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“Gravely Disabled” Patient Left to Fend for Himself

Scripps Health discharged schizophrenic patient without regard for his well-being

San Diego City Attorney Mara W. Elliott today filed a civil enforcement action against Scripps Health for illegally discharging from their hospital a man whom a court determined was so gravely disabled that he could not care for his own basic personal needs.

The 68-year-old victim, who had been diagnosed with schizophrenia and suffered from hallucinations, cannot care for daily needs like obtaining food and shelter. He was hospitalized after being found naked, disheveled, unresponsive, and barely coherent during a welfare check by the City Attorney’s Office in April, 2019, on residents of a substandard and unsafe College Area independent living facility (ILF). ILFs are businesses that do not need to be licensed and can only accommodate independent individuals.

During two subsequent interventions by the Psychiatric Emergency Response Team (PERT) of the San Diego Police Department, clinicians determined the victim was gravely disabled and unable to care for himself.

While hospitalized at Scripps Mercy Hospital, employees described him as disheveled, delusional, refusing to attend to basic needs, irritable, agitated, not showering, and frequently cursing and repeating the same question. A treating physician noted he “cannot maintain himself independently in the community” because of his severe schizophrenia, and a court ordered that he be placed in a locked, skilled nursing facility when he was discharged. Contrary to the court’s order and observations by its own treating physician, Scripps Health discharged the victim to a group home in December 2019, where he was left to manage his own prescriptions and keep medical and psychiatric appointments without transportation. City Attorney personnel intervened to arrange transportation, and found during a subsequent welfare check that he had not showered for days, had not taken his medicine, and that his bedsheets were soiled with feces. PERT removed him from the home.

Despite his high level of need, the City Attorney’s Office was able to work with his case manager to ensure the victim was ultimately placed in a secure skilled nursing facility in Yucaipa, California, where his medical needs are being addressed in a safe and clean setting.

“Our Office is putting San Diego hospitals on notice that ‘patient dumping’ is inhumane, illegal, and will not be tolerated,” San Diego City Attorney Mara W. Elliott said. **“Scripps Health knew this vulnerable patient could not care for himself, and instead of putting his well-being first, left him to fend for himself. This conduct is inexcusable and horrific.”**

The complaint alleges that, among other things, the hospital failed to have an effective discharge planning process that identifies patients who are likely to suffer adverse consequences upon discharge, and failed to transfer or refer the patient and his medical information to an appropriate facility for follow-up care. The civil enforcement action alleges Scripps Health violated the California Business and Professions Code prohibiting unfair competition. The Code defines unfair competition to include “any unlawful, unfair or fraudulent business act or practice.”

The City Attorney’s Office is seeking an injunction prohibiting Scripps Health from unfair competition and civil penalties of at least \$1 million. The case is being prosecuted on behalf of the People of the State of California by Deputy City Attorney Michael McGowan of the Office’s Nuisance Abatement Unit.

Separately, the victim’s case manager, who is independent of the City and Scripps Health, filed a complaint against Scripps Health to the Community Care Licensing division of California’s Department of Social Services for Scripps’ failure to ensure appropriate care for the victim.

The City Attorney’s Office continues to investigate whether other possible victims have been illegally discharged from Scripps Health hospitals.

“When a business like Scripps Health, a \$2.9 billion corporation, skirts its moral responsibility to care for its patients in order to increase profits, City taxpayers are left to pick up the tab,” Elliott said. The public is encouraged to record and report suspected incidents of patient dumping.

In 2018, the City Attorney’s Office began a concerted crackdown on substandard independent living facilities.

The City Attorney’s Office first learned of the victim while investigating a substandard ILF on Ewing Street in the College Area in late 2018 -- he was found disheveled and living in filthy conditions. In the spring of 2019, City Attorney personnel again found the victim at the same location. This time he was lying naked and unresponsive in a trash-strewn bedroom and required hospitalization. In the fall of 2019, City Attorney investigators again responded to the Ewing Street property and found the victim naked and delusional, thinking the year was 1992. At that time, he was placed on an involuntary psychiatric hold by police and transported to Scripps Mercy Hospital where he remained until his discharge in late 2019.

Through a civil enforcement action, the City Attorney’s Office obtained an injunction against the Ewing Street property owners, manager, and operator prohibiting them from operating or maintaining an unlicensed Community Care Facility or Residential Care Facility for the elderly anywhere in San Diego County. The owners and operator also agreed to settlements which required them to pay more than \$267,000 in civil penalties and restitution. Mark Rogers, the ILF operator, is also the subject of an ongoing criminal case being prosecuted by the City Attorney’s Office for his conduct.

City Attorney Mara W. Elliott has prioritized addressing substandard living conditions for San Diego’s most vulnerable residents, many of whom are elderly or disabled. The City Attorney’s Office is continuing its crackdown on group living facilities where victims are often denied their basic dignity and deprived of basic necessities. The City Attorney’s Office has hired a victim services coordinator to help victims residing in substandard conditions find safe housing and connect them to critical social services.

Community members are encouraged to report instances of patient dumping to the City Attorney’s Nuisance Abatement Unit at 619-533-5655; CityAttorney@sandiego.gov.

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