above-named action was filed in San Francisco Superior Court on
4 September 10, 2013, and the following parties were named in the lawsuit: Plaintiff City and
5 County of San Francisco; and Defendants State of Nevada, the Nevada Department of Health
6 and Human Services ("DHHS"); Richard Whitley in his official capacity as Director of DHHS;
7 the Southern Nevada Adult Mental Health Services ("SNAMHS"); and Joanne Malay in her
8 official capacity as Hospital Administrator of SNAMHS.

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10
11 APPROVED AS TO FORM AND
12 RECOMMENDED:

13 DENNIS J. HERRERA
14 City Attorney

15 
16 YVONNE MERE *by KAP*
17 Chief of Complex and Affirmative Litigation

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 150933

Date Passed: November 03, 2015

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against State of Nevada, the Nevada Department of Health and Human Services ("DHHS"); Richard Whitley in his official capacity as Director of DHHS; the Southern Nevada Adult Mental Health Services ("SNAMHS"); and Joanne Malay in her official capacity as Hospital Administrator of SNAMHS for \$400,000; the lawsuit was filed on September 10, 2013, in San Francisco Superior Court, Case No. CGC-13-534108; entitled City and County of San Francisco v. State of Nevada, the Nevada Department of Health and Human Services ("DHHS"); Richard Whitley in his official capacity as Director of DHHS; the Southern Nevada Adult Mental Health Services ("SNAMHS"); and Joanne Malay in her official capacity as Hospital Administrator of SNAMHS; other material terms of the settlement are contractual obligations limiting Defendants' practices relating to transfer of patients from Defendants psychiatric hospital to any city or county in the State of California.

October 15, 2015 Government Audit and Oversight Committee - RECOMMENDED..

October 27, 2015 Board of Supervisors - PASSED ON FIRST READING

Ayes: 9 - Breed, Campos, Christensen, Cohen, Farrell, Kim, Tang, Wiener and Yee

Excused: 2 - Avalos and Mar

November 03, 2015 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 150933

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/3/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

11/10/15
Date Approved