

dispatches

Uncle Sam Raps Watsonville Community Hospital's Policies

Bob Johnson

Watsonville Community Hospital has been ordered to change admissions policies that violate federal law on the provision of emergency care for indigents.

An investigation by the Office of Civil Rights (OCR) of the hospital's policy on caring for indigents, particularly Hispanics, concluded there are numerous violations of the community service provisions of the 1979 Hill-Burton Act.

Watsonville Community Director of Planning and Development, Donna Schweers, told the *Express* that the hospital has agreed to comply with the orders of the OCR. Schweers said the latest problem was no more than a failure to keep up to date on the latest requirements of the Hill-Burton Act, under which hospitals receive public money in exchange for providing indigents with emergency care.

The investigation began after two complaints were filed against the hospital by Welfare Legal Assistance Center (WELAC) attorney Jonathan McCurdy.

One of the complaints charged that a 15-year-old girl with appendicitis was turned away from the hospital in 1978 because she did not have immigration papers on her person. Guadalupe Quintana and her mother were allegedly given pills to cure the daughter's extreme stomach pains and told by hospital personnel they would be turned into the immigration service if they did not leave.

The other complaint alleged that Agustina Hernandez was billed for hospital services and never told that care could be

provided at public cost under the Hill-Burton Act.

When those complaints were made, OCR decided they were not timely enough to warrant investigation. But the feds did begin a more general look into Watsonville Community's policies regarding indigents.

In September of 1980, OCR found Watsonville Community in violation of the federal civil rights act of 1964.

The hospital was ordered to begin providing more adequate bilingual service and to stop making pre-admission inquiries about a person's residency status and citizenship. Two months after that order, the feds concluded that Watsonville Community had agreed to comply.

The conclusion of the investigation was delayed until last month because the feds made a switch in which agency is responsible for enforcing the community service requirements of the Hill-Burton Act.

Floyd Pierce, Director of the regional OCR in San Francisco, wrote the hospital on October 20 to order that three violations of the Hill-Burton law be cleared up within 60 days.

"Watsonville Community Hospital must state in its new Community Service Policy that emergency services will be provided to all residents of its service area regardless of their ability to pay for them," Pierce wrote. The regional OCR head also ordered that the hospital spell out clearly that the need and availability of emergency care will be the only criterion used in deciding to admit indigents. And Watsonville Community was also told to change its community service complaints notice to include the address of the appropriate federal agency in San Francisco.

In his letter, Pierce wrote that discussions with hospital personnel did not uncover actual denial of service but that Watsonville Community's policies left that possibility open and were in violation of the 1979 requirements of the Hill-Burton Act.

Schweers said the hospital "will definitely comply with the language of the new regulations. We agree they are suitable to do."

In addition to the three legal violations, the OCR made two recommendations to avoid discouraging indigents from using emergency services at the hospital. Pierce suggested that "the practice of requesting a patient to choose a physician from the medical staff roster could have the effect of

denying service," and recommended that Watsonville Community provide admission arrangements for people with doctors who do not have staff privileges at the hospital.

The OCR head also recommended that the medical staff roster should indicate which doctors accept Medi-Cal. Without this information, Pierce wrote, "persons who are eligible for or are current beneficiaries of the Medi-Cal program [could be] mismatched with physicians who will not accept such patients."

Although the OCR investigation did not uncover actual cases of people being "mismatched," Pierce pointed out the lack of information available to indigents "may have the effect of 'chilling' the desire and opportunity of Medi-Cal beneficiaries to utilize services at Watsonville Community Hospital."

Schweers told the *Express* the top recommendations will be sent to the medical staff, adding "We agree with the suggestions, they are worthy." □