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S290503
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Via TrueFiling
Hon. Patricia Guerrero, Chief Justice and
Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, California 94102-4797

Re: Request to Depublish Opinion [CRC, rule 8.1125]
Siskiyou Hospital, Inc. v. County of Siskiyou et al.
Cal. Court of Appeal Third Appellate District appeal nos. C097671 and C098311
Cal. Supreme Court no. S290503

Dear Chief Justice Guerrero and Associate Justices:

Pursuant to Rule 8.1125 of the California Rules of Court, the Western Center on Law and Poverty and the National Health Law Program request this Court to order that *Siskiyou Hospital v. County of Siskiyou*, 109 Cal. App. 5th 14 (2025), not be published. The opinion threatens the continuing ability of low-income Californians to hold government agencies accountable for illegal policies through petitions for writs of mandate under Code of Civil Procedure Section 1085.

Interest of Western Center and National Health Law Program

Since its founding in 1967, the Western Center on Law and Poverty has represented low-income Californians seeking systemic relief against illegal government practices. Traditional writs of mandate under Code of Civil Procedure 1085 have served as a primary means of securing that relief. The Court of Appeal opinion in this case threatens the viability of this tool by limiting its application to only those rare instances where a statute anticipates the facts of a case and prescribes the relief.

In addition, for many decades Western Center has successfully enforced Welfare & Institution Code Section 17000's mandate to counties to relieve and support their indigent residents. See, e.g., *Hunt v. Superior* Court, 21 Cal. 4th

984 (1999) (counties must provide health care to indigents who are unable to secure coverage through other means). The opinion below jeopardizes the continuing viability of Section 17000 by specifying that it can only apply when—as never happens—the statute dictates the result of a case in "explicit and forceful language." *Siskiyou Hospital*, 109 Cal. App. 5th at 47.

For more than 55 years, the National Health Law Program (NHeLP) has engaged in litigation and policy advocacy to address barriers to health care being experienced by limited-income people and people with disabilities. NHeLP's California-based advocacy relies upon courts to issue writs of mandate when the State is failing to comply with compulsory obligations and people are being harmed. As such, NHeLP is deeply concerned by the Court of Appeal's decision in this case.

I. The Court of Appeal opinion threatens to undermine the viability of traditional writs of mandate holding government entities accountable for illegal conduct.

As the Court of Appeal notes, this case "involves a dispute between a hospital and a local government over how persons who present with symptoms of a psychiatric emergency medical condition are evaluated and treated in Siskiyou County." *Id.* at 23. Siskiyou Hospital, Inc. (the Hospital) provides treatment for the person's physical conditions and medically clears the person for transfer to an appropriate facility. County workers decide whether to impose or maintain a "5150 hold" (Welf. & Inst. Code § 5150), and if so, instruct the Hospital to care for the patient while awaiting transfer to a psychiatric facility, a process that occasionally takes several weeks. 109 Cal. App. 5th at 30. The Hospital, claiming it had no obligation or ability to provide psychiatric care, sued the County and the Department of Health Care Services, alleging a variety of statutory violations, along with a breach of contract claim. The complaint and petition sought, among other things, to compel the County to provide for mental health services while patients were confined to the Hospital. *Id.* at 34.

The trial court dismissed the suit after sustaining demurrers, and the Court of Appeal affirmed. On several of the statutory issues, the court below held that the Hospital had forfeited its claim by failing to cite sufficient authority; and that respondents' legislative interpretation was correct. This letter does not address those rulings.

Concerning here is the Court of Appeal's holding on each issue that writ relief was impossible because of lack of specificity in the underlying statute. *See, e.g., id.* at 43 (rejecting disability discrimination claims because the Hospital "failed to identify any clear legal mandate requiring the County or the Department to affirmatively act in any particular way upon learning of the facts alleged in the operative complaint. . . . [the Hospital] . . .has not directed us to any specific statutory language imposing a mandatory and ministerial duty in explicit and forceful language."). *Id.*

Under the logic of the court's reasoning, writs of mandate could never be issued to address violations of state or federal constitutional guarantees, which by their nature are generally worded. Nor would a writ ever be possible to contest violations of generally worded statutes such as those prohibiting discriminatory treatment of people with disabilities. Indeed, few if any statutes are drafted in a way to expressly anticipate all conceivable factual situations, such as the one in this case.

