



## City Attorney Dennis Herrera News Release

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For Immediate Release:  
April 22, 2013  
Contact: Matt Dorsey  
(415) 554-4662

### **Herrera launches investigation into Nevada’s psychiatric ‘patient dumping’**

*S.F. health and homeless services providers invited to assist in gathering evidence from others victimized by practice, which bused 1,500 patients out of Nevada in five years*

SAN FRANCISCO (April 22, 2013)—City Attorney Dennis Herrera today announced that he has launched a formal investigation into allegations that the State of Nevada was extensively involved in “patient dumping”—busing hundreds of indigent people who suffer from mental health afflictions to out-of-state locations, including San Francisco, “with inadequate provisions of food and medication, and without prior arrangements for their care, housing or medical treatment upon arrival.”

In a letter sent to the director of Nevada’s Department of Health and Human Services this morning, Herrera cited a series of recent investigative reports by *The Sacramento Bee* that found one Las Vegas-based state psychiatric hospital alone had transported more than 1,500 mentally-ill patients by Greyhound bus to locations throughout the United States over the past five years. A third of those questionably discharged patients were bused to California cities, according to the reports, with at least 36 bus tickets to San Francisco.

Herrera’s three-page letter, which is copied to Nevada Governor Brian Sandoval and Nevada Attorney General Catherine Cortez Masto, demands the production of several categories of documents under Nevada’s Public Records Law for examination by City Attorney investigators. Herrera is additionally inviting local non-profit and faith-based providers of services to San Francisco’s homeless population to assist in the investigation, both to request that those potentially victimized by Nevada’s mistreatment assist the city in gathering evidence and testimony, and also to facilitate referrals to private legal counsel for individuals whose civil rights may have been violated. City agencies including San Francisco’s Department of Public Health, Human Services Agency, and Police Department are already participating in the inquiry.

[MORE]

“Assuming the reports are true, Nevada’s practice of psychiatric ‘patient dumping’ is shockingly inhumane and illegal,” said Herrera. “We intend to investigate these reports thoroughly, and I am inviting input from providers of services to San Francisco’s homeless, who may be willing to volunteer evidence and testimony to assist the city in a potential civil action. We’re prepared to litigate aggressively on behalf of San Francisco and its taxpayers to recover whatever costs or damages we’re able to identify. I also intend to pursue injunctive relief, including monitoring of the offending medical facilities, to send a strong message to any other state or locality that would consider similarly irresponsible public health practices.”

In March, the *Sacramento Bee* first reported the story of 48-year-old James Flavy Coy Brown, a patient of the Rawson-Neal Psychiatric Hospital in Las Vegas who was sent on a 15-hour bus ride to Sacramento—despite having never before visited, having no friends or family members in the area, and with no prior arrangements for his care, housing or medical treatment upon arrival. The Nevada-run hospital had discharged Brown in a taxicab to the Greyhound bus station with a one-way ticket to Sacramento, snacks, and a three-day supply of medication to treat his schizophrenia, depression and anxiety. Brown was instructed to call 911 when he arrived.

Subsequent evidence published by the *Sacramento Bee* this month disclosed that the hospital had similarly bused more than 1,500 patients over a period of nearly five years throughout the U.S., to locations as far away as Boston, Miami, and New York. Approximately one-third of those patients were bused to cities and towns in California. According to Brown, a Rawson-Neal physician specifically recommended “sunny California” as a destination, because they “have excellent health care and more benefits than you could ever get in Nevada.”

Though the San Francisco’s City Attorney’s Office is prohibited from representing private individuals in legal matters, Herrera’s office is working with the Bay Area legal community to facilitate private referrals for those whose civil rights may have been violated by Nevada’s wrongdoing. Individuals with evidence or testimony that may assist San Francisco in its investigation are asked to contact City Attorney Investigator David Burke at [david.burke@sfgov.org](mailto:david.burke@sfgov.org), or by telephone at (415) 554-4253.

*The Sacramento Bee’s* investigative series on Nevada’s ‘patient dumping’ practices is available online at: <http://www.sacbee.com/leavinglasvegas/>.

