

# Report hits UTMB charity policy

By Harvey Rice | January 12, 2012 | Updated: January 12, 2012 10:31pm

Comments 35 | E-mail | Print

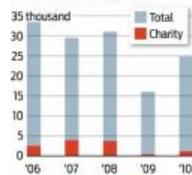
Tweet 5

0

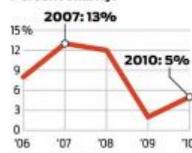
## UTMB charity admissions

The percentage of UTMB admissions reported as charity has fallen since 2006.

### Admissions, by year:



### Percent charity:



Source: Texas Department of State Health Services annual hospital surveys Chronicle

GALVESTON - The **University of Texas Medical Branch** is turning away potential charity cases before they are financially screened and its charity policy is so vague that it may violate state law, according to Lone Star Legal Aid and a new outside study.

Dr. **Merle Lenihan**, author of the recent study by the Galveston County Charity Care Monitoring Project, said UTMB officials use unknown criteria to make decisions on who will receive charity before potential patients are screened for ability to pay. UTMB recently acknowledged that patients are screened before ability to pay is determined.

"There is no precedent for that in any hospital standards," Lenihan said in an interview. "These are ways to limit patient care which really are unethical."

Lenihan made available copies of an Aug. 2, 2008, email to UTMB President **David Callender** saying that as of Aug. 4, 2008, UTMB would begin denying requests for charity care.

The email included a plan for denying charity care with tips on how to turn people away.

For example, if a potential charity patient says, "You are trying to kill me/If you do not take me I will die," the recommended response is, "I hear you and know that you are frustrated, but we are treating as many patients as possible. At this time, we are unable to accept any more new patient referrals. Please call your PCP (primary care physician)/referring physician for help with your immediate health care needs."

## UTMB responds

UTMB's charity policy is especially relevant because it was once known for providing medical care to the neediest Texans but has dramatically reduced its charity care in recent years, Lenihan said.

UTMB, provided with a copy of Lenihan's report and specific questions about it, issued a statement that did not challenge any assertion in the report.

The statement said most of its charity care is given to emergency room patients.

"We are mindful that we must remain financially prudent and viable in order to continue servicing the people of Texas as an academic medical center with strong educational, research and clinical programs," the statement said.

Potential charity patients are winnowed by unspecified staff before financial screening "because UTMB's ability to treat charity patients is not determined solely by their financial status," the statement said.

The statement did not say how decisions are made or provide criteria for excluding or accepting a patient for charity care.

Lenihan's figures showed that the percentage of gross revenue reported as charity care by UTMB fell from 21 percent in 1999 to 3 percent in 2010.

She said UTMB has stopped taking outside charity referrals, making it impossible to know how many potential charity cases are being turned away.

Lenihan said the UTMB charity policy is so unclear that no one can read it and understand whether they qualify for charity care. For example, the UTMB policy says, "Some patients may apply and qualify for financial assistance/discounted services at UTMB by following a very strict set of guidelines," but the guidelines are not provided.

## State law

Lone Star Legal Aid said the charity policy may not comply with a state law requiring that all hospitals make charity policies available to the public.

"The UTMB policy is so unclear that it does not appear to meet the standard required by Texas law or the law's intent," Lone Star staff attorney **Jeff Larsen** said. "The public should be able to read and understand UTMB's standards and procedures easily and the taxpayers should be able to tell whether their tax dollars are being spent as intended."

UTMB said its policies were consistent with federal and health care industry guidelines.

## An obligation

Lenihan said that UTMB has an obligation as a state institution funded with tax dollars to tell the public how it makes its charity care decisions.

"We don't know what they are making decisions on," she said.

UTMB could limit its care to a geographic area or limit care to people with a certain income, for instance 100 percent of the federal poverty level, she said.

Lenihan's report is an update of a report issued in 2009 by a subcommittee of the [Galveston County Cancer Coalition](#) on hospital compliance with the state charity law. The updated report issued last month is based on UTMB records obtained through public information requests and state records.

[harvey.rice@chron.com](mailto:harvey.rice@chron.com)