

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  
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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.

9  
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