

## AFTER FILING YOUR CLAIM

The Hospital Authority has 45 days after receiving your claim to take action. We will typically conduct an investigation of your claim. If our findings support your allegations, we may attempt to settle with you. If we reject your claim, we will notify you in writing so that you may pursue the matter in court should you choose to do so. This written notification is often called your "right to sue letter". If we take no action within 45 days, the claim is deemed denied and you may sue us in court.

Under California Government Code § 945.6, you must sue within 6 months from the date of the postmark or personal delivery of your right to sue letter. If we do not provide any written notice rejecting your claim, you have two years from the date of injury or damage.

## GOVERNMENT IMMUNITIES

Government entities are liable only if there is a statutory basis for the liability and are protected by a variety of immunities from lawsuits.

Before starting a lawsuit against the Hospital Authority, you may wish to read Government Code § 810-996.6, obtain additional information at a Law Library, or discuss your matter with an attorney.

## CAN THE KERN COUNTY LAW LIBRARY HELP ME?

The Kern County Law Library offers free public access to a substantial collection of do-it-yourself legal books, as well as more in-depth practice guides, form books, primary material, and legal research databases, all designed to assist members of the public in their legal transactions and court affairs. A team of highly-skilled reference librarians can recommend and refer you to the particular legal resources that will help you find answers to your law-related questions.

Additional information can be found at: <http://kclawlib.org/>

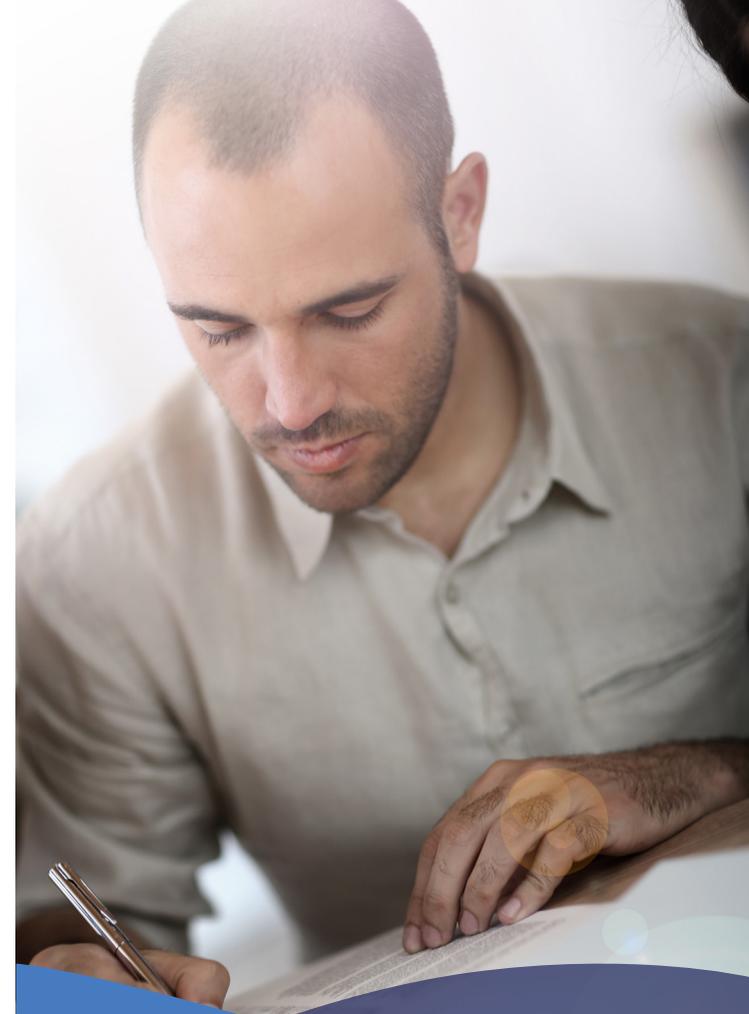
The Kern County Law Library is located at:

1415 Truxtun Ave Rm. 301  
Bakersfield, CA 93301  
Phone (661) 868-5320



### Kern Medical Legal Services

P.O. Box 12319  
Bakersfield, CA 93389  
[KernMedical.com](http://KernMedical.com)



# Claims Against Kern County Hospital Authority





## CALIFORNIA TORT CLAIMS ACT

Before you may sue Kern Medical, you must first file a claim meeting the requirements of the California Tort Claims Act (Government Code § 810-996.6). This law applies to public entities such as state, county, and local government agencies or departments, as well as to government employees.

Filing a claim gives Kern Medical the opportunity to settle the claim before a lawsuit is filed and to investigate the claim so that it can properly defend itself, or to correct the conditions or practices that led to the claim.

Even if you do not currently plan to sue, consider filing a timely claim to protect your rights and to keep your options open.

## WHEN TO FILE YOUR CLAIM

The California Tort Claims Act sets out strict guidelines for filing your claim with a governmental entity. You must file:

### Within 6 months of the incident for:

- Personal injury
- Damage to personal property
- Wrongful death

### Within 1 year of the incident for:

- Breach of contract
- Damage to real property
- Equitable estoppel

If you do not file your claim within this time period, you may be barred from filing a lawsuit. In some cases, you may be able to ask permission to file a late claim. The only valid reasons for filing a late claim are:

- Mistake, inadvertence, surprise, or excusable neglect. Not knowing the law does not constitute an excusable mistake!
- The claimant's minority during the entire 6-month or 12-month period
- Physical or mental incapacity of claimant
- Death of claimant

Your request for permission to file a late claim must be filed no more than one year from the date of injury.

## HOW TO FILE YOUR CLAIM

### Kern County Hospital Authority

You can file your claim directly with the entity's governing board or clerk. The Hospital Authority maintains its' own claim form. If a claim is not attached, a copy of the claim form can be found here:

#### In English:

[kernmedical.com/kcha-claim-form-english/](http://kernmedical.com/kcha-claim-form-english/)

#### In Spanish:

[kernmedical.com/kcha-claim-form-spanish/](http://kernmedical.com/kcha-claim-form-spanish/)

A completed and signed claim form, including any substantiating documentation, shall be filed either in person **or** via US Mail.

**In Person:** Hand-deliver to the Clerk of the Board located at:

1700 Mount Vernon Avenue  
Bakersfield, CA 93306.

**By Mail:** Mailed copies of the claim form are not accepted at the address shown above. Submit all mailed claim forms to:

Kern Medical Legal Services  
P.O. Box 12319  
Bakersfield CA 93389