The opinion below takes an erroneously narrow view of what constitutes a ministerial duty. "A ministerial duty is one which is required by statute." *County of Los Angeles v. City of Los Angeles*, 214 Cal. App. 4th 643, 653 (2013). *Cf. Citizens for Amending Proposition L v. City of Pomona*, 28 Cal. App. 5th 1159, 1186 (2018) ("A public entity has a ministerial duty to comply with its own rules and regulations where they are valid and unambiguous.") (Internal citations and quotation marks are omitted throughout this letter.) "While a party may not invoke mandamus to force a public entity to exercise discretionary powers in any particular manner, if the entity refuses to act, mandate is available to compel the exercise of those discretionary powers in some way." *HNHPC, Inc. v. Dep't of Cannabis Control*, 94 Cal. App. 5th 60, 70 (2023).

Conlan v. Bonta, 102 Cal. App. 4th 745 (1999), is illustrative. *Conlan* concerned the plight of Medi-Cal beneficiaries who had paid out of pocket for medical care that by law was supposed to be free. Obtaining a refund depended on their medical providers, who had already been paid, to voluntarily submit an application on their behalf to the Department of Health Services, which often did not happen. Beneficiaries petitioned for writs of mandate and were unsuccessful in the trial court, but the Court of Appeal reversed. The appellate court held that the Department's failure to rectify this situation violated the comparability provisions of federal Medicaid law, which required that the "medical assistance made available to any individual .... shall not be less in amount, duration, or

scope than the medical assistance made available to any other such individual...." *Id.* at 754, citing 42 U.S.C. § 1396a(a)(10)(B). The *Conlan* court reasoned that if reimbursement by the provider remained voluntary, "not all program recipients would be treated alike." 102 Cal. App. 4th at 754. The court thus ruled that the beneficiaries were entitled to a writ of mandate despite the absence of "explicit and forceful language" in the Medicaid statute expressly dictating that particular ruling.

Turning to the question of relief. the *Conlan* court recognized that the "manner in which the Department chooses to meet its obligations is within the discretion of the Department." *Id.* at 764. But the court concluded: "we decide only that ignoring the recipients' rights and doing nothing is not an option." *Id.* Yet ignoring recipients' rights and doing nothing is acceptable under the opinion below as long as the underlying patient protection laws invoked by the Hospital do not cover the precise facts of this case.

One example concerns the Hospital's claim that the County and the Department failed to ensure parity between mental health care and other treatment as required by federal law. The Court of Appeal concluded that for two reasons it need not even decide whether "the claim failed as a matter of law . . . ." 109 Cal. App. 5th at 44. First, the court stated that there is no private right of action to enforce the parity provisions of the Medicaid Act. *Id.* But in Medicaid cases the Court of Appeal has held that "Section 1085 is available not only to those who have enforceable private rights, but to those who are beneficially interested parties within the meaning of Code of Civil Procedure section 1086." *California Hosp. Assn. v. Maxwell-Jolly*, 188 Cal. App. 4th 559, 569 (2010).

Second, the court below rejected the parity claim without reaching its merits because the Hospital "failed to identify any specific statutory language imposing a mandatory and ministerial duty in explicit and forceful language." 109 Cal. App. 5th at 44. The court did not specify why the prohibition against disfavoring mental health treatment was not explicit enough, or how the parity requirements could ever be enforced in court under the reasoning of the opinion.

Indisputably, persons taken to the Hospital have been involuntarily confined without mental health treatment, in some cases for weeks. If the respondents' interpretation of the statutes at issue is correct, the Hospital has a duty to provide those persons with mental health care. The Court of Appeal could have so held and ended its opinion there.

