



## **Standing Up for Those Who Can't Care for Themselves**

***By City Attorney Mara W. Elliott***

We rely on hospitals to care for us in our times of greatest need. We entrust them with our lives when we're at our most vulnerable, and we expect that they will put the health and safety of patients first. Hospitals break that trust when they illegally discharge gravely disabled patients in need of care.

Patient dumping is unethical and it is illegal. That's why my Office sued Scripps Health for releasing from their hospital a 68-year-old man whom a court had determined was so gravely disabled that he could not care for his own basic personal needs.

He was hospitalized after being found naked, disheveled, and delusional during a welfare check by the City Attorney's Office on residents of a substandard and unsafe College Area independent living facility where tenants are supposed to live independently.

Based on the victim's condition, a judge ordered that he be placed in a secured facility, and that no lesser level of care would suffice. Contrary to the court's order, Scripps Health discharged the victim to a group home to fend for himself. The victim, who suffers from mental illness and hallucinations, was expected to manage his own prescriptions, keep medical and psychiatric appointments, and arrange for his own transportation.

After his discharge, our investigators found him sick and isolated, with no way to get to his doctors' appointments or understand which medications to take.

Our investigator and victim services coordinator quickly stepped in to provide him clothing and hygiene items, help him dress, and arrange transportation to medical care. They worked with his case manager to secure his placement in a skilled nursing facility where his medical needs are being met in a safe and clean setting.

Scripps Health did not have an effective discharge plan for this victim and did not transfer or refer him to an appropriate facility for follow-up care. Our Office is seeking an injunction prohibiting Scripps Health from continuing these practices, and civil penalties of at least \$1 million, which will be used to prevent other such cases from occurring. Our ultimate goal is to get Scripps Health to follow the law.

In bringing this action, we want to ensure that all San Diego hospitals understand their duties under the law. That's why my Office wrote a letter to remind each hospital that patient dumping is illegal and will not be tolerated. My Office will investigate and hold accountable facilities that:

- fail to have an effective discharge planning process
- fail to transport patients to proper outpatient facilities
- fail to provide a written after-care plan for mental health patients prior to discharge
- fail to have a patient or representative make informed decisions regarding care

*(continued)*

- fail to have social services staff participate in discharge and after-care planning
- fail to have a process for reevaluating the patient's condition to identify necessary changes to the discharge plan

I am determined to stop this disgraceful practice in San Diego. Our most vulnerable residents are the most deserving of our compassion and care.

Community members are encouraged to report instances of patient dumping to the City Attorney's Office by emailing [CityAttorney@sandiego.gov](mailto:CityAttorney@sandiego.gov).

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