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August 28, 2017

Legal Department
Virginia Mason Medical Center
1100 9th Ave.
Seattle, WA 98101

To whom it may concern:

We write today to express serious concerns about Virginia Mason Medical Center's (VMMC) abdication of its legal responsibility to ensure that patients have 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 VMMC. The testing was conducted by phone and website research.

In VMMC's case, the testers reported that while the operator/receptionist successfully transferred the caller to a bilingual staff member in the billing department, they were then conveyed misinformation regarding the availability of Charity Care. Instead of receiving information regarding how to apply, the tester was told that he "needs to go to Harbor View for financial assistance" and that VMMC does not offer Charity Care or financial assistance.

We were also surprised to see that VMMC's Charity Care policy fails to mention VMMC's legal duty that an "initial determination of sponsorship status shall be completed at the time of admission or as soon as possible following the initiation of services to the patient." WAC 246-453-020(1)(b). Instead, "Patients must first exhaust all other funding sources for which they may be eligible before they will be eligible for Financial Assistance...VMMC reserves the right to require confirmation a patient is ineligible for alternative funding sources..." As stated in the policy, "Patient Account Specialists will determine a patient's eligibility for financial assistance based on information provided by the patient in the form of a Financial Assistance Application and income verification." In other words, VMMC's official policy dismisses the hospital's obligation to screen patients, delays the charity care determination process, and places the onus on patients to know that charity care exists, obtain an application, know how to fill it out, and then submit it — while VMMC passively waits.



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As part of our work we also identified hospitals with a consistently low commitment to Charity Care. 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, VMMC reported Charity Care of 1.43% in 2013, 0.68% in 2014, and 0.59% in 2015 to the Department of Health. Percentages this far below the state average suggest additional barriers to Charity Care exist at VMMC.

Categorical refusal to provide Charity Care is a serious violation of both federal and state law. 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 Charity Care to otherwise eligible patients could constitute a deceptive act in violation of the Washington Consumer Protection Act.

Please respond within 30 days regarding this issue and describe steps that will be taken to ensure that 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 extending to the right.

D. Ty Duhamel, Attorney
Tony Gonzalez, Attorney