

Date: Sept. 28, 2010

Item No. 7

File No. 10038

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Jason Grant Garza v Department of Public Health
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-
-
-
-
-
-
-
-

Completed by: Chris Rustom

Date: Sept, 23, 2010

***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

SUNSHINE ORDINANCE
TASK FORCE



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
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September 15, 2010
(Revised)

San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

Referral of Willful Violation of the Sunshine Ordinance

This is a referral from the August 28, 2010, hearing of the Sunshine Ordinance Task Force ("Task Force" or "SOTF") against a Department of Public Health ("DPH") employee for willfully violating the Sunshine Ordinance. The referral is made pursuant to Sunshine Ordinance Section 67.30(c).

On July 9, 2010, Jason Grant Garza filed a complaint with the Task Force alleging that DPH, through Eileen Shields, failed to respond to an Immediate Disclosure Request.

DPH was informed of the complaint and was asked to provide a response within five business days. The complainant and respondent were also informed that a hearing on the matter had been set for the Task Force's regular meeting of August 24, 2010.

On August 9, 2010, by email, Ms. Shields informed the Task Force that she was submitting a statement in lieu of sending a representative to the hearing because of "the narrow parameters of (DPH's) ability to respond to this complaint, and Mr. Garza's history of rude and hostile behavior towards me and other DPH staff."

Mr. Garza presented his claim to the Task Force at the hearing on August 24, 2010. DPH was not represented. No one in the audience presented facts and evidence in support of the respondent.

By not sending a knowledgeable representative to the hearing, DPH violated Section 67.21(e) of the Ordinance, which states: "an authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested."

The Task Force found that the expressed safety concerns did not excuse DPH's failure to send a representative in light of the fact that DPH could have but did not request the

presence of security personnel and/or send an alternate representative(s) to the Task Force hearing.

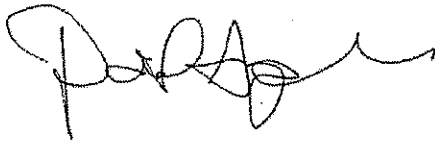
The Task Force found that the DPH through Ms. Shields, willfully violated Section 67.21(e). This request and referral are made under Section 67.30(c) of the Sunshine Ordinance, whereby the Task Force shall make referrals to a municipal office with enforcement power under this Ordinance whenever it concludes that any person has violated any provision of this Ordinance.

Attached is a copy of Ms. Shields' August 9, 2010, email to the Task Force.

If you need any further information, including the audio recording of the meeting referenced above, please feel free to contact us, or the Task Force Administrator at (415) 554-7724.



Richard Knee, Chair
Sunshine Ordinance Task Force



David Snyder, Member, Seat #1*
Sunshine Ordinance Task Force

cc: Jason Grant Garza, complainant
Eileen Shields, respondent
Mitchell H. Katz, Director of Public Health
Jerry Threet, Deputy City Attorney
Jana Clark, Deputy City Attorney

*Sunshine Ordinance Task Force Seat #1 is a voting seat held by an attorney specializing in sunshine law.



DENNIS J. HERRERA
City Attorney

JANA CLARK
Deputy City Attorney

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**MEMORANDUM
PRIVILEGED AND CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
FROM: Jana Clark
Deputy City Attorney
DATE: August 19, 2010
RE: Jason Grant Garza v. Department of Public Health (10038)

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING:

Complainant Jason Grant Garza ("Complainant") alleges that the Department of Public Health ("DPH") has failed to respond to an Immediate Disclosure Request ("IDR") directed to the Tom Waddell Health Center for documents regarding his June 11, 2010 urgent medical care request.

COMPLAINANT FILES COMPLAINT:

July 9, 2010, Mr. Garza filed a complaint against DPH alleging that DPH failed to respond to his IDR.

JURISDICTION:

DPH is a department subject to the jurisdiction of the Task Force.

APPLICABLE STATUTORY SECTION(S):

Sunshine Ordinance § 67.24 (i)
California Government Code § 6254
45 C.F.R. §164.524 and § 164.508

APPLICABLE CASE LAW:

None.

ISSUES TO BE DETERMINED:

FACTUAL ISSUES:

A. Uncontested Facts: Complainant alleges that DPH has failed to produce all documents pertaining to his June 11, 2010 attempt to get urgent medical care at the Tom Waddell Clinic ("the incident").

**MEMORANDUM
PRIVILEGED & CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
 DATE: August 19, 2010
 PAGE: 2
 RE: *Jason Grant Garza v. Department of Public Health (10038)*

B. Contested facts/ Facts in dispute: DPH responds that an Authorization to Disclose Health Information is required to be completed by Complainant before any medical records may be released and notes that an authorization form was provided to Complainant. DPH alleges further that the documents requested are medical records not subject to the Sunshine Ordinance. DPH does not cite the specific law upon which it relies in requiring an authorization.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- Are all the documents requested medical records?
- Does DPH have non-medical records pertaining to the incident?
- Can DPH segregate medical and non-medical records pertaining to the incident?

LEGAL ISSUES/LEGAL DETERMINATIONS:

- Are medical records exempted from disclosure by the Ordinance?
- Does state or federal law require an Authorization to Disclose Health Information before DPH may release records pertaining to the incident?
- Does the Sunshine Ordinance preempt any state or federal law that requires Authorization to Disclose Health Information before DPH may release records?
- Was the Ordinance violated by requiring an authorization?

SUGGESTED ANALYSIS:

DPH argues that medical records are not required to be disclosed under the Ordinance and that it cannot release the records requested until the Complainant provides an Authorization to Disclose Health Information. DPH has not identified the laws involved, but the assumption is here made that the laws in question are Sunshine Ordinance section 67.24(i), California Public Records Act ("CPRA") section 6254 and the Privacy Rule of the Health Insurance Portability and Accountability Act ("Privacy Rule"), 45 C.F.R. sections 164.500, et seq.

The Ordinance requires that any withholding of records must be based on an express provision of the Ordinance or an express and specific exemption provided in the California Public Records Act that is not forbidden by the Ordinance. Sunshine Ordinance §67.24(i).

CPRA section 6254 expressly exempts medical records from disclosure, when their disclosure would constitute an unwarranted invasion of privacy. The Ordinance does not contain an express provision regarding disclosure of medical records. Cal.Gov. Code §6254(c). Therefore, in the light of the express exemption in the CPRA and the absence of language in the Ordinance forbidding that express exemption, DPH may rely on CPRA section 6254 in exempting medical records from disclosure under the Ordinance.

The Privacy Rule provides a floor of privacy protections for a person's "individually identifiable health information." Health information fits this category if it "identifies the individual" or there is a "reasonable basis to believe the information can be used to identify the individual." 45 CFR § 160.103. The Privacy Rule preempts state or local laws that are in conflict with it. 45 CFR §§ 160.201-160.205. Violations of the Privacy Rule may result in the imposition of civil money penalties. 45 CFR §§ 160.401-160.424.

**MEMORANDUM
PRIVILEGED & CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
DATE: August 19, 2010
PAGE: 3
RE: *Jason Grant Garza v. Department of Public Health (10038)*

The Privacy Rule requires that individuals be allowed access to inspect and obtain copies of their protected health information or medical records. 45 CFR § 164.524(a). It permits health care providers to require that requests be in writing. 45 CFR § 164.524 (b). The Privacy Rule requires that medical records not be disclosed without authorization and sets out the particular requirements for acceptable authorizations. 45 CFR § 164.508(c). Finally, the Privacy Rule appears to contemplate the use of an authorization when the records are requested by the subject of the records. (see 45 CFR § 164.508(c)(iv) [A description of each purpose of the requested use or disclosure. The statement "at the request of the individual" is a sufficient description of the purpose when an individual initiates the authorization and does not, or elects not to, provide a statement of the purpose.])

Based on the above, it appears that DPH may require that the subject of the medical records requested complete a written authorization.

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE.

Sunshine Ordinance §67.24(i)

Neither the City, nor any office, employee, or agent thereof, may assert an exemption for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure. All withholdings of documents or information must be based on an express provision of this ordinance providing for withholding of the specific type of information in question **or on an express and specific exemption provided by California Public Records Act that is not forbidden by this ordinance.** (emphasis added)

Cal Gov Code § 6254: Records exempt from disclosure requirements

**MEMORANDUM
PRIVILEGED & CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
DATE: August 19, 2010
PAGE: 4
RE: *Jason Grant Garza v. Department of Public Health (10038)*

Except as provided in Sections 6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

45 C.F.R. § 164.524

§ 164.524 Access of individuals to protected health information.

(a) Standard: Access to protected health information. (1) Right of access. Except as otherwise provided in paragraph (a)(2) or (a)(3) of this section, an individual has a right of access to inspect and obtain a copy of protected health information about the individual in a designated record set, for as long as the protected health information is maintained in the designated record set, except for:

(i) Psychotherapy notes;

(ii) Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding; and

(iii) Protected health information maintained by a covered entity that is:

(A) Subject to the Clinical Laboratory Improvements Amendments of 1988, 42 U.S.C. 263a, to the extent the provision of access to the individual would be prohibited by law; or

(B) Exempt from the Clinical Laboratory Improvements Amendments of 1988, pursuant to 42 CFR 493.3(a)(2).

(2) Unreviewable grounds for denial. A covered entity may deny an individual access without providing the individual an opportunity for review, in the following circumstances.

(i) The protected health information is excepted from the right of access by paragraph (a)(1) of this section.

(ii) A covered entity that is a correctional institution or a covered health care provider acting under the direction of the correctional institution may deny, in whole or in part, an inmate's request to obtain a copy of protected health information, if obtaining such copy would jeopardize the health, safety, security, custody, or rehabilitation of the individual or of other inmates, or the safety of any officer, employee, or other person at the correctional institution or

**MEMORANDUM
PRIVILEGED & CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
DATE: August 19, 2010
PAGE: 5
RE: *Jason Grant Garza v. Department of Public Health (10038)*

responsible for the transporting of the inmate.

(iii) An individual's access to protected health information created or obtained by a covered health care provider in the course of research that includes treatment may be temporarily suspended for as long as the research is in progress, provided that the individual has agreed to the denial of access when consenting to participate in the research that includes treatment, and the covered health care provider has informed the individual that the right of access will be reinstated upon completion of the research.

(iv) An individual's access to protected health information that is contained in records that are subject to the Privacy Act, 5 U.S.C. 552a, may be denied, if the denial of access under the Privacy Act would meet the requirements of that law.

(v) An individual's access may be denied if the protected health information was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information.

(3) Reviewable grounds for denial. A covered entity may deny an individual access, provided that the individual is given a right to have such denials reviewed, as required by paragraph (a)(4) of this section, in the following circumstances:

(i) A licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the individual or another person;

(ii) The protected health information makes reference to another person (unless such other person is a health care provider) and a licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person; or

(iii) The request for access is made by the individual's personal representative and a licensed health care professional has determined, in the exercise of professional judgment, that the provision of access to such personal representative is reasonably likely to cause substantial harm to the individual or another person.

