

1 [Recovery of Medical Costs]

2 AUTHORIZING THE BUREAU OF DELINQUENT REVENUE TO RECOVER THE COST OF  
3 MEDICAL AND DENTAL CARE PROVIDED TO PERSONS INJURED BY THIRD PARTIES  
4 UNDER CIRCUMSTANCES CREATING TORT LIABILITY, AS AUTHORIZED BY  
5 GOVERNMENT CODE SECTIONS 23004.1 THROUGH 23004.3, AND GIVING THE  
6 BUREAU THE AUTHORITY TO COMPROMISE, SETTLE OR WAIVE CLAIMS IN  
7 CONNECTION WITH SUCH RECOVERY.

8 WHEREAS, State law provides that a county that furnishes hospital, medical, surgical,  
9 or dental care and treatment to a person who is injured, under circumstances creating a tort  
10 liability upon some third party, has the right to recover from the third party the cost of the care  
11 and treatment, or to be subrogated to any right or claim that the injured person has against  
12 the third party (Government Code Section 23004.1); and,

13 WHEREAS, State law further provides that to enforce such right, the county may  
14 institute legal proceedings against the third party, either in its own name or in the name of the  
15 injured person (Government Code Section 23004.1); and,

16 WHEREAS, If the injured person brings an action for damages against the third party,  
17 the county's right of action is abated and continues as a first lien against any judgment  
18 recovered by the injured person to the extent of the reasonable value of the care and  
19 treatment that the county furnished (Government Code Section 23004.1); and,

20 WHEREAS, State law sets forth additional provisions regarding the recovery of  
21 hospital, medical, surgical, or dental costs against third party tortfeasors, including the right  
22 to compromise, settle or waive claims (Government Code Section 23004.2); and,

23 WHEREAS, Government Code Section 23004.3 provides that Government Code  
24 Sections 23004.1 and 23004.2 shall become operative in a county only if the Board of

25 ///  
Supervisor Kaufman  
BOARD OF SUPERVISORS

1 Supervisors of that county, by resolution, elects to be governed by the provisions of such  
2 sections; and,

3 WHEREAS, The Bureau of Delinquent Revenue Collection currently recovers the costs  
4 of hospital, medical, surgical, or dental care that the City renders to persons whose injury has  
5 been caused by a third party through the filing of a lien in the legal proceeding brought by the  
6 injured person against the third party, pursuant to San Francisco Health Code Sections 124  
7 through 124.5; and,

8 WHEREAS, Nothing herein is in any way intended to limit any right, responsibility or  
9 remedy provided under any State or local law governing the payment or collection of the  
10 costs of hospital, medical, surgical, or dental costs authorized under any State or local law,  
11 including the rights and remedies provided in San Francisco Health Code Sections 124  
12 through 124.5; now, therefore, be it


13 RESOLVED, That the Board of Supervisors hereby authorizes the recovery of the cost  
14 of hospital, medical, surgical, and dental care provided to persons injured by third parties  
15 under circumstances creating tort liability, as authorized by Government Code Sections  
16 23004.1 through 23004.3; and, be it


17 FURTHER RESOLVED, That the Bureau of Delinquent Revenue Collection shall  
18 pursue the recovery of costs authorized by Government Code Sections 23004.1 through  
19 23004.3 and shall have the right to compromise, settle or waive claims relating to such  
20 recovery.

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22 Recommended By:

Approved By:

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25 Richard A. Sullivan  
Tax Collector

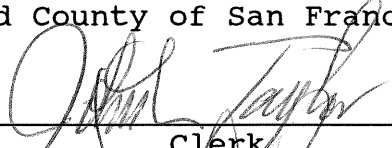
  
Susan Leal  
Treasurer

Adopted - Board of Supervisors, San Francisco August 17, 1998

Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno  
Medina Newsom Yaki Yee

Absent: Supervisor Teng

I hereby certify that the foregoing resolution  
was adopted by the Board of Supervisors  
of the City and County of San Francisco

  
\_\_\_\_\_  
Clerk

File No.  
98-1159

AUG 28 1998  
Date Approved

  
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Mayor