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Emergency room doctors sue state of California

The class-action suit alleges that the system—which received a failing grade in access to care—is on the edge of a breakdown unless more funds are obtained.

BY KIMI YOSHINO
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Frustrated emergency room doctors filed a class-action lawsuit against the state Tuesday, saying that California's overstretched emergency healthcare system—which ranks last in the country for emergency care access—is on the verge of collapse unless more funding is provided.

Across the state, scores of hospitals and emergency rooms have shut their doors in the last decade, leading to long waits, diverted ambulances and, in the most extreme cases, patient deaths.

Doctors say the situation is only getting worse. State officials, struggling to balance the budget, have proposed another \$1.1 billion in Medi-Cal cuts.

“Are people truly suffering consequences? Absolutely,” said Irv Edwards, one of the doctors represented in the lawsuit and president of Emergent Medical Associates, which staffs 14 emergency rooms in California. “This could happen to you or me. We could be traveling through San Francisco or San Jose, get in a car accident, have a broken leg and end up in the ER, where it takes hours to be treated regardless of our screams. Then we get to diagnosis, and they say, ‘There’s no orthopedic on call. I’m sorry.’”

The lawsuit comes a year after several healthcare groups, led by the California Medical Assn., sued the state and were

granted an injunction that stopped a proposed 10% cut to the reimbursement rate for doctors, dentists and other healthcare providers. The Legislature instead passed a bill reducing current reimbursement rates by 1% to 5%, beginning March 1.

Emergency room physicians say they have been particularly hard hit by the state's low Medi-Cal reimbursement rates. Unlike other doctors who can choose not to accept Medi-Cal patients, emergency room doctors are required by federal law to treat every patient who walks through the door, regardless of their ability to pay.

In 2007 alone, emergency room doctors statewide say they have subsidized more than \$100 million in services provided to Medi-Cal patients because the reimbursement rate often barely covers half the cost of treatment.

The problems are widespread, affecting urban cities as well as rural and poor areas of the Central Valley.

A national report card released last month by the American College of Emergency Physicians gave California a failing grade for access to emergency care. The state ranks last in emergency departments per capita, with only seven per 1 million people, compared with the national average of 20. And it ranks 43rd in the country for Medi-Cal reimbursement.

Jon Mark Hirshon, a Baltimore doctor who worked on the organization's report card task force, described California as “abysmal” when it comes to emergency medical care.

In Los Angeles County, the pressure has built at hospitals such as Centinela Freeman Regional Medical Center's campus in Inglewood, where Edwards is one of the emergency department directors. The closure of three area hospitals in recent years, including Martin Luther King Jr.-Harbor Hospital in 2007, has more than doubled the typical daily emergency room visits there from 80 to 200.

The stress on emergency departments is driven by both hospital and emergency room closures and an increasing number of Medi-Cal patients unable to find primary care physicians who will treat them. As a result, many turn to emergency rooms, further compounding the overcrowding.

Specialists are also opting out of on-call assignments, Edwards said. That means waits for cardiologists, orthopedic surgeons and other specially trained doctors can be longer, if they are available at all.

“There are emergency rooms throughout the state where people, we believe, have died,” Edwards said. “Some have died in the lobby before they were seen. Some have died shortly after being placed in a bed af-

ter having waited in the lobby for hours. . . . Patients are suffering every day.”

Anthony Cava, a spokesman for the state Department of Health Care Services, said officials are reviewing the complaint and cannot comment on specific arguments in the suit. In a written statement, Cava said Gov. Arnold Schwarzenegger’s administration has “long maintained the need for comprehensive healthcare reform in California to improve the healthcare delivery system in ways that would benefit patients and those who are on the front lines in delivering healthcare, including emergency room physicians.”

He acknowledged that reimbursement rates are among the lowest in the nation and said more budget cuts may be on the horizon.

“As we go forward, these emergency room doctors, they can’t any longer take on the financial burden of the state’s obligation to its poor and to its elderly,” said attorney Raymond Boucher, who filed the lawsuit in Los Angeles County Superior Court. “They are on life support.”

Hirshon, an associate professor at University of Maryland’s School of Medicine, said emergency room care in California is turning into an unfunded mandate.

“I wish I could paint a rosier picture,” Hirshon said. “We have to decide in this society whether we think emergency care is worthwhile and we’re going to have to pay for it if that’s what we want. . . . But if people are going to cut the healthcare safety net, more and more people are going to fall through.”
