

UTMB offers patient a ticket to Mexico

By Harvey Rice | October 24, 2011 | Updated: October 24, 2011 10:29pm

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SUBMITTED PHOTO 'I'H HAPPY': Brandi Valderrama kisses her husband, Francisco Martinez, as he holds their 6-month-old son.

GALVESTON - **Francisco Martinez** wasn't happy about the free trip back to Mexico offered to him by a social worker at the **University of Texas Medical Branch**.

Martinez, 37, of Bacliff, broke his back Aug. 17 after falling off a ladder while working on the roof of a bait shop where he was employed.

UTMB doctors saved his life, but he is paralyzed from the chest down, can barely move his hands and needs special care.

The problem for UTMB is that Martinez is undocumented and has no hope of qualifying for workman's compensation or Medicaid. UTMB is forced to bear the expense of Martinez's care until another place can be found for him to go.

Experts say the problems confronting Martinez and UTMB raise ethical and social issues about the rights of undocumented residents and the costs when some are inevitably injured and require expensive long-term treatment.

Martinez said the social worker badgered him about signing documents that would allow the hospital to purchase him a ticket for Mexico. Martinez doesn't want to leave his common-law wife, who is a U.S. citizen, and their 6-month-old son. He refused to sign.

"If you don't want me here, just throw me outside," Martinez told the social worker.

UTMB declined to comment on Martinez.

Similar case criticized

The hospital was criticized earlier this year for discharging an undocumented woman shortly before a scheduled surgery to remove a life-threatening spinal tumor.

UTMB issued a statement about the cost of treating undocumented patients: "This is a national issue and occurs most frequently in the border states."

The statement said the law requires UTMB to provide emergency care regardless of ability to pay and that the patient can be discharged only when stable or when his condition allows transfer to another treatment facility.

UTMB is not the only hospital to attempt the repatriation of undocumented patients as a way to avoid absorbing the high cost of prolonged care. The practice has become frequent enough to sustain MexCare, a Chula Vista, Calif., company that specializes in arranging patient transfers to Mexico, Central and South America.

Grady Hospital in Atlanta was stuck with 60 undocumented patients when it closed its dialysis unit in 2009, hospital spokesman **Matt Grove** said. The hospital hired MexCare to repatriate 10 patients, most of them to Mexico, Grove said.

Grove said the hospital was spending more than \$4 million annually to treat its undocumented dialysis patients, making it cheaper to pay for a trip home.

Other hospitals

A spot check of Houston area hospitals found that **Harris County Hospital District** has helped seven patients return to their home countries over the last two years, but the cost was borne by their families, spokesman **Bryan McLeod** said.

Methodist Hospital refused to supply information and **Memorial Hermann-Texas Medical Center** did not respond to requests for comment.

The dilemma for UTMB is balancing its ethical obligation to ensure continuity of care with its efforts to avoid a financial burden, said **Nancy Berlinger**, a bioethics scholar at the nonprofit **Hastings Center** in Garrison, N.Y.

"This is particularly challenging to do when you have a patient who is low-income, undocumented and uninsured," Berlinger said.

Others are critical of repatriating patients.

"It's called patient dumping," said **Bobbi Ryder**, president of the **National Center** for Farm Worker Health in Buda, Texas. "It's when their care becomes too expensive."

Questions of care

Unclear is what kind of care awaits Martinez if he returns to Mexico. According to his medical records, "He will need a great deal of medical as well as social functioning support at discharge."

Pancho Arguelles, adviser to Houston-based **Living Hope Wheelchair Association** for spinal injury patients, has lived in Mexico and is doubtful that care will be available.

"His chances of good care will be very limited because there is a lot of pressure on the system," Arguelles said.

Martinez's wife, **Brandi Collen Valderrama**, 35, said her husband has family in Queretaro, Mexico, but they are poor.

Arguelles, who is acquainted with the Martinez case, said U.S. and Texas laws purposely ignore undocumented workers.

"The way the financial and political system works right now, there is a choice expressed in policy and budget of not protecting these workers," he said.

Arguelles said he understood UTMB's dilemma. "I wouldn't put it all on the hospital," he said. "If they don't have the budget, it's hard for them."

State Rep. **Jose Menendez**, D-San Antonio, has a bill pending in the Legislature that would impose civil penalties for patient dumping. Menendez said the bill would apply to Martinez's case only if the hospital failed to make arrangements for continued care in Mexico.

"Right now it seems like it's open season on undocumented people," he said. "My hope is that UTMB does the right thing."

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