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DENNIS J. HERRERA  
City Attorney

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April 22, 2013

Mike Willden, Director  
NEVADA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
4126 Technology Way, Room 100  
Carson City, NV 89706-2009

**Re: Public records request (pursuant to Nevada Revised Statutes Chapter 239) for investigation by the Office of the City Attorney of San Francisco**

Dear Mr. Willden:

I write to request copies of the public records enumerated below under the Nevada's Public Records Law (NRS Chapter 239), and to provide notice that my office has opened a formal investigation into practices by the Nevada Department of Health and Human Services, its divisions, employees, or contractors, that may be civilly actionable under federal, state and local laws. Pursuant to NRS § 239.0107, I ask that the requested public records be made available to my office within five (5) business days of your receipt of this request.

My office's investigation arises out of information recently brought to light by *The Sacramento Bee* that the Rawson-Neal Psychiatric Hospital, a mental health services facility under your department's control, has reportedly transported hundreds of patients suffering from mental illnesses to out-of-state locations—including the City and County of San Francisco—with inadequate provisions of food and medication, and without prior arrangements for their care, housing or medical treatment upon arrival.

Please provide copies of the following records relevant to my office's investigation:

1. All public records provided to *The Sacramento Bee* pursuant to its investigative reports into Nevada's practice of discharging patients from its psychiatric and mental health facilities and transporting them to out-of-state locations, including but not limited to receipts for transportation of such discharged patients by bus or other forms of travel since July 2008.
2. All documentation regarding challenged discharges of patients from psychiatric and mental health services facilities under the control of your department, and

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specifically any discharges challenged on the basis of inadequate discharge planning since July 2008 (redacting personal information on patients or clients as required by law).

3. Copies of citations imposed by state or federal regulatory bodies on mental health, psychiatric, psychosocial rehabilitation, substance abuse, and co-occurring disorders programs and facilities under the control of the Nevada Division of Mental Health and Developmental Services, including appeal documentation and Plans of Correction submitted in response to such citations since July 2008 (redacting personal information on patients or clients as required by law).
4. Copies of current licenses to operate for mental health, psychiatric, psychosocial rehabilitation, substance abuse, and co-occurring disorders programs and facilities under the control of the Division of Mental Health and Developmental Services.
5. Documentation identifying federal, state and local sources of funding since July 2008 for the Division of Mental Health and Developmental Services' mental health, psychiatric, psychosocial rehabilitation, substance abuse, and co-occurring disorders programs and facilities.
6. Copies of any reciprocal agreements from July 2008 to date between the Administrator of the Nevada Division of Mental Health and Developmental Services on the one hand, and any board, commissioners or officers of the State of California, on the other hand, for the mutual exchange of consumers confined in, admitted or committed to a mental health or mental retardation facility in one state whose legal residence is in the other, as authorized by Nevada Revised Statutes § 433.444.
7. Copies of records of written permission given by any board, commissioners or officers of the State of California for the return to California of any consumer confined in, admitted or committed to a mental health or mental retardation facility in the State of Nevada, from July 2008 to date (redacting personal information on patients or clients as required by law).
8. Copies of any records of approval of the Administrator of the Nevada Division of Mental Health and Developmental Services of the transfer of any non-resident of Nevada confined or admitted to a Division facility to the State of California pursuant to Nevada Revised Statutes § 433.444, from July 2008 to date (redacting personal information on patients or clients as required by law).

As City Attorney of San Francisco, I am authorized to pursue investigations, and to commence legal proceedings on civil causes of action that may arise from them on behalf of the City and County of San Francisco and/or the People of the State of California.

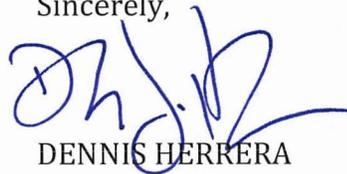
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This request represents my prior authorization to pay all search, copying and shipping fees pursuant to NRS § 239.052. In the event that records I have requested are not disclosable in their entirety, please release all segregable nonexempt portions of the records, and all parts of the records that can be rendered disclosable by redaction. As to any portion of the documents that you withhold, please state with specificity the legal and factual basis for withholding each such portion, as required by NRS § 239.0107 (c) and (d).

Should you have questions about my office's investigation, or require additional clarification about this request, please contact Deputy City Attorney Kristine Poplawski at [kristine.poplawski@sfgov.org](mailto:kristine.poplawski@sfgov.org), or by telephone at (415) 554-3878.

Sincerely,



DENNIS HERRERA

Cc: The Honorable Brian Sandoval, Governor of the State of Nevada  
The Honorable Catherine Cortez Masto, Attorney General of the State of Nevada