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August 28, 2017

Mr. Mike Liepman
President and Chief Executive Officer
Skagit Valley Hospital
300 Hospital Parkway
Mt. Vernon, WA 98274

Dear Mr. Liepman:

We write today to express serious concerns about Skagit Valley Hospital's (SVH) abdication of its legal responsibility to ensure that limited English proficient community members and patients have equal access to pertinent information regarding hospital services and financial assistance.

Columbia Legal Services, a non-profit public interest law firm, retained an independent entity, the Equal Rights Center, to conduct a comprehensive survey of the availability of financial assistance to Spanish-language speakers in hospitals throughout Washington State. ERC used paired civil rights testers to pose as prospective patients, both English- and Spanish-speaking, to measure differences in the information they received from a sample of twenty hospitals, including SVH. The testing was conducted by phone and website research.

In SVH's case, the testers reported that the operator/receptionist spoke English only and were unable to successfully transfer the caller to a bilingual staff member. Perhaps most troubling, testers were abruptly disconnected as soon as they began speaking Spanish, absent any explanation. This conduct violates both federal and state law, and prevents persons in greatest need from obtaining critical information regarding health care.

In addition, a thorough review of SVH's practices revealed several other legal shortfalls. We were surprised to see that SVH's Charity Care application requires a Social Security Number whereas the Washington State Hospital Association uniform form states that this information is optional. Requiring a SSN places a chilling effect upon application and denial of an application for this reason is a violation of state law. SVH's application also requires Charity Care applicants with incomes at or below 100% of poverty level to disclose assets and their estimated value. This runs contrary to WAC 246-453-050(1)(d)(ii) which states the existence and availability of family assets "may only be considered with regard to the applicability of the sliding fee schedule (persons with income above 100% FPL)." SVH's application improperly includes "Educational Grants/Loans" and "Scholarships/Financial Assistance" as income, as well. Educational grants, scholarships, and loans are not "income." 26 U.S.C. §117(b)(1) (qualified scholarship or fellowship grant not income).



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Lastly, as part of our work we identified hospitals with a consistently low Charity Care provision rate. While the statewide average of Charity Care as a percentage of total patient service revenue was 2.94% in 2013, 1.48% in 2014, and 0.94% in 2015, SVH reported Charity Care of 1.41% in 2013, 0.39% in 2014, and 0.52% in 2015 to the Department of Health. Percentages this far below the state average suggest significant additional barriers to Charity Care exist at SVH.

We urge you to immediately review your policies and practices and website, and take all steps to remedy these deficiencies without delay. Systemic denial of service to non-English proficient patients could constitute a deceptive act in violation of the Washington Consumer Protection Act. We also encourage you to post your policy on SVH's website in English and Spanish so that it may be accessible for patients.

Please respond within 30 days regarding this issue and describe steps that will be taken to ensure that non-English proficient patients will receive equal access to Charity Care and other services.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'D. Ty Duhamel' followed by a long horizontal line.

D. Ty Duhamel, Attorney
Tony Gonzalez, Attorney