(4) Review of a denial of access. If access is denied on a ground permitted under paragraph (a)(3) of this section, the individual has the right to have the denial reviewed by a licensed health care professional who is designated by the covered entity to act as a reviewing official and who did not participate in the original decision to deny. The covered entity must provide or deny access in accordance with the determination of the reviewing official under

**MEMORANDUM
PRIVILEGED & CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
DATE: August 19, 2010
PAGE: 6
RE: Jason Grant Garza v. Department of Public Health (10038)

paragraph (d)(4) of this section.

(b) Implementation specifications: requests for access and timely action. (1) Individual's request for access. The covered entity must permit an individual to request access to inspect or to obtain a copy of the protected health information about the individual that is maintained in a designated record set. The covered entity may require individuals to make requests for access in writing, provided that it informs individuals of such a requirement.

(2) Timely action by the covered entity. (i) Except as provided in paragraph (b)(2)(ii) of this section, the covered entity must act on a request for access no later than 30 days after receipt of the request as follows.

(A) If the covered entity grants the request, in whole or in part, it must inform the individual of the acceptance of the request and provide the access requested, in accordance with paragraph (c) of this section.

(B) If the covered entity denies the request, in whole or in part, it must provide the individual with a written denial, in accordance with paragraph (d) of this section.

(ii) If the request for access is for protected health information that is not maintained or accessible to the covered entity on-site, the covered entity must take an action required by paragraph (b)(2)(i) of this section by no later than 60 days from the receipt of such a request.

(iii) If the covered entity is unable to take an action required by paragraph (b)(2)(i)(A) or (B) of this section within the time required by paragraph (b)(2)(i) or (ii) of this section, as applicable, the covered entity may extend the time for such actions by no more than 30 days, provided that:

(A) The covered entity, within the time limit set by paragraph (b)(2)(i) or (ii) of this section, as applicable, provides the individual with a written statement of the reasons for the delay and the date by which the covered entity will complete its action on the request; and

(B) The covered entity may have only one such extension of time for action on a request for access.

(c) Implementation specifications: Provision of access. If the covered entity provides an individual with access, in whole or in part, to protected health information, the covered entity must comply with the following requirements.

**MEMORANDUM
PRIVILEGED & CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
DATE: August 19, 2010
PAGE: 7
RE: *Jason Grant Garza v. Department of Public Health (10038)*

(1) Providing the access requested. The covered entity must provide the access requested by individuals, including inspection or obtaining a copy, or both, of the protected health information about them in designated record sets. If the same protected health information that is the subject of a request for access is maintained in more than one designated record set or at more than one location, the covered entity need only produce the protected health information once in response to a request for access.

(2) Form of access requested. (i) The covered entity must provide the individual with access to the protected health information in the form or format requested by the individual, if it is readily producible in such form or format; or, if not, in a readable hard copy form or such other form or format as agreed to by the covered entity and the individual.

(ii) The covered entity may provide the individual with a summary of the protected health information requested, in lieu of providing access to the protected health information or may provide an explanation of the protected health information to which access has been provided, if:

(A) The individual agrees in advance to such a summary or explanation; and

(B) The individual agrees in advance to the fees imposed, if any, by the covered entity for such summary or explanation.

(3) Time and manner of access. The covered entity must provide the access as requested by the individual in a timely manner as required by paragraph (b)(2) of this section, including arranging with the individual for a convenient time and place to inspect or obtain a copy of the protected health information, or mailing the copy of the protected health information at the individual's request. The covered entity may discuss the scope, format, and other aspects of the request for access with the individual as necessary to facilitate the timely provision of access.

(4) Fees. If the individual requests a copy of the protected health information or agrees to a summary or explanation of such information, the covered entity may impose a reasonable, cost-based fee, provided that the fee includes only the cost of:

(i) Copying, including the cost of supplies for and labor of copying, the protected health information requested by the individual;

(ii) Postage, when the individual has requested the copy, or the summary or explanation, be mailed; and

(iii) Preparing an explanation or summary of the protected health information, if agreed to by the individual as required by paragraph (c)(2)(ii) of this section.

**MEMORANDUM
PRIVILEGED & CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
DATE: August 19, 2010
PAGE: 8
RE: *Jason Grant Garza v. Department of Public Health (10038)*

(d) Implementation specifications: Denial of access. If the covered entity denies access, in whole or in part, to protected health information, the covered entity must comply with the following requirements.

(1) Making other information accessible. The covered entity must, to the extent possible, give the individual access to any other protected health information requested, after excluding the protected health information as to which the covered entity has a ground to deny access.

(2) Denial. The covered entity must provide a timely, written denial to the individual, in accordance with paragraph (b)(2) of this section. The denial must be in plain language and contain:

(i) The basis for the denial;

(ii) If applicable, a statement of the individual's review rights under paragraph (a)(4) of this section, including a description of how the individual may exercise such review rights; and

(iii) A description of how the individual may complain to the covered entity pursuant to the complaint procedures in § 164.530(d) or to the Secretary pursuant to the procedures in § 160.306. The description must include the name, or title, and telephone number of the contact person or office designated in § 164.530(a)(1)(ii).

(3) Other responsibility. If the covered entity does not maintain the protected health information that is the subject of the individual's request for access, and the covered entity knows where the requested information is maintained, the covered entity must inform the individual where to direct the request for access.

(4) Review of denial requested. If the individual has requested a review of a denial under paragraph (a)(4) of this section, the covered entity must designate a licensed health care professional, who was not directly involved in the denial to review the decision to deny access. The covered entity must promptly refer a request for review to such designated reviewing official. The designated reviewing official must determine, within a reasonable period of time, whether or not to deny the access requested based on the standards in paragraph (a)(3) of this section. The covered entity must promptly provide written notice to the individual of the determination of the designated reviewing official and take other action as required by this section to carry out the designated reviewing official's determination.

(e) Implementation specification: Documentation. A covered entity must document the following and retain the documentation as required by § 164.530(j):

**MEMORANDUM
PRIVILEGED & CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
DATE: August 19, 2010
PAGE: 9
RE: *Jason Grant Garza v. Department of Public Health (10038)*

(1) The designated record sets that are subject to access by individuals; and

(2) The titles of the persons or offices responsible for receiving and processing requests for access by individuals.

45 C.F.R. § 164.508: USES AND DISCLOSURES FOR WHICH AN AUTHORIZATION IS REQUIRED.

(a) Standard: authorizations for uses and disclosures. -- (1) Authorization required: general rule. Except as otherwise permitted or required by this subchapter, a covered entity may not use or disclose protected health information without an authorization that is valid under this section. When a covered entity obtains or receives a valid authorization for its use or disclosure of protected health information, such use or disclosure must be consistent with such authorization.

(2) Authorization required: psychotherapy notes. Notwithstanding any provision of this subpart, other than the transition provisions in § 164.532, a covered entity must obtain an authorization for any use or disclosure of psychotherapy notes, except:

(i) To carry out the following treatment, payment, or health care operations:

(A) Use by the originator of the psychotherapy notes for treatment;

(B) Use or disclosure by the covered entity for its own training programs in which students, trainees, or practitioners in mental health learn under supervision to practice or improve their skills in group, joint, family, or individual counseling; or

(C) Use or disclosure by the covered entity to defend itself in a legal action or other proceeding brought by the individual; and

(ii) A use or disclosure that is required by § 164.502(a)(2)(ii) or permitted by § 164.512(a); § 164.512(d) with respect to the oversight of the originator of the psychotherapy notes; § 164.512(g)(1); or § 164.512(j)(1)(i).

(3) Authorization required: Marketing. (i) Notwithstanding any provision of this subpart, other than the transition provisions in § 164.532, a covered entity must obtain an authorization for any use or disclosure of protected health information for marketing, except if the communication is in the form of:

(A) A face-to-face communication made by a covered entity to an individual; or

**MEMORANDUM
PRIVILEGED & CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
DATE: August 19, 2010
PAGE: 10
RE: *Jason Grant Garza v. Department of Public Health (10038)*

- (B) A promotional gift of nominal value provided by the covered entity.
- (ii) If the marketing involves direct or indirect remuneration to the covered entity from a third party, the authorization must state that such remuneration is involved.
- (b) Implementation specifications: general requirements. -- (1) Valid authorizations. (i) A valid authorization is a document that meets the requirements in paragraphs (a)(3)(ii), (c)(1), and (c)(2) of this section, as applicable.
- (ii) A valid authorization may contain elements or information in addition to the elements required by this section, provided that such additional elements or information are not inconsistent with the elements required by this section.
- (2) Defective authorizations. An authorization is not valid, if the document submitted has any of the following defects:
- (i) The expiration date has passed or the expiration event is known by the covered entity to have occurred;
- (ii) The authorization has not been filled out completely, with respect to an element described by paragraph (c) of this section, if applicable;
- (iii) The authorization is known by the covered entity to have been revoked;
- (iv) The authorization violates paragraph (b)(3) or (4) of this section, if applicable;
- (v) Any material information in the authorization is known by the covered entity to be false.
- (3) Compound authorizations. An authorization for use or disclosure of protected health information may not be combined with any other document to create a compound authorization, except as follows:
- (i) An authorization for the use or disclosure of protected health information for a research study may be combined with any other type of written permission for the same research study, including another authorization for the use or disclosure of protected health information for such research or a consent to participate in such research;

**MEMORANDUM
PRIVILEGED & CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
DATE: August 19, 2010
PAGE: 11
RE: *Jason Grant Garza v. Department of Public Health (10038)*

(ii) An authorization for a use or disclosure of psychotherapy notes may only be combined with another authorization for a use or disclosure of psychotherapy notes;

(iii) An authorization under this section, other than an authorization for a use or disclosure of psychotherapy notes, may be combined with any other such authorization under this section, except when a covered entity has conditioned the provision of treatment, payment, enrollment in the health plan, or eligibility for benefits under paragraph (b)(4) of this section on the provision of one of the authorizations.

(4) Prohibition on conditioning of authorizations. A covered entity may not condition the provision to an individual of treatment, payment, enrollment in the health plan, or eligibility for benefits on the provision of an authorization, except:

(i) A covered health care provider may condition the provision of research-related treatment on provision of an authorization for the use or disclosure of protected health information for such research under this section;

(ii) A health plan may condition enrollment in the health plan or eligibility for benefits on provision of an authorization requested by the health plan prior to an individual's enrollment in the health plan, if:

(A) The authorization sought is for the health plan's eligibility or enrollment determinations relating to the individual or for its underwriting or risk rating determinations; and

(B) The authorization is not for a use or disclosure of psychotherapy notes under paragraph (a)(2) of this section; and

(iii) A covered entity may condition the provision of health care that is solely for the purpose of creating protected health information for disclosure to a third party on provision of an authorization for the disclosure of the protected health information to such third party.

(5) Revocation of authorizations. An individual may revoke an authorization provided under this section at any time, provided that the revocation is in writing, except to the extent that:

(i) The covered entity has taken action in reliance thereon; or

(ii) If the authorization was obtained as a condition of obtaining insurance coverage, other law provides the insurer with the right to contest a claim under the policy or the policy itself.

**MEMORANDUM
PRIVILEGED & CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
DATE: August 19, 2010
PAGE: 12
RE: *Jason Grant Garza v. Department of Public Health (10038)*

(6) Documentation. A covered entity must document and retain any signed authorization under this section as required by § 164.530(j).

