



FOR IMMEDIATE RELEASE: August 22, 2022

Contact: Leslie Wolf Branscomb at
lawolf@sandiego.gov or (619) 533-5896

City Attorney Wins Key Ruling in Patient-Dumping Case *Elder-abuse allegations against Scripps Health will go to trial in May 2023*

A San Diego Superior Court judge has ruled in favor of the People of the State of California in an ongoing case against Scripps Health over the hospital's discharge and facility placement of a gravely disabled man in violation of elder abuse and unfair competition laws.

Friday's ruling denied Scripps Health's motions to strike portions of the City Attorney's complaint. The case will now move forward to a trial scheduled for May 12, 2023, during which the City Attorney's Office will have the opportunity to prove its allegations against Scripps Health, which describes itself as a \$3.1 billion non-profit integrated health system.

“This is an important step forward in a case that should send a message to hospitals throughout our region: Patient dumping is inhumane, illegal, and will not be tolerated,” San Diego City Attorney Mara W. Elliott said. **“Scripps Health must take responsibility for its actions. Our most vulnerable residents need appropriate health care and deserve to be treated with compassion and dignity.”**

This case involved a 70-year-old victim who was diagnosed with schizophrenia, suffered from hallucinations, and could not care for even his most basic daily needs like obtaining food and shelter. He was hospitalized at Scripps Mercy Hospital after being found naked, disheveled, unresponsive, and barely coherent during a welfare check by the City Attorney's Office in September 2019, on residents of a substandard and unsafe College Area independent living facility (ILF). ILFs provide affordable room rentals in shared living facilities, are largely unregulated, and are intended to accommodate only independent individuals.

While hospitalized, employees described the victim as delusional, irritable, and unable to attend to basic needs, such as showering. Despite its knowledge of the victim's circumstances, Scripps Health discharged him to an ILF in December 2019, where he was left to manage his own prescriptions and his own medical and psychiatric appointments without transportation. Once again, City Attorney personnel intervened and assisted in arranging for his placement in a secured skilled nursing facility.

Recent City Attorney media releases can be accessed on the San Diego City Attorney's home page located on the Internet at <https://www.sandiego.gov/cityattorney>

1200 Third Avenue, Suite 1620, San Diego, California 92101-4188 (619) 236-6220

Subsequently, the City Attorney's Office brought a civil enforcement action on behalf of the People of the State of California against Scripps Health alleging that, among other things, the non-profit violated the California Business and Professions Code prohibiting unfair competition. The Code defines unfair competition to include "any unlawful, unfair or fraudulent business act or practice." The complaint also alleges that Scripps Health committed elder abuse and violated a court order.

The City Attorney's Office is seeking an injunction prohibiting Scripps Health from unfair competition and civil penalties with the goal of protecting our most vulnerable community members. The Office encourages witnesses to come forward. The case is being prosecuted on behalf of the People of the State of California by Deputy City Attorney Julie Rau of the Office's Affirmative Civil Enforcement Unit.

###