



**LAC
DMH**

LOS ANGELES COUNTY DEPARTMENT OF MENTAL HEALTH
500 S. VERMONT AVE., LOS ANGELES, CA 90020 HTTP://DMH.LACOUNTY.GOV



ROBIN KAY, PH.D.
Acting Director

DENNIS MURATA, M.S.W.
Acting Chief Deputy Director

RODERICK SHANER, M.D.
Medical Director

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

14

February 2, 2016

PATRICK OGAWA
ACTING EXECUTIVE OFFICER

February 02, 2016

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL TO PROVIDE LEGAL REPRESENTATION FOR PSYCHIATRIST INVOLVED IN A
MEDICAL BOARD OF CALIFORNIA INQUIRY
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

Request approval to provide legal representation for an employee involved in a Medical Board of California inquiry regarding the mental health treatment provided in the course and scope of employment.

IT IS RECOMMENDED THAT THE BOARD:

1. Make a finding, pursuant to Government Code section 995.6 that the Department of Mental Health (DMH) employee, as described below, acted in good faith and without malice in the apparent interests of the County.
2. Permit the Office of the County Counsel to provide legal representation for the employee in a proceeding initiated before the Medical Board of California (MBOC).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the first recommendation is necessary to exercise the County's option, under the California Code 995.6, to provide for the legal defense for an administrative proceeding brought against an employee. Approval of the second recommendation will allow DMH to provide legal representation to the employee who was named as a defendant in a lawsuit against the County of Los Angeles. The employee was reported to the MBOC as is routine and required by law. The

employee's actions were appropriate and within the standard of care such that representation itself is appropriate.

Implementation of Strategic Plan Goals

The recommended actions are consistent with the County's Strategic Plan Goal 1, Operational Effectiveness/Fiscal Sustainability.

FISCAL IMPACT/FINANCING

Funding is included in the DMH Fiscal Year 2015-16 Final Adopted Budget and will be requested as a continuing appropriation in the future fiscal years as needed upon the approval of your Board.

There is no increase in net County cost associated with the above recommendations.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

DMH, County Counsel and outside counsel reviewed the employee's actions and determined them to be within the scope of County employment, conducted in good faith, without malice, and in the interests of the County. State law permits legal representation by a public entity for an administrative proceeding against an employee, and DMH believes, given the subject matter of the MBOC investigation, the underlying circumstances, roles and responsibilities of the employee involved, that legal representation is appropriate.

CONTRACTING PROCESS

There was no contracting process associated with the recommended actions.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the recommendations will allow the County to exercise its option to provide legal representation for an employee.

The Honorable Board of Supervisors

2/2/2016

Page 3

Respectfully submitted,

Robin Kay, Ph.D.

ROBIN KAY, Ph.D.

Acting Director of Mental Health

RK:RS:DM:AB:dkh

c: Executive Office, Board of Supervisors
Chief Executive Office
County Counsel
Chairperson, Mental Health Commission