(c) Implementation specifications: Core elements and requirements. -- (1) Core elements. A valid authorization under this section must contain at least the following elements:

(i) A description of the information to be used or disclosed that identifies the information in a specific and meaningful fashion.

(ii) The name or other specific identification of the person(s), or class of persons, authorized to make the requested use or disclosure.

(iii) The name or other specific identification of the person(s), or class of persons, to whom the covered entity may make the requested use or disclosure.

(iv) A description of each purpose of the requested use or disclosure. The statement "at the request of the individual" is a sufficient description of the purpose when an individual initiates the authorization and does not, or elects not to, provide a statement of the purpose.

(v) An expiration date or an expiration event that relates to the individual or the purpose of the use or disclosure. The statement "end of the research study," "none," or similar language is sufficient if the authorization is for a use or disclosure of protected health information for research, including for the creation and maintenance of a research database or research repository.

(vi) Signature of the individual and date. If the authorization is signed by a personal representative of the individual, a description of such representative's authority to act for the individual must also be provided.

(2) Required statements. In addition to the core elements, the authorization must contain statements adequate to place the individual on notice of all of the following:

(i) The individual's right to revoke the authorization in writing, and either:

(A) The exceptions to the right to revoke and a description of how the individual may revoke the authorization; or

**MEMORANDUM
PRIVILEGED & CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
DATE: August 19, 2010
PAGE: 13
RE: *Jason Grant Garza v. Department of Public Health (10038)*

(B) To the extent that the information in paragraph (c)(2)(i)(A) of this section is included in the notice required by § 164.520, a reference to the covered entity's notice.

(ii) The ability or inability to condition treatment, payment, enrollment or eligibility for benefits on the authorization, by stating either:

(A) The covered entity may not condition treatment, payment, enrollment or eligibility for benefits on whether the individual signs the authorization when the prohibition on conditioning of authorizations in paragraph (b)(4) of this section applies; or

(B) The consequences to the individual of a refusal to sign the authorization when, in accordance with paragraph (b)(4) of this section, the covered entity can condition treatment, enrollment in the health plan, or eligibility for benefits on failure to obtain such authorization.

(iii) The potential for information disclosed pursuant to the authorization to be subject to redisclosure by the recipient and no longer be protected by this subpart.

(3) Plain language requirement. The authorization must be written in plain language.

(4) Copy to the individual. If a covered entity seeks an authorization from an individual for a use or disclosure of protected health information, the covered entity must provide the individual with a copy of the signed authorization.



<complaints@sfgov.org>
07/09/2010 02:02 PM

To <sotf@sfgov.org>
cc
bcc
Subject Sunshine Complaint

To:sotf@sfgov.orgEmail:complaints@sfgov.orgDEPARTMENT:Department of Public Health
CONTACTED:Eileen Shields
PUBLIC_RECORDS_VIOLATION:Yes
PUBLIC_MEETING_VIOLATION:No
MEETING_DATE:
SECTIONS_VIOLATED:IMMEDIATE DISCLOSURE REQUESY DENIAL
DESCRIPTION:see emailed paperwork
HEARING:Yes
PRE-HEARING:No
DATE:7/9/2010
NAME:Jason Grant Garza
ADDRESS:1369 B. Hayes Street
CITY:San Feancisco, CA
ZIP:94117
PHONE:415-922-7781
CONTACT_EMAIL:jaygarza@pacbell.net
ANONYMOUS:
CONFIDENTIALITY_REQUESTED:No



Jason Grant Garza
<jasongrantgarza@yahoo.com>
m>

07/09/2010 08:06 AM

To sotf@sfgov.org, jaygarza@pacbell.net

cc

bcc

Subject IMMEDIATE DISCLOSURE REQUEST COMPLAINT to
SOTF from Jason Grant Garza (email documentation)

--- On Thu, 6/17/10, Jason Grant Garza <jasongrantgarza@yahoo.com> wrote:

From: Jason Grant Garza <jasongrantgarza@yahoo.com>
Subject: Fw: ONCE AGAIN INCORRECT PER LAW (PART TWO)
To: Eileen.Schields@sfdph.org, jaygarza@pacbell.net
Date: Thursday, June 17, 2010, 4:25 PM

--- On Wed, 6/16/10, Jason Grant Garza <jasongrantgarza@yahoo.com> wrote:

From: Jason Grant Garza <jasongrantgarza@yahoo.com>
Subject: Fw: ONCE AGAIN INCORRECT PER LAW (PART TWO)
To: Eileen.Schields@sfdph.org, publicrecords.sfdph.org@yahoo.com, jaygarza@pacbell.net
Cc: Kathleen.Sebelius@hhs.gov, Donald.White@oig.hhs.gov
Date: Wednesday, June 16, 2010, 4:14 PM

6/16/2010
Eileen Schields
415-554-2507

Dear Eileen:

I apologize for I just noticed upon receipt that I did not include the attachments and forgot the dot between your name so the system kicked it back. Here it is again ... hopefully NOT only more complete ... but a CONTINUATION of my theme regarding DPH and lawbreaking activity.

To that and more ... I must state that the BANALITY of EVIL continues and as the attachments, the nature of this IMMEDIATE DISCLOSURE REQUEST prove ... NOTHING CHANGES. The questions and issues raised have NEVER BEEN ADDRESSED and I have NOT received compliance from Michael Carroll or Carolyn Kaufman since accountability, responsibility, and humanity HAVE NOT BEEN EXHIBITED ... and I can say that since I sit here with a SIGNED CONFESSION FROM THE CITY ... yet, the BANALITY of EVIL continues. Are these

individuals still there (MOBILE CRISIS ... not following the law) or did they retire maybe like the DA's prosecutors (mass exodus) over BRADY violations

I know you will just compartmentally (situational ethics - my situation is fine why would I want to change?) shift responsibility .. I just work here and am following orders ... or maybe you'll surprise me ... tell me I'm right ... demand an investigation and all prior IDR request re-examined.... I guess your response will answer.

Yet please be aware that I DO NOT ACCEPT compartmental responsibility and as such Who will answer the questions in my IMMEDIATE DISCLOSURE REQUEST and now these followup questions from the prior paperwork, mishandling, etc? Since I HAVE NOT received PROPER or CORRECT response from DPH after EIGHT (8) YEARS ... why by your own ADMISSION is DPH still breaking the law and NOT COMPLYING with SUNSHINE??? Who will ACCOUNT??? When will ALL requests be re-examined for CORRECT IMPLEMENTATION since apparently following the law WAS and IS NOT DONE??? Or will the BANALITY of EVIL be complete? Incorrect/false process insured by incorrect/false inhumanity ... sort of like BP paying for the cleanup or the DA's arrest over BRADY VIOLATIONS as I am still awaiting payment FROM NOT ONLY DPH but NOW from your harm

Let us NOT FORGET I am SEEKING URGENT MEDICAL CARE at WADELL after denial of Healthy San Francisco ... NO APPEAL (corrupt process) and NO ACCOUNTABILITY from DPH having BROKEN the law and SIGNING A CONFESSION just more evasion and lawbreaking (denial of INDIGENT CARE) activity ... thanks for the continued ability to DOCUMENT.

Sincerely,
Jason Grant Garza
Oren Jude's Nonliving Soulmate
jaygarza@pacbell.net
415-922-7781

email cc:
Kathleen Sebelius - Secretary of Health and Human Services
Donald White - Office of the Inspector General

--- On Wed, 6/16/10, jaygarza@pacbell.net <jaygarza@pacbell.net> wrote:

From: jaygarza@pacbell.net <jaygarza@pacbell.net>
Subject: ONCE AGAIN INCORRECT PER LAW
To: Eileen@yahoo.com, Schiolds@sfdph.org, publicrecords.sfdph.org@yahoo.com,
jaygarza@pacbell.net
Cc: Kathleen.Sebelius@hhs.gov, Donald.White@oig.hhs.gov
Date: Wednesday, June 16, 2010, 1:40 PM

6/16/2010

Dear Eileen:

Once again you are INCORRECT ... I believe that I have records from previously asking either Mobile Crisis or yourself earlier when I was ILLEGALLY 5150'ed at my deposition (C02 3485PJH) where the CITY has me falsely taken in (witness intimidation) for my FEDERAL LAWSUIT in which the city TESTIFIED about EMTALA and BROKE (I have a SIGNED CONFESSION) the law. This is JUST MORE of the same INCORRECT ILLEGAL TREATMENT and as such I will forward to the SUNSHINE COMMITTEE as to why after even TEN YEARS DPH is STILL NOT ONLY WRONG but still BREAKING THE LAW; however don't worry for as my case proves if you are a city worker you can lie, break the law and not be accountable. SOME THING NEVER CHANGE ...

Have a NICE DAY and GOD BLESS ...

STILL DISGUSTED, ABUSED and DEAD RIGHT,

Jason Grant Garza
Oren Jude's Nonliving Soulmate
jaygarza@pacbell.net
514-922-7781

P.S. I have the paperwork from DPH and previous SUNSHINE where the Department LIED and was WRONG ... why are you still doing it and why was it NOT CORRECTED way back when? I am sure the task force will be interested ...

P.P.S. When you find out you are wrong ... it does NOT extend the time requirements ... it just serves as further proof of a corrupt and unaccountable system ... thank you for the opportunity to CONTINUE to demonstrate.

SO how long has this department been at this job juxtaposed to my constant paperwork and how THINGS NEVER CHANGE (Risk Management TACTICS and illegalities) ... this fact will be brought out in front of SUNSHINE ... however, like I said earlier MORAL HAZARD is alive and well since there is NO CONSEQUENCE.

email cc:

Kathleen Sebelius - Secretary of Health and Human Services
Donald White - Office of the Inspector General

Original Message:

From: Eileen Shields Eileen.Shields@sfdph.org
Date: Tue, 15 Jun 2010 15:28:35 -0700
To: jaygarza@pacbell.net
Subject: Re: IMMEDIATE DISCLOSURE REQUEST per SUNSHINE

Dear Mr. Garza:

The records you have requested from Tom Waddell Health Center are medical records and, as such, do not fall under the Sunshine Ordinance. Any notes, e-mail's, correspondence, etc. that were generated from your seeking medical care at TWHC are considered private, confidential medical records. I am attaching a form for you to request copies of all documents in your medical records file at Tom Waddell Health Center. After you fill out the form, bring it to the medical records staff at TWHC. Under the law, we have 15 business days from the date of receipt of this form to mail your records to you.

(See attached file: Authorization to Disclose Health Information.pdf)

If the sheriff deputy created any documents on the incident you described, those records would be under the control and possession of the Sheriff's Department.

