

[← Back to Original Article](#)

Kaiser accepts settlement to end dumping of homeless patients

The pact could resolve cases filed against the HMO after a woman was left to wander skid row.

May 16, 2007 | Richard Winton and Cara Mia DiMassa | Times Staff Writers

Kaiser Permanente has agreed to a first-of-its-kind settlement aimed at ending patient dumping that requires the HMO to establish new discharge rules, provide more training for employees and allow a well-known former U.S. attorney to monitor its progress, officials announced Tuesday.

The agreement by the nation's largest HMO could resolve criminal charges and civil lawsuits filed against it last year by the Los Angeles city attorney's office, alleging that it dumped on skid row a homeless woman who had been a patient.

Prosecutors, who are investigating more than 50 cases of dumping in downtown L.A. over the last two years, urged other hospitals to adopt the same rules that Kaiser has accepted for its 11 hospitals in the region.

"Kaiser's adoption of these protocols proves there is no reason those practices should continue," said City Atty. Rocky Delgadillo.

Dr. Benjamin Chu, president of Kaiser Permanente's Southern California region, apologized Tuesday for dumping the woman and said Kaiser is committed to changing.

"This can point the way for how we all treat our homeless patients," he said.

As part of the settlement, Kaiser agreed to a series of requirements aimed at preventing future patient dumping and allowed Lourdes Baird, a former U.S. attorney for Los Angeles and retired U.S. District Court judge, to oversee how the hospital chain complies with the rules. She will report progress to a Superior Court judge in L.A. who has yet to be assigned to the case.

"I hope that today's announcement ... sends a strong message to other hospitals that continue to engage in this inhumane practice," Delgadillo said.

Jim Lott, executive vice president of the Hospital Assn. of Southern California, which represents more than 170 hospitals, 95% of those in the region, said that the settlement was "unique to Kaiser at this point in time" but that his organization is proposing similar protocols for patient release and employee training for its member hospitals.

"We are looking at what Kaiser produced, and we are thinking we don't need to reinvent the wheel for other hospitals," Lott said. "That's not final, but it's what's being considered."

The Kaiser case involved a 63-year-old patient who was discharged from Kaiser's Bellflower hospital last March. A video at a downtown mission shows the woman, Carol Ann Reyes, apparently being dropped off by a taxi and then wandering aimlessly along San Pedro Street, clothed in only a hospital gown and slippers. After several minutes, officials from the Union Rescue Mission escorted her into a nearby building.

Mark Rosenbaum, legal director of the American Civil Liberties Union of Southern California, called the settlement a national model for a problem that has plagued cities but until now has received little attention from law enforcement.

"It represents the most comprehensive, broad-based and sensitive protocol for hospital discharge planning for homeless patients resulting from any case in the nation's history," Rosenbaum said.

The settlement announced Tuesday was reached after city attorneys working on the criminal case issued subpoenas in an effort to obtain Kaiser's records on discharges of homeless patients and taxi and transportation companies' records for Kaiser patients, said Jeffrey B. Isaacs, head of the department's criminal division.

It must still be accepted by Superior Court Judge Aurelio Munoz and a court-appointed guardian representing Reyes. Prosecutors said that if the judge and guardian concur, as expected, they would dismiss their criminal case against Kaiser.

As part of the agreement, Kaiser will pay \$5,000 in civil penalties and \$50,000 in investigative costs to the city attorney's office and will contribute \$500,000 to a charitable foundation.

That foundation will fund a countywide electronic system to monitor beds in shelters, which will be available to hospitals; a free legal clinic in skid row to assist eligible homeless people in getting health benefits; and an increase in the number of recuperative beds available in the county. There are fewer than four dozen beds available for homeless patients who have been released from area hospitals but still require follow-up care.

Under the terms of the protocol, Kaiser hospitals must take precautions with homeless patients, logging them in to a special record and

documenting all of their belongings, which must be returned to them on discharge.

The agreement requires physicians, nurses and social workers to assess and document homeless patients' mental status and refer them for cognitive and neurological exams when needed. If a medical staffer were to question the person's ability to understand a discharge, the discharge would be delayed.

If the hospital fails to comply with the agreement, the court can levy fines or jail time. Baird, as overseer, may also conduct hearings on the hospital chain's compliance, make recommendations to the court and order documents to be produced.

The injunctive provisions of the agreement will last three years, but Kaiser will be allowed after a year to request that they be dropped if it can show compliance with the conditions and protocols of the order.

Michael Stoops, executive director of the National Coalition for the Homeless in Washington, D.C., called Kaiser's decision to settle "really amazing."

"I'm not aware of any such agreement anywhere in the country during the last 30 years," Stoops said. "It is a good decision for homeless people, in that this case has gotten national attention and settlement puts hospitals on notice nationwide they can no longer release people on to the streets or doorsteps of the local homeless shelter."

But several leading advocates for the homeless cautioned that the decision is not a panacea for deeper structural issues of how local, state and federal governments deal with L.A.'s sizable homeless population.

"I think it's OK for Kaiser to be helping out" with the funding of recuperative beds and other needed fixes, said Michael Cousineau, an associate professor of research and the director of the Center for Community Health Studies at the USC Keck School of Medicine. "But I think the responsibility lies as it does in other cities, for the government to fund these things."

Since the legal action against Kaiser was first filed late last year, the dumping has continued. In February, a 54-year-old man in a soiled hospital gown, his colostomy bag still attached, was found crawling in the gutter after he was dropped off in front of a park on skid row, far from services for the homeless. Police say that as onlookers demanded help for the man, the driver of the van for Hollywood Presbyterian Medical Center applied makeup and perfume before speeding off. The hospital said it is investigating but acknowledged that it didn't follow its own release policies.

Authorities also are investigating the case of a 70-year-old man taken by taxi to a skid row mission last month after being released from a Downey hospital. Wearing hospital pants, a white T-shirt and a jacket, he was barely able to walk.

The Los Angeles Police Department has vowed to arrest anyone dumping patients on skid row, using a law against false imprisonment, and has assigned extra officers to look for evidence of dumping. Federal authorities have said they are investigating two unnamed L.A. hospitals suspected of dumping homeless patients.

richard.winton@latimes.com

cara.dimassa@latimes.com