But under the reasoning of the opinion below, even if the Hospital correctly interpreted one or more of the underlying statutes and the County's failure to ensure treatment was illegal, patients would still be out of luck. The patients would lack any enforceable right to treatment unless and until the Legislature enacted a statute to cover the precise situation in this case. The Court should not countenance such a result.

It might be argued that the concerns expressed here are exaggerated because litigants sometimes can achieve the same relief as mandamus through injunctions. But "[m]andamus, rather than mandatory injunction, is the traditional remedy for the failure of a public official to perform a legal duty." *Common Cause v. Bd. of Supervisors*, 49 Cal. 3d 432, 442 (1989). Thus, the Court stated that it evaluates claims for mandatory injunctive relief "in light of the legal principles governing mandamus actions." *Id.*

The Court's approach recognizes the most important difference between mandamus and a mandatory injunction. Whereas plaintiffs seeking an injunction must show the threat of irreparable harm to themselves, traditional writs can be granted more readily in public interest cases. Where "the question is one of public right and the object of the mandamus is to procure the enforcement of a public duty, the [petitioner] need not show that he has any legal or special interest in the result, since it is sufficient that he is interested as a citizen in having the laws executed and the duty in question enforced." *Green v. Obledo,* 29 Cal. 3d 126, 144 (1981).

As the *Green* Court explained, this exception to normal standing rules "promotes the policy of guaranteeing citizens the opportunity to ensure that no governmental body impairs or defeats the purpose of legislation establishing a public right." *Id.* The opinion below should not be published because it effectively takes away that opportunity.

II. The Court of Appeal opinion cannot be reconciled with decades of case law enforcing county duties to aid their indigent residents.

One of the Hospital's causes of action alleged a violation of Welfare & Institutions Code Section 17000's requirement for counties to aid their indigent residents who are unsupported by other means. The Court of Appeal rejected this claim in part because the Hospital "did not identify any clear legal mandate

requiring the County to affirmatively provide indigent 5150 patient with medically necessary psychiatric and mental health care services . . . while these patients are being held at [the Hospital] . . ." The court added: "nothing in section 17000 imposes such a mandatory and ministerial duty on the County in explicit and forceful language." 109 Cal. App. 5th at 46-47.

Under this reasoning, no petitioner could ever prevail under Section 17000. The operative statutory language is no more "explicit" than: "[e]very county . . . shall relieve and support all incompetent, poor, indigent persons . . . lawfully resident therein . . . when such persons are not supported and [otherwise] relieved . . . ." Yet, for decades indigent Californians have successfully litigated writ petitions under Section 17000. *See, e.g., Hunt v. Superior Court*, 21 Cal. 4th 984; *Mooney v. Pickkett,* 4 Cal. 3d 669 (1971); *Brown v. Crandall*, 198 Cal. App. 4th 1 (2011); *Alford v. County of San Diego*, 151 Cal. App. 4th 16 (2007); *Madera Community Hospital v. County of Madera*, 155 Cal. App. 3d 136 (1984).

Section 17000 is the safety net for the poorest and most vulnerable people in California. The Court of Appeal opinion should be depublished because it threatens to shred that net.

Conclusion

For the foregoing reasons, this Court should order that the opinion below not be published.

Sincerely,

Richard A. Rothschild
Director of Litigation
Western Center on Law and Poverty

Jane Perkins
Litigation Director
National Health Law Program

PROOF OF SERVICE

Siskiyou Hospital, Inc. v. County of Siskiyou et al. Case No. C097671 and C098311

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 3701 Wilshire Blvd., Suite 208, Los Angeles, CA 90010.

On April 28, 2025, I served true copies of the following document(s) described as **REQUEST FOR DEPUBLICATION, CALIFORNIA RULE OF COURT 8.1125** on the interested parties in this action as follows:

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BY ELECTRONIC SERVICE AND U.S. MAIL: I electronically filed the document(s) with the Clerk of the Court by using the TrueFiling system. Participants in the case who are registered users will be served by the TrueFiling system. Participants in the case who are not registered users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 28, 2025, at Pasadena, California.

_____

Amanda Smith

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