(Embedded image moved to file: pic05529.jpg)

"jaygarza@pacbell
.net"
<jaygarza@pacbell .net> To
Eileen.Shields@sfdph.org,
publicrecords.dph@sfdph.org,
06/14/2010 02:49 PM jaygarza@pacbell.net
cc
Kathleen.Sebelius@hhs.gov,

Donald.White@oig.hhs.gov

Please respond to Subject
jaygarza@pacbell.net IMMEDIATE DISCLOSURE REQUEST per
SUNSHINE

6/15/2010

Eileen.Shields@sfdph.org, publicrecords.dph@sfdph.org
San Francisco Department of Public Health
415-554-2507

â€œIMMEDIATE DISCLOSURE REQUESTâ€œ

To Whom It May Concern:

Pursuant to all relevant provisions of the California Government Codes (Ralph M. Brown Act et al.) and the San Francisco Sunshine Ordinance, California Records Act, and the Federal FOIA Act - I would like to request a copy of the following:

All documents inclusive of medical records generated, emails, correspondence, logs, notes of conversation, notes of phone calls concerning the incident (my seeking INDIGENT URGENT MEDICAL CARE AT TOM WADELL CLINIC on Friday 6/11/2010 - the denial, lack of referral, no response to questions asked etc) which was amply documented by the TRIAGE NURSE and other personnel. Please be aware that this request EXTENDS ALSO TO THE SHERIFFâ€™S Department as a SECURITY GUARD (Williams) was brought in to GUARD TO INSURE MY RIGHTS WERE BEING FOLLOWED ... yet, failed. Please note that upon PROPER REQUEST I was asked to leave and provided NO SERVICE

NOR REFERRAL for a duty that MUST BE FILLED UNDER CALIFORNIA LAW (Indigent care that I was denied.) This request includes all paperwork sent, received, emailed or any other form of transmittal to all agencies involved. This request includes all paperwork sent, received, emailed or any other form of transmittal from all agencies involved. This request also includes all internal documentation generated by the "incident/denial" concerning this matter also.

The request also includes a response to the asked questions that were ignored during the "incident/denial" such as how MEDICARE could pay 80% when I DO NOT have MEDICARE part B and I specifically stated that I would NOT GO BACK TO THE PRIEST THAT MOLESTED ME by going back to MEDICARE. The second unanswered question was ... What about California Welfare and Institution Code (Code 10000) that states counties SHALL provide INDIGENT SERVICES why am I being DENIED? My last question upon denial was "WHERE DO I GO FOR MEDICAL CARE" ... no referral ... no answers, etc.

Thou I walk through the valley of shadows

Jason Grant Garza
1369 B. Hayes Street
San Francisco, CA 94117

email cc:

Kathleen Sebelius - Secretary of Health & Human Services
Donald White - Office of Inspector General

mail2web.com "Enhanced email for the mobile individual based on Microsoft® Exchange - <http://link.mail2web.com/Personal/EnhancedEmail>

mail2web LIVE – Free email based on Microsoft® Exchange technology -

<http://link.mail2web.com/LIVE>

    
Authorization to Disclose Health Information.pdf pic05529.jpg medrec0001.JPG medrec0002.JPG medrec0003.JPG
 
medrec0004.JPG medrec0005.JPG

CITY & COUNTY OF SAN FRANCISCO

DEPARTMENT OF PUBLIC HEALTH

AUTHORIZATION TO DISCLOSE HEALTH INFORMATION

NAME*

DOB*

MRN

SS#

PCP

Patient ID / Label

Completion of this document authorizes the disclosure and/or use of individually identifiable health information, as set forth below, consistent with California and federal law concerning the privacy of such information. Failure to provide ALL information marked with an asterisk (*) may invalidate this authorization.

I*, _____ (AKA) _____

authorize * _____ (NAME OF HOSPITAL OR FACILITY) _____ to disclose health information

obtained in the course of my diagnosis and treatment for the purpose of * _____

Disclosure requested by DPH facility and/or agent? No Yes Purpose? _____

By checking in the spaces below, I specifically authorize the release of the following medical records, if such records exist. Such disclosure shall be limited to the following types of information or dates of treatment. I recognize that if I am disclosing my health information to someone who is not legally required to keep it confidential, it may be redisclosed and may no longer be protected. California law requires that recipients refrain from redisclosing such information except with my written authorization or as specifically required by law.

Dates of Treatment AND/OR Specific Medical Condition: _____

- Complete medical record(s) Outpatient Clinic Notes Immunizations
Discharge Summary Emergency Report Consultation
History & Physical Lab tests Pathology
Progress Notes X-ray report Other: _____

INITIAL below for protected classes of information:

- Mental Health Treatment Substance Abuse Treatment HIV/AIDS Test/Treatment
Sexually Transmitted Disease (City Clinic) Developmental Disabilities

SEND TO:* _____ (NAME AND ADDRESS OF HOSPITAL OR FACILITY) Address of named facility is located on back.

MY DPH RIGHTS: I understand that authorizing the disclosure of this health information is voluntary. I may refuse to sign this authorization. I may revoke this authorization at any time. Revocation must be in writing, signed by me or on my behalf by someone with the legal authority to do so and delivered to the DPH or other facility. My revocation will be effective upon receipt, but will not be effective to the extent that the DPH may have acted in reliance upon this authorization prior to revocation. I have a right to obtain a copy of this authorization. I may not be denied treatment, payment, enrollment in a health plan, or eligibility for benefits if I refuse to sign.

EXPIRATION: Unless otherwise revoked, this authorization will expire in 90 days, on the following event/condition OR immediately upon fulfillment for protected classes. EVENT/CONDITION: _____

Date Signature (Patient/Client/Parent/Guardian/Conservator) Relationship if not Patient/Client

Witness (Required if Patient/Client unable to sign) Interpreter used _____

Patient Name: _____ MRN: _____

CONSIDERATION OF MENTAL HEALTH PROVIDER

Provider completes the following if the client is authorizing release of his/her health information subject to the provisions of the Lanterman-Petris-Short Act:

The undersigned physician, licensed psychologist, or social worker with a master's degree in social work who is in charge of the mental health care of this client hereby APPROVES DISAPPROVES the release of information and records to the party specified in this authorization.

Note restrictions to release below. If disapproved, please state reasons below.

Date	Physician/Psychologist/MSW Signature	Degree
------	--------------------------------------	--------

ACKNOWLEDGEMENT OF REVIEW OF PHI:

I, _____, have this date reviewed the medical records of the patient noted on the reverse at _____

- This review has met all my needs and I have no further requests at this time.
- This review has NOT met all my needs. I have the following further request:

Signed: _____ Date: _____

San Francisco General Hospital Medical Center
Health Information Services, Main Hospital, Room 2B1
1001 Potrero Avenue
San Francisco, CA 94110-3518

Laguna Honda Hospital & Rehab Center
Health Information Services, Room B300
375 Laguna Honda Boulevard
San Francisco, CA 94116-1411

Community Health Network Health Center Addresses

- Castro Mission Health Center
3850 17th Street
San Francisco, CA 94114-2031
- Chinatown Public Health Center
1430 Mason Street
San Francisco CA 94133-4222
- Cole Street Youth Center
555 Cole Street
San Francisco, CA 94117-2800
- Larkin Street Youth Center
1138 Sutter Street
San Francisco, CA 94109-5608
- Maxine Hall Health Center
1301 Pierce Street
San Francisco, CA 94115-4005
- Curry Senior Center
333 Turk Street
San Francisco, CA 94102-3703

- Ocean Park Health Center
1351 24th Avenue
San Francisco, CA 94122-1616
- Potrero Hill Health Center
1050 Wisconsin Street
San Francisco, CA 94107-3328
- Silver Avenue Family Health Center
1525 Silver Avenue
San Francisco, CA 94134-1229
- Southeast Health Center
2401 Keith Street
San Francisco, CA 94124-3231
- Tom Waddell Health Center
50 Ivy Street
San Francisco, CA 94102-4506
- Youth Guidance Center
375 Woodside Avenue
San Francisco, CA 94127-1221

JASON GRANT GARZA
1369 B. HAYES STREET
SAN FRANCISCO, CA 94117
415-922-7781
E-mail: jaygarza@pachell.net

*Michael
Received by KHALID
@ 3:00 4/23
1380 Howard
5th floor*

4/23/2003

Mr. Michael Carroll / Ofc Mgr of Mobile Crisis
c/o Community Mental Health Services
1380 Howard Street
San Francisco, CA. 94103-2614
415-255-3610

APR 23 2003
James Hill

HAND DELIVERY - "IMMEDIATE DISCLOSURE REQUEST"

Re: Request for Discovery/"Sunshine Ordinance"/Freedom of Information to acquire all and any documentation/materials/evidence/medical records of my incident/interaction with Mobile Crisis at the Office of the City Attorney March 7, 2003. THIS IS AN "IMMEDIATE DISCLOSURE REQUEST."

Dear Micheal:

On March 7th 2003, Mobile Crisis responded to a call from the City Attorney's Office regarding a possible 5150. When they arrived they interviewed me and determined that I was not a danger to myself and left. Please provide me with all records surrounding this incident inclusive of my specific medical records in this instant case.

Pursuant to all relevant provisions of the California Government Codes [Ralph M. Brown Act, et al.] and the San Francisco Sunshine Ordinance, I would like to request a copy of the following documents:

All letters, memoranda, reports, forms, legal documents and e-mails - and responses thereto (including attachments); phone call logs & notes made therefrom or from actual phone calls received and made; and annotations of meetings/conversations regarding Jason Grant Garza's incident/interaction with Mobile Crisis at the Offices of the City Attorney March 7, 2003 located at 1390 Market Street, 6th Floor, San Francisco, CA 94102.

The period of disclosure is : March 7, 2003 to present date.

Documents for which immediate disclosure is sought shall specifically include - but not limited to - communications (as referred above):

From: Mobile Crisis to: any and all City Agencies and/or State Agencies (Health and Human Services, DMH, Medicare, etc), the Board of Supervisors (individually, jointly or through the Clerk of the Board), Health Commission, Mayor's Office on Disabilities, Human Rights Commission, Police/Sheriff/Institutional Police Department, City Attorney, District Attorney, and/or to any member of their staff.

To: the Mobile Crisis from: any and all City Agencies and/or State Agencies (Health and Human Services, DMH, Medicare, etc), the Board of Supervisors (individually, jointly or through the Clerk of the Board), Health Commission, Mayor's Office on Disabilities, Human Rights Commission, Police/Sheriff/Institutional Police Department, City Attorney, District Attorney, and/or to any member of their staff.

Sincerely,

Jason Grant Garza

P. S. I am also including a copy of my "Order of Determination" from the Sunshine Task Force ruling requests are valid for medical records; thereby, invalidating your erroneous misinformation that "the Ordinance does not apply to Medical Records." What really galls me is that when I informed you of your error, you in a superior voice reassured me that you were correct. As such, I am also inquiring as to a formal apology and requesting who provides your team (Mobile Crisis) and more specifically yourself (Office Manager) with the facts of the law? I question this procedure and wonder how many others have been victimized by apparent misinformation gladly given with a "superior" tone all under the guise "to do NO HARM." Please have your director (Carolyn Kaufman) call me immediately upon her return on April 28, 2003 to discuss this and other issues.

enclosure:

Order of Determination by Sunshine Ordinance Task Force dated July 23, 2002.

