

# Illegal immigrant's ouster at Galveston hospital raises questions

Doctor's orders: Go to Mexico

Patient says she was told to leave Isle hospital because she is an illegal immigrant

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Photo By Billy Smith II/Chronicle

Maria Sanchez holds a photo of her daughter Melissa Aguillon, 3, at Ben Taub General Hospital in Houston last week. A tumor is limiting the use of her arms and legs. Photo: Billy Smith II, Chronicle

GALVESTON — The crushing news came last month as **Maria Sanchez** was being prepared for surgery to remove a banana-size tumor along her spine that had crept between her vertebrae.

Unable to use her right hand because of the growing tumor, Sanchez, 24, had been at the **University of Texas Medical Branch's John Sealy Hospital** for six days when, she said, a Spanish-speaking doctor told her she had to leave the hospital immediately because she was an illegal immigrant. The doctor said she should have surgery in Mexico, according to Sanchez.

Sanchez's hospital records state that she was discharged because she was "an undocumented pt (patient) with no insurance." Records show that Sanchez underwent at least one medical procedure and surgery was scheduled before she was dismissed without warning Jan. 12.

After being discharged, Sanchez called her husband, **Luis Aguillon**, a legal U.S. resident, who arrived at the hospital to find his wife and his mother sitting on her bed crying.

"They treated us like animals, like dogs or something," said Aguillon, 36, an unemployed welder.

Sanchez's abrupt expulsion raises ethical and legal questions about the treatment of low-income patients with life-threatening conditions. A doctor who reviewed Sanchez's medical records for the **Houston Chronicle** said they showed that UTMB ejected a woman with a potentially fatal condition because she was unable to pay.

## Losing use of limbs

"The longer the delay, the more loss of function she is likely to get," said Dr. **Bill Nealon**, a former UTMB general surgeon now at **Vanderbilt University Medical Center** in Nashville, Tenn. Medical records describe a nonmalignant but potentially life-threatening tumor.

Aguillon said the growing, painful tumor is causing loss of his wife's ability to use her arms and walk. UTMB doctors, Aguillon said, told him his wife would eventually be unable to walk and that the tumor would grow so large it would make it impossible for her to breathe without a tube piercing her chest.

"If we are going to be brutally honest, this is a practice that takes place at other hospitals," Nealon said. "The real problem for UTMB is that it was documented, and they have a commitment for care to the indigent."

Nealon said there is no legal basis for discontinuing treatment because of a patient's inability to pay.

No law either prohibits or requires hospitals to accept illegal immigrants as patients outside the emergency room, experts said. In cases where a patient's immigration status is an issue, it's generally in the context of the patient's inability to pay, they said.

However, a hospital is ethically obligated to provide care after accepting a patient regardless of immigration status or ability to pay, said **Laurence B. McCullough**, **Dalton Tomlin** chair in medical ethics and health policy at **Baylor College of Medicine**.

"Every hospital knows this," McCullough said. "This is not rocket science ethics."

A statement issued by UTMB said federal privacy laws prevented the hospital from commenting on a specific case.

"All patients are financially screened, although the timing at which the screening occurs may differ depending upon the patient's medical condition when admitted," the statement read. "In cases of financial hardship, patients are referred to several potential sources of financial assistance."

## Told to go to Mexico

Aguillon said his wife's ability to pay was never mentioned and he was handed an application for charity care on his way out after his wife was refused care.

Under a heading for follow-up appointments, Sanchez's discharge order states, "With PCP (primary care physician) in one week, NS (neurosurgery) as scheduled in

Mexico."

Aguillon said he was upset about being told to take his wife to Mexico, a country he left when he was 13. "It's like saying to that black lady, because she is black, go to Africa," he said.

Exactly how UTMB decides who gets charity care is unclear, said Dr. **Merle Lenihan**, author of "Clearing the Fog," a 2009 report on hospital charity care policies in Galveston County.

State law requires hospitals to have a charity policy prominently posted in waiting rooms, but Lenihan says UTMB's policy is so vague that there is no way to know how decisions to deny charity care are being made. She said it was especially troubling that the public has no way to know how a taxpayer-funded institution decides how it uses tax money designated for charity care.

"If you put it in the larger context, these are thousands of people who are either accepted or denied based on totally unknown criteria," Lenihan said.

UTMB spokesman **Raul Reyes** declined to respond to the criticism.

#### **Accepted as patient**

Medical records show that Sanchez was admitted to the emergency room at **Clear Lake Regional Medical Center** on Jan. 5. The next day she was transferred to UTMB because Clear Lake doctors lacked the neurosurgical skills needed to treat her, the records state.

The records show that a Clear Lake doctor spoke by phone with a UTMB neurosurgeon who accepted Sanchez as a patient.

McCullough said that once a patient is accepted, a hospital has an ethical obligation to continue that care. Legally, the hospital could determine that the patient was stabilized and no longer needed treatment, he said.

A doctor can terminate care by sending a patient a return-receipt letter and giving them reasonable time to find alternative care, according to **Texas Medical Association** guidelines. Aguillon said he and his wife received no referral other than what was noted on the discharge document.

"I even asked the social worker, where I can go, because a social worker is supposed to help people," Aguillon recalled. "She said nowhere."

Aguillon eventually took his wife to at least five hospitals and three clinics. Aguillon finally moved from Galveston to Houston so he could qualify for care at Ben **Taub General Hospital**, where she is being treated.

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