

February 23, 2007

# 'Dumping' of Homeless by Hospitals Stirs Debate

By [RANDAL C. ARCHIBOLD](#)

LOS ANGELES, Feb. 22 — For a year, reports have surfaced that hospitals here have left homeless patients on downtown streets, including a paraplegic man wearing a hospital gown and colostomy bag who witnesses say pulled himself through the streets with a plastic bag of his belongings held in his teeth.

Now, prosecutors are hoping a bill introduced last week in the State Senate will give them stronger legal firepower to charge the hospitals.

Of the 55 or so reports of "patient dumping," principally in the dilapidated quarter known as Skid Row, only a handful are being investigated for criminal activity, said Rocky Delgadillo, the city attorney. Only one hospital has been charged, using a misdemeanor count that has never been tested in court.

The problem is that while California state law requires hospitals to have written procedures outlining follow-up care for patients, it does not expressly prohibit leaving them on the street.

Advocates for the homeless said it was common in many cities for homeless people still requiring medical treatment to end up on the street or at the doors of shelters ill prepared for their medical needs.

"Hospitals don't know what to do with them, and they think it's the homeless agencies' responsibility," said Michael Stoops, executive director of the National Coalition for the Homeless, a Washington advocacy group.

Mr. Stoops said local and federal laws were murky, at best, over where homeless patients should be discharged.

The proposed [California](#) law, written by members of Mr. Delgadillo's staff and introduced by Senator Gilbert A. Cedillo, a Democrat from Los Angeles, would require hospitals to transport

discharged patients to their residence or, if they lack one, to the place they identify as their home, typically a shelter.

“There currently is no law making dumping homeless hospital patients on Skid Row a crime,” Mr. Delgadillo said Thursday at a news conference. “What we really need is legal clarity that specifically prohibits it.”

The bill calls for a jail term up to two years and a fine of \$1,000 for anyone violating the law. Hospitals could be fined \$10,000 and placed on probation, opening the way to court orders dictating how they treat discharged patients who are homeless.

Mr. Delgadillo said homeless patients often lacked insurance or other means to pay for their care, prompting hospitals to discharge them quickly. Skid Row seems a logical place to take them, with its profusion of shelters and social service agencies, but advocates for the homeless said few places could provide the necessary medical care.

“We are set up to get people back on their feet, but we are not set up as a hospital,” said the Rev. Andrew J. Bales, president of the Union Rescue Mission on Skid Row.

Prospects for the bill were unclear. A spokesman for Fabian Núñez, a Democrat from Los Angeles who is the Assembly speaker, said he supported it, but a spokeswoman for Gov. [Arnold Schwarzenegger](#), [a Republican](#), said it was too early to take a position on it. A similar measure Mr. Cedillo introduced last year was unsuccessful.

Among the suspected patient-dumping cases that have drawn attention is one in which Mr. Delgadillo has charged Kaiser Permanente with misdemeanor false imprisonment involving a case last year caught on videotape.

The case that has drawn headlines and indignation more recently involved the paraplegic man found crawling in the street on Feb. 8. A dozen people say they saw a woman driving a van from Hollywood Presbyterian Medical Center leave the man in the street, with some saying she got back in the van and spruced up her makeup.

Mr. Delgadillo said he was still investigating the case. Dan Springer, a spokesman for the hospital, said it had acknowledged that its procedures for releasing the patient had not been followed. Mr. Springer said the hospital was taking steps to ensure it did not happen again.

James Lott, an executive with the Hospital Association of Southern California, criticized the proposed legislation, calling it “in a word, stupid,” and an example of Mr. Delgadillo’s “grandstanding.” Mr. Lott said federal laws already required hospitals to treat and stabilize patients before discharge and to provide a plan for follow-up care if needed.

In addition, he said, hospitals downtown agreed two months ago to new procedures ensuring that homeless patients were not left on the street. He conceded the protocol had been violated in the case of the man found crawling in the street.

Source: <http://www.nytimes.com/2007/02/23/us/23dumping.html>