SUNSHINE ORDINANCE TASK FORCE

Tel: 415 554-7724
Fax: 415 554-7854
TDD/TTY: 415 554-5227



City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco 94102-4689

<http://www.bdsupvrs/sunshine.htm>

ORDER OF DETERMINATION
July 23, 2002

August 1, 2002

Jason Grant Garza
2369 B Hayes St
San Francisco CA 94117

City & County of San Francisco
Department of Public Health
C/o James T. Gilday
1380 Howard Street, 5th Floor
San Francisco CA 94103 2614

Re: Complaint Jason Grant Garza against Department of Public Health,
Department of Mental Health, City Attorney, for failure to produce records in a
timely fashion, and for failure to produce all of the complainant's medical records

Based on information provided the Task Force from Complainant
Jason Grant Garza and the Department of Public Health, the following Order of
Determination is adopted:

The Sunshine Ordinance Task Force finds that the Department of Public Health
did not respond and provide to the Complainant the requested records within the
ten-day rule and therefore violated the ordinance. The Sunshine Ordinance
Task Force directs the Department of Public Health to consider all future email
requests to have the same force and effect as oral and written requests.

The Sunshine Ordinance Task Force further finds that the Department of Public
Health violated the ordinance by not providing the Complainant with a complete
medical record.

Joshua Koltun, Chair
Sunshine Ordinance Task Force

c: DCA Llorente

<http://www.ci.sf.ca.us/bdsupvrs/sunshine.htm>



City and County of San Francisco
Population Health and Prevention
Community Mental Health Services

J. David Frankel, Ph.D.
Clinical Director & Psychologist
Mobile Crisis Treatment Team
Phone: (415) 355-8300
Fax: (415) 861-5395
e-mail: David.Frankel@sfcdph.org

April 24, 2003

Jason Grant Garza
1369 B Hayes Street
San Francisco, CA 94117

Dear Mr. Garza:

I am writing in response to your letter dated April 23, 2003.

You asked for "all records surrounding this incident inclusive of my specific medical records in this instant case." You further request "All letters, memoranda, reports, forms, legal documents and e-mails - and responses thereto (including attachments); phone call logs & notes made there from or from actual phone calls received and made; and annotations of meetings/conversations regarding Jason Grant Garza's incident/interaction with Mobile Crisis at the Offices of the City Attorney March 7, 2003 located at 1390 Market Street, 6th floor, San Francisco, CA 94102." You also requested disclosure of any and all conversations and or letters that our Department had with State Health and Human Services and specific individuals or any representatives from any of their offices. The request is very broad, vague and general. Furthermore, the Sunshine Ordinance does not require a Department to respond to a series of questions or interrogatories, or to create documents that do not exist. We possess no letters relating to you as described in your request.

The documents referred to which are known to us are available for your review in our administrative offices at 1380 Howard Street by appointment; just call Michael Carroll at 355-8300 for arrangements to view these. If you wish to have hard copies to take with you, we will provide them to you at the rate of 10 cents per page, or \$.30 for the three pages of documents in their entirety. Please bring a cashiers check or money order for the appropriate amount if you wish further reproduction of documents.

Finally, you have instituted litigation against the Department regarding your access to treatment. Please note that the Sunshine Ordinance states that a Department is not required to disclose records relating to and developed during pending litigation to which the Department is a party to or disclose any attorney-client privileged memoranda sent between a Department and its attorneys.

Sincerely,

J. David Frankel, Ph.D.

cc: Jim Gilday
bcc: Frederick P. Sheinfield, Esq
bcc: Eileen Shields

4/29/2003

Carolyn Kaufman (Director)
c/o CMTT of CCSE
(DPH & CHMS)
1380 Howard Street
San Francisco, CA 94103-2614
415-355-8300

*Note: mailed 4/29/03
6/10/03 - CMTT
memo response?*

Re: Question of fact and law. Questions regarding procedure and policy updates, etc.

Dear Carolyn:

I am very happy to have come by and picked up the requested material (thru a Sunshine Immediate Disclosure Request) thou a bit confused by some of the statements/responses made. Please clarify the statements/responses made for me as listed below.

1. The letter dated 4/24/2003 by J. David Frankel, Ph.D. (Clinical Director & Psychologist) states in his last paragraph that the information sought is not required to disclose because of instituted litigation? Could you please cite the section that he relies upon for this response? Could also explain the contradiction of releasing the records if the above mentioned was accurate?

2. You stated to me that my case had set a precedent for release of medical records thru Sunshine when I took the DPH last year and got a determination dated July 2002...

After speaking to Donna Hall at the Sunshine Task Force, she informed me that the ordinance had not been changed or updated per this precedent. What part of the ordinance was specifically changed as was implied by your statement?

Would a more appropriate representation be that your department is just coming into compliance? You also stated that Mr. Carroll was following current procedure ... did not the DPH notify you of this change and precedent a year ago, why or why not? So is this an admission that your department did not have current accurate guidelines up when I requested this material in April 2003?

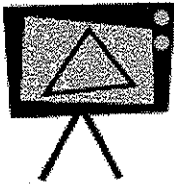
3. In my letter of request to Mr. Carroll, I specifically ask who provides your team (CMTT) with the facts of the law? To this I still have not received a response, and as such you can see how it ties into the question asked directly above. Please explain/clarify.

Please respond to these issues ASAP.

Sincerely,

Jason Grant Garza
1369 B. Hayes Street
San Francisco, CA 94117
415-922-7781
jaygarza@pacbell.net

*6/10/03 Kaufman called back to
info that she could not
write a response to contact
Mr. Gidding or City Attorney.*



Eileen Shields/DPH/SFGOV

08/09/2010 09:22 AM

To SOTF/SOTF/SFGOV@SFGOV

cc

bcc

Subject Re: Sunshine Complaint Received: #10038_Jason Grant
Garza vs Dept of Public Health

Dear Sunshine Task Force:

I have reviewed Mr. Garza's complaint a number of times in an effort to understand the nature of his SOTF complaint and exactly what records this Department is allegedly denying him. As I understand the public records aspect of Mr. Garza's e-mail, the complainant alleges that DPH is refusing to provide him with copies of documents/records relating to a problem accessing health care services at Tom Waddell Health Center. Because any engagement on behalf of an individual with a DPH clinic is, by definition a medical matter, then any records that were created as a result of his visiting the clinic are confidential and require a federally-approved form for release.

In response to his request following what he describes as a failure to get emergency services at Tom Waddell Health Center, I sent Mr. Garza a form that the Health Insurance Portability and Accountability Act (HIPAA) mandates we use before releasing any protected health information. Mr. Garza refused to sign this. In the absence of his refusal, the Department cannot legally release the records.

Explained another way: The Department can no more release Mr. Garza's medical records though the Sunshine Ordinance than if any other member of the public asked to obtain those records. This violates HIPAA standards.

If records were created by the Sheriff's Department, then those records are maintained by that agency and not by DPH.

Finally, in respect to Mr. Garza's complaint that he was denied membership into Healthy San Francisco, the eligibility workers determined that Mr. Garza already has medical coverage and therefore does not qualify for the program. Beyond that, I cannot comment on his history of medical care as these records are protected, confidential information and I have no knowledge of them. I also do not believe this is a Sunshine Ordinance issue.

Given the narrow parameters of this Department's ability to respond to this complaint, and Mr. Garza's history of rude and hostile behavior towards me and other DPH staff, I submit this statement in lieu of sending a representative to the August hearing.



Jason Grant Garza
<jasongrantgarza@yahoo.com>

08/23/2010 11:02 AM

To sotf@sfgov.org, jaygarza@pacbell.net

cc Donald.White@oig.hhs.gov, Kathleen.Sebelius@hhs.gov,
Donald.Berwick@cms.hhs.gov

bcc

Subject Fw: ??? Re: Sunshine Complaint Received: #10038_Jason
Grant Garza vs Dept of PublicHealth

History: This message has been replied to.

8/22/2010 10:45 am PST

Dear Mr. Rustom:

I STILL AWAIT PROPER CORRECT TIMELY RESPONSE to my email dated 8/12. In this email it clearly asks questions that still have NOT been responded to : "Thank you for the email (below) however, I have one question ... does NOT your email dated 7/19 state "The Department is required to submit a response to the charges to the Task Force within five business days of receipt of this notice. Please refer to complaint number #10038 when submitting any new information and/or supporting documents pertaining to this complaint." So my question is ... based on what I see below DPH sent a response 8/9 ... how is that 5 days? My case file demonstrates why I ask this question based on FALSE HOPE and FALSE PROCEDURE mixed NO ENFORCEMENT and a little MORAL HAZARD thrown in ... so I just want to clarify ... when did you receive this response from DPH? Also does not the response state that they will NOT be sending a REPRESENTATIVE ... hugh? We spoke as to what PENALTIES ... yet, I have never gotten a response to this question ..."

So when in the FUTURE when this FARCE (SUNSHINE without ACCOUNTABILITY) is exposed on all the false hope, false process and deadends (since it is an illusion OVERRULED by ETHICS COMMISSION) and the false hope of ballot measures ... yet, no ANSWER as to what if the BALLOT fails ... more FALSE HOPE and FALSE CHOICE ... I still can't get answers to the above questions ...

I am following up since the game is delay and non response ... will a city attorney show up instead of DPH's INFORMATION OFFICER ... great MEDICAL APPROACH to the TRUTH. Shall we examine DPH's record in just my cases and meaningless ORDERS of DETERMINATION (in my favor ... yet, here we are again) for the TRUTH and CONSEQUENCE ... I can amply point NOT only to my dis-satisfaction.

Still awaiting ADVOCACY ...

Still the LIVING DEAD, DEAD RIGHT and LEFT for DEAD,

Jason Grant Garza
Oren Jude's Nonliving Soulmate
jaygarza@pacbellnet

--- On Mon, 8/16/10, Jason Grant Garza <jasongrantgarza@yahoo.com> wrote:

From: Jason Grant Garza <jasongrantgarza@yahoo.com>
Subject: Fw: ??? Re: Sunshine Complaint Received: #10038_Jason Grant Garza vs Dept of PublicHealth
To: sotf@sfgov.org, Eileen.Shields@sfdph.org, publicrecord.dph@sfdph.org, jaygarza@pacbell.net
Cc: Donald.White@oig.hhs.gov, Kathleen.Sebelius@hhs.gov, Donald.Belwick@cms.hhs.gov
Date: Monday, August 16, 2010, 8:34 PM

8/16/2010

Re: SOTF Case # 10038

Dear Commissioners and Eileen Shields:

Once again commissioners I stand before your panel with the deepest of regret and despair at a dysfunctional system (SOTF, DPH and CCSF) regarding health care, medical records, moral hazard, system structural failure, no "checks and balances" and the continued illusion of proper process and accountability. As my prior cases and this current instant matter demonstrate ... not only is there no accountability ... there is no fix. What this case and its revelations show is a dysfunctional and deliberate system set to thwart since years after repeated Orders of Determination from your illustrious agency (SOTF) ... NOTHING CHANGES!!!

What we are left with is FALSE HOPE, FALSE PROCESS and INHUMANITY since the illusion is carefully manipulated to cover but NOT correct and then re-spin the deficiencies. The process is never double checked (to note compliance) nor ever fixed or accountable as my case file shows. It also shows the inhumanity for these precise issues have been brought up before

when I was priory damaged by DPH. Below are examples of NOT only unanswered questions, but also the illusion of repair and accountability. Will you open all cases in the last ten years regarding SUNSHINE and DPH, MEDICAL RECORD REQUESTS and lastly unanswered questions such as in my case? Such as : WAS IT A MEDICAL DECISION TO LIE IN FEDERAL COURT - C02-3485-PJH?) I still await an answer.

Moving on to this instant case, the continued risk management by DPH, the failure of SOTF to correct and hold accountable before and the continuing illusion of competent capable and correct process. Let us examine the methodology used by DPH, the lawbreaking activities and lastly the INHUMANITY mixed with moral hazard since accountability will NEVER HAPPEN yet the illusion will continue. What we are left with is the COLD HARD REALITY of DECEIT and INHUMANITY as my case, my prior cases and the continuation demonstrate.

Let us look for patterns (“Given the narrow parameters of this Department's ability to respond to this complaint, and Mr. Garza's history of rude and hostile behavior towards me and other DPH staff, I submit this statement in lieu of sending a representative to the August hearing”) with the enclosed attachments of prior dealings with DPH and what punishments, penalties and consequences have resulted from your prior DETERMINATIONS and naturally DPH's handling of it ... the correction, the accountability and requirements of law. Let us look at the pattern of illusion, moral hazard and illegalities that continue to this day as set out by the examples listed below and backed by attachments.

Shall we look at the common tactic of attacking the VICTIM (reverse blame game like domestic violence ... she made me do it and beat her ... I'm the victim) what does the attachments rude0001.jpeg and dark0004-0006.jpeg show ? Why, it would show the same tactic ... he's rude and hostile ... yet it is I who have the DETERMINATION IN MY FAVOR and their lack of following the law (signed confession.) This speaks to character or lack of it ... such as my demands to your agency and its failures. Yes, twist the reality, blame the victim and then NOT comply by continuing the lawbreaking activity (denial of sunshine - some might see this as BAD FAITH, NEGLIGENCE and INCOMPETENCE.) So please note the pattern when the department breaks the law ... create a false paper trail, deny and NEVER FIX and move on to the next VICTIM.

Let us look at the pattern of deception and noncompliance ... look specifically at my 11/28/2006 (dark0015.jpeg) where Eileen Shields ask for a time extension to fill an IDR over medical records specifically my MEDICAL SCREENING EXAMINATION REPORT that must be in the file and what consequence that failure provided. Did the SUNSHINE laws change ... or could this be BAD FAITH?

Ms. Shields goes on further to MISLEAD by stating “Finally, in respect to Mr. Garza's

complaint that he was denied membership into Healthy San Francisco, the eligibility workers determined that Mr. Garza already has medical coverage and therefore does not qualify for the program.” Interestingly enough I have a bill from DPH for the denial yet not the services ... which begs the question per Ms. Shields ... if I have medical coverage ... why did I receive the bill? Unless, it is not true but simply to mislead and create a false paper trail re-spinning the facts just like prior compliance regarding MEDICAL RECORDS and SUNSHINE. I would classify this as OFFICIAL MISCONDUCT however that is my opinion ... I am sure it will be re-spun. Let us NOT forget I am fighting for my medical rights against DPH with a SIGNED confession regarding prior lawbreaking activities conducted upon me by THE M.

Let us move on the unanswered questions in my instant IDR such as no service, no referral and what about INDIGENT CARE as required by law. I can state for the record that I told Wadell Clinic all about my prior history (also they should have it since they brought up my billing information apparently off the computer) with the lawbreaking DPH activity and naturally stated that I had an ARREST record for a CRIME they committed, a signed CONFESSION, no restitution, contrition nor humanity and that I only had my good name left and that was why I was asking who would pay? Naturally the bill reaffirms the failure and FARCE but also the inhumanity. So when will I get these answers?

Shall we move on ...

Prior incidents ... (2002 to present)

What penalties : Wilful Misconduct ... possible BAD FAITH, Negligence/Incompetence, STRUCTURAL DEFICIENCIES (no answers to prior questions to DPH regarding LAWS, SUNSHINE, etc), no “checks and balances”, illusion of fake process ...

Since this is MEDICAL as Ms.Shields puts it ... why were my rights repeatedly violated (Such as lying in federal court, ADA current violations, and “DO NO HARM” clause) and now currently? Why with a diagnosis from DPH for Adjustment Disorder (not able to adjust to disorder) and under ADA (fully knowing this condition) does DPH continued to exasperate it , ignored its primary duty, and increase the disorder by continuing the same failed processes that deny?

However to turn and frame this as I the malcontent (mind you - sitting here with a signed confession from DPH for BREAKING the LAW) who is rude, abrasive, etc when I am following up and facing MORAL HAZARD by telling the INCONVIENT TRUTH does not make me INCORRECT.

Therefore, I am demanding in addition to a finding (SOTF Determination), and from DPH a

FORMAL WRITTEN APOLOGY and an admission and damages for the ADA violation (current mistreatment knowing my condition - more DISORDER) when I am right and have been all along and the MEDICAL PERFORMANCE/PROFESSIONALS have not.

Otherwise, this would just be FURTHER disappointment, non-satisfaction, a waste of time and effort to correct (since the process is false and only offers false hope), and some might say another risk management tactic by the city through one its agencies.

The failure does not lie within me ...

Please don't even consider given me the FAILED HOBSON'S CHOICE (to a poor person) of going to court for I can provide the SUNSHINE TASK FORCE with my federal court papers (C02-3485PJH) which got a CONFESSION out of court by the Office of Inspector General (Donald White 202-619-1343) (2007) in which the city TESLIED in federal court (2003) to have my case dismissed and ADMITTED BREAKING THE LAW (EMTALA.) that I had taken the city to court over and persued here in SUNSHINE to get records ... shall we pull the files? Just more false hope and false process was the offering of the day and now what MORE FALSE CHOICE?

STILL AWAITING ADVOCACY

Thou I walk thru the valley of shadows ... (IMAGINE IN SUNSHINE)

Still the LIVING DEAD, DEAD RIGHT, and left for DEAD ...

Jason Grant Garza
Oren Jude's Nonliving Soulmate
jaygarza@pacbell.net

--- On Thu, 8/12/10, jaygarza@pacbell.net <jaygarza@pacbell.net> wrote:

From: jaygarza@pacbell.net <jaygarza@pacbell.net>
Subject: ??? Re: Sunshine Complaint Received: #10038_Jason Grant Garza vs Dept of PublicHealth
To: sotf@sfgov.org, jaygarza@pacbell.net

Cc: Donald.White@oig.hhs.gov, Kathleen.Sebelius@hhs.gov
Date: Thursday, August 12, 2010, 5:29 PM

8/12/2010

Dear Mr. Rustom:

Thank you for the email (below) however, I have one question ... does NOT your email dated 7/19 state "The Department is required to submit a response to the charges to the Task Force within five business days of receipt of this notice. Please refer to complaint number #10038 when submitting any new information and/or supporting documents pertaining to this complaint." So my question is ... based on what I see below DPH sent a response 8/9 ... how is that 5 days? My case file demonstrates why I ask this question based on FALSE HOPE and FALSE PROCEDURE mixed NO ENFORCEMENT and a little MORAL HAZARD thrown in ... so I just want to clarify ... when did you receive this response from DPH? Also does not the response state that they will NOT be sending a REPRESENTATIVE ... hugh? We spoke as to what PENALTIES ... yet, I have never gotten a response to this question ...

Also as the substances, allegations, half truths that are being referenced by DPH (in their response) ... I will submit to my "TO DO" pile and get back. Please be aware that I contesting their SPIN ...

STILL AWAITING ADVOCACY,

Jason Grant Garza
Oren Jude's Nonliving Soulmate
jayagarza@pacbell.net

Original Message:

From: sotf@sfgov.org
Date: Tue, 10 Aug 2010 14:06:16 -0700
To: jaygarza@pacbell.net
Subject: Fw: Sunshine Complaint Received: #10038_Jason Grant Garza vs Dept of PublicHealth

for release.

In response to his request following what he describes as a failure to get emergency services at Tom Waddell Health Center, I sent Mr. Garza a form that the Health Insurance Portability and Accountability Act (HIPAA) mandates we use before releasing any protected health information. Mr. Garza refused to sign this. In the absence of his refusal, the Department cannot legally release the records.

Explained another way: The Department can no more release Mr. Garza's medical records through the Sunshine Ordinance than if any other member of the public asked to obtain those records. This violates HIPAA standards.

If records were created by the Sheriff's Department, then those records are maintained by that agency and not by DPH.

Finally, in respect to Mr. Garza's complaint that he was denied membership into Healthy San Francisco, the eligibility workers determined that Mr. Garza already has medical coverage and therefore does not qualify for the program. Beyond that, I cannot comment on his history of medical care as these records are protected, confidential information and I have no knowledge of them. I also do not believe this is a Sunshine Ordinance issue.

Given the narrow parameters of this Department's ability to respond to this complaint, and Mr. Garza's history of rude and hostile behavior towards me and other DPH staff, I submit this statement in lieu of sending a representative to the August hearing.

(Embedded image moved to file: pic08985.jpg)

SOTF/SOTF/SFGOV

07/19/2010 02:25

PM

To

jaygarza@pacbell.net, Eileen
Shields/DPH/SFGOV@SFGOV

cc

Subject

Sunshine Complaint Received:
#10038 Jason Grant Garza vs Dept of
Public Health

This e-mail is to confirm that the attached complaint and supporting documents have been received. The Department is required to submit a response to the charges to the Task Force within five business days of receipt of this notice. Please refer to complaint number #10038 when submitting any new information and/or supporting documents pertaining to this complaint.

If the Department contests jurisdiction or if the parties request a prehearing conference a hearing will be scheduled with the Complaint Committee of the Sunshine Ordinance Task Force who will determine whether the Task Force has jurisdiction over this matter, and/or to focus the complaint or to otherwise assist the parties to the complaint.

Date: Tuesday, August 10, 2010
Location: City Hall, Room 406
Time: 3:30 P.M.

If the Department does not contest jurisdiction or if the parties don't request a prehearing conference a hearing will be scheduled with the full Sunshine Ordinance Task Force who will hear the merits of the complaint and issue a determination.

Date: Tuesday, August 24, 2010
Location: City Hall, Room 408
Time: 4:00 P.M.

Complainants: Your attendance is required at this hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, attendance by the custodian of records or a representative of your department, who can speak to the matter, is required at the hearing.

Any support documents to be considered by Task Force members, prior to the meeting, must be submitted by 4:00 P.M. Tuesday, August 17, 2010.

Also, attached is the Sunshine Ordinance Task Force's complaint procedures.

(See attached file: 10038_Complaint.pdf)(See attached file: 10038_Support.pdf)(See attached file: 1_Complaint Procedures_4-28-09_Final.pdf)

Chris Rustom
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
OFC: (415) 554-7724
FAX: (415) 554-7854
SOTF@sfgov.org

mail2web.com – Enhanced email for the mobile individual based on Microsoft® Exchange - <http://link.mail2web.com/Personal/EnhancedEmail>

       
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September 4, 2002

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Ratched response

Sheriff's lawyer makes fun of mental patient

By Shadi Rahimi

Jason Grant Garza says he's had enough.

The mentally disabled Medicare recipient told the Sunshine Ordinance Task Force Aug. 27 that after requesting records from the San Francisco Sheriff's Department, he received a letter signed by R.N. Ratched, the nurse from *One Flew Over the Cuckoo's Nest*.

"I'm not laughing," said Garza, who later found out that Sheriff Department legal counsel Jim Harrigan signed the letter.

Garza told the task force he arrived at the San Francisco General Hospital emergency room in mental distress April 21, only to be arrested and "thrown naked into a jail cell." He said he later sent a written request to the Sheriff's Department for all records pertaining to his arrest.

The letter denying his request, which was submitted as evidence to the task force, was written on Sheriff Michael Hennessey's stationery, with the handwritten and typed signature "R.N. Ratched."

No one from the Sheriff's Department was present at the hearing, in which the task force found the department guilty of violating the Sunshine Ordinance because they improperly responded to Garza's request and failed to provide him with the records.

The task force also voted unanimously to ask the city's Ethics Commission to investigate the issue further. "I'm extremely tired of people asking for sunshine and they get mooned," task force member Doug Comstock said. "This is the strongest thing we can do."

In an interview, Harrigan told the *Bay Guardian* that his dealings with Garza were "very brief and very ugly." He said signing as R.N. Ratched was intended to be humorous, not belittling. Harrigan said that as soon as he receives a written ruling from the task force, he will pull all of Garza's jail records and mail them to him.

Earlier in the hearing, Garza told the task force its rulings "don't amount to a hill of beans" if no one in the city will enforce or abide by them. Task force members responded that their new committee, the Compliance and Amendments Committee, will strive to monitor compliance and recommend enforcement. Members of the committee will be Heather Sterner (chair), Richard Knee, and Alexandra Nickliss.

August 7, 2002

GUARDIAN

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Hall Monitor

It's a cinch with Chinch: Tired of wading through the city's "wasteful and painful" process for winning approval of development projects? Your prayers have been answered with Hector Chinchilla's Millennium Group. So promises the Web site (www.migrp.com) of the company headed up by the embattled former planning commissioner. The site's blatant claims certainly won't be any help in his defense against charges that he violated San Francisco's **conflict-of-interest laws** by taking money for advising on projects that required city approval while serving on the Planning Commission. City hall sources tell us Chinchilla thought he'd avoid the problem by not showing up for key votes on those proposals. But according to city law, it doesn't matter whether he voted or not. What matters is whether he was paid to provide assistance in a "matter related to the governmental processes of the city."

Featuring a picture of a gorgeous sunset skyline over still water, the site gets into some interesting territory when it says the outfit "can save you money and months of delay." Chinchilla lost his position on the commission, as did all the other members last month, because voters had approved a proposition in March that changed the way appointments to the land-use body are made. (Now the mayor only gets to appoint four members, instead of all seven. The Board of Supervisors' president appoints the other three, and all appointments require the full board's approval.) The Web site does not mention Chinchilla's role on the commission. But certainly the position gave him connections, and that's exactly what investigators will be looking at.

Chinchilla did not return a phone call placed to the Millennium Group.

We wonder whether the Millennium Group will tone down its boasts now that Chinchilla has no way of getting back on the commission. The *San Francisco Chronicle* reported Aug. 2 that Mayor Willie Brown has changed his mind and decided not to nominate him. (Savannah Blackwell)

Sunshine victory: In a hearing that sheds light on problems patients face when requesting records from the Department of Public Health, the Sunshine Ordinance Task Force voted July 23 that a DPH staff member violated the Sunshine Ordinance when he provided a patient with incomplete records in an untimely manner.

Jason Grant Garza, who is unemployed and receives social security disability insurance, told the task force he requested medical and treatment records from the DPH May 9 to use as evidence in a state medical board hearing May 30, where he planned to criticize the department for failing to provide him and his deceased partner proper medical care.

He said he was routed to numerous DPH staff members before he finally reached

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Community Mental Health Services quality management planner James T. Gildav. But he said Gildav didn't provide him with the records until a few days before his hearing. Gildav appeared at the hearing and conceded that he did not provide the records in a timely manner.

Garza said he was appalled to find out in the middle of his medical hearing that the records were missing a crucial piece of evidence: a telephone log of a conversation held between a DPH doctor and a city attorney about his medical treatment, which he claimed caused him to lose his case.

"I went to represent myself in the proper appeal procedure without all the necessary information," Garza said. "Now I know why people give up. The process is a farce."

The next meeting of the Sunshine Ordinance Task Force will be held Aug. 27, 4 p.m., City Hall, Room 408, 1 Dr. Carlton B. Goodlett Place, S.F. Call (415) 554-7724 to file a complaint. (Shadi Rahimi)

Homeless politics: Things have changed since the old days when Sup. Tom Ammiano's strategy in dealing with poverty issues closely mirrored that of homeless activists. Case in point: the question of whether to put a measure on the November ballot challenging Sup. Gavin Newsom's notorious Care Not Cash plan, which would cut welfare payments to a paltry \$59.

Homeless advocates were looking to combat Newsom's plan with an alternative ballot measure that would tie any cut in cash payments to a guarantee that the city was offering a certain level of services (affordable housing, drug treatment, etc.; see Hall Monitor, 7/31/02). Ammiano decided to craft his own version. And during initial discussions, Ammiano now acknowledges, a milder version of Newsom's plan was on the table. Word of that plan floated out July 29 in Frank Gallagher's *San Francisco Examiner* column, and Ammiano insisted to us at the time that he was not going to back any proposal that would cut cash payments.

The final version isn't exactly what you would call "Newsom lite." But it also stops short of what the coalition wanted: it doesn't include a sweeping ban on welfare cuts linked to a requirement that the city provide services.

Ammiano told us he didn't think the coalition's version included viable solutions. The coalition has yet to decide whether it will support Ammiano's new plan. (Blackwell)

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jaygarza@pacbell.net

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From: <jaygarza@pacbell.net>
Reply To: jaygarza@pacbell.net
To: <sotf@sfgov.org>, <jaygarza@pacbell.net>, <troy.williams@sfdph.org>, <bertha.soldevilla-dae@sfdph.org>, <eileen.schields@sfdph.org>
Subject: **FW: DPH Response to Reconsideration: #06034_Jason Garza vs DPH**
Date: Thu, 1 Nov 2007 19:01:18 -0400
CC: <bevan.dufty@sfgov.org>, <valerie.tulier@senate.ca.gov>
Attachments: 06034_DPH Response to Reconsideration.pdf, Size: 207594 bytes.

[Click here to clean up the attachments on mail2webServer](#)

11/1/2007

4 p.m.

Dear Mr. Darby and Fellow Commissioners:

I am in receipt of the the following along with the attachment. In my William's Letter (Attachment) dated 10/26/2007 (06034_DPH Response to Reconsideration.pdf) first paragraph, Mr. William states that the department has been consistently responsive to the SOTF's requests. What he fails to mention is that the responses and answers (documents submitted, testimony offered) are false, fraudulent, manipulative and intended to deceive. Yes, he is correct that in his interpretation of the sunshine spirit the department has sent you fraudulent and inerroneous information. Let us not forget that when Ms. Soldevilla-Dae appeared she stated that the hospital had fully complied with the law, provide the required a medical screening examination and not put it down to paper. This was false, misleading statements intended to deceive and thwart the spirit and purpose of SUNSHINE. I have a copy of the audio tapes where she stated these facts. When I was asked if I had received all my paperwork per request ... I stated no since I had not received the medical screening examination report as required by law. This was not Bertha's representation ... she stated that I had my complete medical record and that the law had been fully complied with. What other records am I missing since apparently according to the settlement agreement the hospital and its representative don't know what the law is ... so how could they possibly be stating that they are in compliance or following it?

The second pappragraph is correct in the fact that the SOFT has comprehensive records in this matter ... these records show, deceit, treachery, and NO SUNSHINE when fully examined. In his second sentence he is trying to facillate closure (instead of facing punishment, accountability nor an effort to make their victim "whole"); however, without remedy, restitution, or damages to their victim their closure is immoral, unethical, and illegal and totally acceptable for it violates all my patient rights, human rights, legal rights, medical rights, and civil rights. He goes on to state that was necessary for Ms. Soldeville-Dae to receive a security escort to her car after last appearance (I certainly hope that they are not pointing fingers or asperations at me for they too

would be false); however, if she did need an escort ... it MUST BE from all the others that she has harmed, deceived, and misled. If this is the case ... truly there is a God. However, I will not be painted as a trouble maker or anything bad except as an individual fighting a corrupt system in which truth has so far has held no weight. Lastly, If I remember the rules of the sunshine commission ... a representative MUST be present to answer. Please check this rule as I feel the other side is trying all it can do pull another no-no. I will gather all evidence of statements from the hospital regarding full compliance with the law and records request as per their admissions and will bring the tapes in with MS. Soldeville-Dae misled, deceived, and mis-stated the facts, law, and requirements.

Please be prepared to have a long meeting and "mind opening" experience as to the fraud, deceit purportrated upon you by your trained professionals.

This also serves as notice that all those required to attend must still attend.

Commissioners, let's not forget this hospital, its representatives and city the city attorneys' representations had been and how truthful in lieu of the NOW SIGNED SETTLEMENT AGREEMENT. Too bad they didn't have to verify the facts, sign under penalty of perjury; however, that was a way to provide false, incomplete and inaccurate information that was "spoon feed to you."

Therefore, as is my right to have all attend and respond in order to point out deceit, treachery, and bad faith ... this request must be fulfilled and if I am correct is required by the ordinance. I am also in process of receive my FOIA request from the Inspector general which should illuminate the tactics, deceit, and manipulation used throughout that is case. The implications, ramifications, and deliberate harm will be apparent and as such my request to push up all these individuals to the Ethics Commission for "official Misconduct" will be a no brainer.

Still the living dead,

Jason Grant Garza
Oren Jude's nonliving Soulmate
415-368-7551 jaygarza@pacbell.net

Original Message:

From: SOTF sotf@sfgov.org
Date: Thu, 1 Nov 2007 09:38:12 -0700
To: jaygarza@pacbell.net, arturo2245@yahoo.com
Subject: DPH Response to Reconsideration: #06034_Jason Garza vs DPH

Attached is the Department of Public Health's response to your request for reconsideration of the above titled complaint.

(See attached file: 06034_DPH Response to Reconsideration.pdf)

Frank Darby, Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
SOTF@SFGov.org
OFC: (415) 554-7724

City and County of San Francisco

Department of Public Health



Gavin Newsom
Mayor

San Francisco General Hospital
Medical Center

Troy Williams, RN
Director
Department of Risk Management

October 26, 2007


Frank Darby, Administrator
Sunshine Ordinance Task Force (SOTF)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Dear Mr. Darby:

I am writing to acknowledge receipt of the SOTF's request for DPH staff to appear again at a Reconsideration Hearing before the Compliance & Amendments Committee on November 14, 2007 to respond to on-going complaint #06034 submitted by Mr. Jason Garza. Please note that the department has been consistently responsive to the SOTF's various requests for information pertaining to this matter. Additionally, Ms. Bertha Soldevilla-Dae, SFGH Risk Manager, appeared at hearings on January 9, 2007 and February 12, 2007.

The SOTF should now have a comprehensive record on this matter. To facilitate closure of the complaint, we hereby resubmit the documents on record with your office in response to Mr. Garza's continuing complaint. As the department believes that the SOTF has before it an adequate record that addresses the concern set forth in the subject complaint, and because it was necessary for Ms. Soldevilla-Dae to receive a security escort to her car after her last appearance, the department will not be sending a representative to the November 14th meeting.

Sincerely,


Troy Williams, RN
Director, Risk Management

Department of Risk Management
San Francisco General Hospital Medical Center
1001 Potrero Avenue • Bldg 20 Room 23 • San Francisco, CA 94110
Telephone (415) 206-6600 • Fax (415) 206-4150

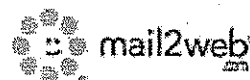
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From: <jaygarza@pacbell.net>

Reply To: jaygarza@pacbell.net

To: <publicrecords.dph@sfdph.org>, <jaygarza@pacbell.net>

Subject: **FW: Re: FW: Public Records Complaint Process for Denial of Materials.**

Date: Wed, 27 Dec 2006 12:19:03 -0500

12/27/2006

Dear Eileen Shields:

Thank you for your note however, it is misleading. I followed the procedure told and did not receive my sunshine packet for whatever reason, excuse, failure that you might want not to acknowledge ... yet, however, it is very real, disconcerting, and most of all inhumane. As my prior correspondence to you indicates this case is over a false arrest, denial of emergency services, abuse of treatment seeking records, and a lot more. I specifically told you of the problems and now want to make the Sunshine Committee aware of all of this. If my memory serves me correctly sometime in 2002 or 2003 I requested medical records from Jim Gilday thru Sunshine that I do not believe I had to sign for. I will have to look in my file; however, this does not excuse my sunshine packet that I was told was ready to pickup. If you research my sunshine file you will find my judgements against the DPH by the Sunshine Task Force and apparently years later the same farce continues! Therefore your apology is unacceptable, meaningless, and not to be believed. The frustration caused is deliberate, intentional, and most of all extremely bad treatment. This will not stand ... I will not pickup the material nor ever set foot on SF General Property ... I will instead face Gene O'Connell or Bertha or whoever at the Sunshine Task Force Complaint Procedure and show the commissioners the unacceptable treatment, delay, and most importantly the constant failure to provide records (and whether they are complete as requested.) Hopefully, the commissioners won't be a failure requesting understanding and will act. Thank you for your opinion and please NO MORE of your best ... you're KILLING ME! If only you could follow the law or SF General, or the SF Police Dept; maybe, the commissioners will.

NO HOPE.

Jason Grant Garza
 Oren Jude's Nonliving Soulmate
 jaygarza@pacbell.net
 415-368-7551

P.S. How was this responsive to my prior email about starting the complaint? Is this just another risk-management

tactic ... not answer the question, sidestep and reframe the issue? This is something I wish to point out to the commissioners also ... sunshine, apparently we can't even stay on topic. Let's see from Nov 27th to Jan 9th and still nothing for an immediate disclosure request. This is a fact and I have the paperwork to present including the past and prior failures! Thank you but your appeasement didn't work ... save it for someone else who hasn't been constantly mistreated and abused! Have a nice day and GOD bless.

Original Message:

From: PublicRecords DPH PublicRecords.DPH@sfdph.org
 Date: Tue, 26 Dec 2006 17:31:22 -0800
 To: jaygarza@pacbell.net, Frank.Darby@sfgov.org
 Subject: Re: FW: Public Records Complaint Process for Denial of Materials.

Dear Mr. Garza:

Release of medical records do not come under the Sunshine Laws of the City and County of San Francisco. Medical records are governed by HIPPA and there are very strict guidelines that medical providers must follow prior to releasing them. One of the requirements is that you must sign for them.

So sorry for the inconvenience.

Ms. Bertha Soldevilla-Dae is out of the office until January 9th. I will try to reach someone in her office this week and let you know if we can arrange for you to pick up the non-medical records she collected on your behalf relating to your original request.

Again, I apologize for the inconvenience and any misunderstanding. This can be very frustrating, as you know. We will do our best. --ES

"jaygarza@pacbell
 .net"
 <jaygarza@pacbell To
 .net> publicrecords.dph@sfdph.org,
 jaygarza@pacbell.net
 12/19/2006 08:33 cc
 AM
 Subject
 FW: Public Records Complaint
 Please respond to Process for Denial of Materials.
 jaygarza@pacbell.
 net

12/19/2006

Dear Eileen Shields:

As my email of yesterday clearly stated I was denied my sunshine request material at SF General and am still awaiting process on the filing of this complaint. I have not heard from you as of yet and need this information, complaint form, and instructions ASAP. Please contact me immediately.

Jason Grant Garza
Oren Jude's Non-living Soulmate
415-368-7551
jaygarza@pacbell.net

P.S. In the meantime, I will try the Sunshine Office.

Original Message:

From: jaygarza@pacbell.net jaygarza@pacbell.net
Date: Mon, 18 Dec 2006 14:37:25 -0500
To: publicrecords.dph@sfdph.org, jaygarza@pacbell.net
Subject: Public Records Complaint Process for Denial of Materials.

12/18/2006

Dear Eileen Shields:

I wish to start the process of filing a formal complaint. As you know I requested material under an immediate disclosure, I was notified of a 14 day request to fill. I was never received stuff "on a rolling basis" and now when I went to retrieve the material, I was denied. Last week after being told where to get it ... I waited for a good day since it has only been cold and wet. Today, I went to medical records (who has never heard of a sunshine request) and was denied my packet because I would not sign a medical release. I was told that a packet responsive (by Bertha) would be ready for me to pickup and that if I wanted my psych records that I would have to sign for them. I decided to see what was in my packet before deciding to see what more I needed (or how responsive the material was) before signing a release in order to get more material. Yet, I was not allowed to retrieve my sunshine packet. Please contact me ASAP in order to proceed with the paperwork on the this followup complaint.

Jason Grant Garza
Oren Jude's Nonliving Soulmate
415-368-7551
jaygarza@pacbell.net

Original Message:

From: jaygarza@pacbell.net jaygarza@pacbell.net
Date: Thu, 30 Nov 2006 11:14:23 -0500
To: PublicRecords.dph@sfdph.org, jaygarza@pacbell.net
Subject: FW: Re: FW: public records request

11/30/2006

Dear Eileen Shields:

Thank you for your response in this matter; however, I wish to express my "uneasiness" with the procedure that you have notified me of. As you are

aware by my request, I have dealt with Bertha Soldevilla-Dae in the past and recently as her inadequate response (11/17/2006 letter) exhibits. Consequently, my reservations is that I will receive more "risk-management", improper response, and more delay and deferral. Please assure me that if I have any questions or fears that they will be addressed and repoded to in an "above-board" and transparent method that will allowing questioning and verification of said meaning to my or any or reasonable person's satisfaction. As such, I am notifying you that my most recent experience with Bertha has not been satisfactory nor reasonable. My last request was improperly answered and I have no faith in this individual not repeating the same procedure. As you may or may not know this request deals with my illegal arrest and denial of emergency services/police services and as such this matter and its resolution are critical.

Jason Grant Garza

Original Message:

From: PublicRecords DPH PublicRecords.DPH@sfdph.org
Date: Wed, 29 Nov 2006 14:42:39 -0800
To: jaygarza@pacbell.net
Subject: Re: FW: public records request

Dear Mr. Garza:

This e-mail account was established to track public requests and ensure that they conform to the Sunshine Laws. A number of different individuals oversee this mailbox. All public records requests are assigned to an individual working within the unit or division where the public documents are stored. Because your records reside at SFGH, your request is being handled by Ms. Bertha Soldevilla-Dae whose office is located on the SFGH campus. She will be in touch with shortly.

Thank you for your interest in our programs.
E. Shields

"jaygarza@pacbell
.net"
<jaygarza@pacbell To
.net> PublicRecords.dph@sfdph.org,
jaygarza@pacbell.net
11/29/2006 08:06 cc
AM
Subject
FW: public records request
Please respond to
jaygarza@pacbell.
net

11/29/2006

Dear Eileen Shields:

Thank you for your email. I am glad to know that I will finally be receiving the documentation requested especially the Medical Screening Examination Report that is required under EMTALA for my illegal arrest 4/21/2001. I have a question ... who are you, how can I reach you, when and where do I start picking up the requested paperwork? Your below email is missing some of this information.

Jason Grant Garza
Oren Jude's (Non-living Soulmate)

Original Message:

From: PublicRecords.DPH PublicRecords.DPH@sfdph.org
Date: Tue, 28 Nov 2006 13:46:21 -0800
To: jaygarza@pacbell.net, Eileen.Shields@sfdph.org
Subject: public records request

Dear Mr. Garza:

We are working towards meeting your Immediate Disclosure public records request of November 27 . On behalf of the Department of Public Health, I am hereby notifying you of our need for a 14-day extension of time under Government code section §6253 c. The reason for the extension, as provided in section §6253 c: (a) To search for and collect the requested records from facilities separate from the office processing the request; (b) Search for, collect, and appropriately examine a voluminous amount of separate and distinct records included in a single request and; 3. Consult with another component of the agency or with another agency that has a substantial interest in the response to the request.

You will receive your information on a rolling basis as it is collected and all of it will be available by close of business day, December 12.

E. Shields
Public Information Officer

mail2web - Check your email from the web at
<http://mail2web.com/> .

mail2web - Check your email from the web at
<http://mail2web.com/> .



Eileen Shields/DPH/SFGOV
08/09/2010 09:22 AM

To SOTF/SOTF/SFGOV@SFGOV
cc
bcc
Subject Re: Sunshine Complaint Received: #10038_Jason Grant
Garza vs Dept of Public Health

History: This message has been forwarded

Dear Sunshine Task Force:

I have reviewed Mr. Garza's complaint a number of times in an effort to understand the nature of his SOTF complaint and exactly what records this Department is allegedly denying him. As I understand the public records aspect of Mr. Garza's e-mail, the complainant alleges that DPH is refusing to provide him with copies of documents/records relating to a problem accessing health care services at Tom Waddell Health Center. Because any engagement on behalf of an individual with a DPH clinic is, by definition a medical matter, then any records that were created as a result of his visiting the clinic are confidential and require a federally-approved form for release.

In response to his request following what he describes as a failure to get emergency services at Tom Waddell Health Center, I sent Mr. Garza a form that the Health Insurance Portability and Accountability Act (HIPAA) mandates we use before releasing any protected health information. Mr. Garza refused to sign this. In the absence of his refusal, the Department cannot legally release the records.

Explained another way: The Department can no more release Mr. Garza's medical records though the Sunshine Ordinance than if any other member of the public asked to obtain those records. This violates HIPAA standards.

If records were created by the Sheriff's Department, then those records are maintained by that agency and not by DPH.

Finally, in respect to Mr. Garza's complaint that he was denied membership into Healthy San Francisco, the eligibility workers determined that Mr. Garza already has medical coverage and therefore does not qualify for the program. Beyond that, I cannot comment on his history of medical care as these records are protected, confidential information and I have no knowledge of them. I also do not believe this is a Sunshine Ordinance issue.

Given the narrow parameters of this Department's ability to respond to this complaint, and Mr. Garza's history of rude and hostile behavior towards me and other DPH staff, I submit this statement in lieu of sending a representative to the August hearing.

