

ORDINANCE NO. 179913

An ordinance regulating the transport of discharged hospital patients.

WHEREAS, the problems affecting downtown Los Angeles' Skid Row area include violent crime, drugs, blight, homelessness and the infamous practice known as "homeless patient dumping";

WHEREAS, placing discharged patients, perceived to be homeless, on the streets of Skid Row is not only unsafe and a risk to their well-being and recovery, but a clear indication that institutions are placing concerns for financial performance above humanitarian concerns;

WHEREAS, the practice of patient dumping also poses a significant public health risk to the community;

WHEREAS, though this problem has been well documented in court proceedings and publicized extensively by the print and electronic media, some institutions persist in the practice;

WHEREAS, this practice was the subject of legislation last year, SB 1319 (Cedillo), which generally would have prohibited institutions from engaging in patient dumping;

WHEREAS, although the City supported SB 1319, the bill died in the Senate Appropriations Committee last year;

WHEREAS, Senator Cedillo, with the sponsorship of the City Attorney, reintroduced his legislation this year as SB 275, which would prohibit a general acute care hospital, acute psychiatric hospital, or special hospital from causing a patient to be transported to a location other than the residence of the patient without the informed written consent of the patient;

WHEREAS, while the City supported SB 275, and it successfully passed out of the Legislature, the Governor vetoed the bill on October 14, 2007;

WHEREAS, the people of the City of Los Angeles believe that we, as residents of this City and of this State, and as members of our society, must take affirmative and effective action against this inhumane treatment and the serious public health hazard the practice of patient dumping creates;

WHEREAS, the City Attorney has been at the negotiating table with certain hospitals for more than a year, encouraging the establishment of reasonable and uniform discharge protocols and best practices;

WHEREAS, the City Attorney filed civil and criminal actions against Kaiser Foundation Hospitals under existing law, which resulted in an historic settlement that included the adoption of new discharge policies designed to put an end to homeless patient dumping;

WHEREAS, the City Attorney filed civil actions against Hollywood Presbyterian Medical Center and Methodist Hospital of Arcadia for similar behavior, both of which actions are still pending; and

WHEREAS, the practice of patient dumping continues in the City in spite of these efforts,

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 41.60 is added to the Los Angeles Municipal Code to read:

Sec. 41.60. Hospitals; Patient Transport.

(a) Definitions. As used in this section:

(1) "Health Facility" means any "health facility" as defined in Section 1250 of the California Health and Safety Code.

(2) "Patient's Residence" means the home of the patient, the fixed and regular nighttime residence or domicile of the patient, or, in the case of a patient reasonably perceived to be homeless, the location the patient gives as his or her principal place of dwelling.

(3) "Homeless Patient" means an individual who lacks a fixed and regular nighttime residence, or who has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations, or who is residing in a public or private place that was not designed to provide temporary living accommodations or to be used as a sleeping accommodation for human beings.

(4) "Written Consent" means knowingly, intelligently and voluntarily given written consent, signed by the patient or the patient's legal representative.

(b) Prohibited Activity. A health facility may not transport or cause a patient to be transported to a location other than the patient's residence without written consent, except when the patient is transferred to another health facility following bona fide procedures in accordance with another provision of law.

(c) Violations. A violation of this section is a misdemeanor punishable by a fine not to exceed \$1,000, a term of probation not to exceed three years, or both.

(d) Punishment Cumulative. The punishment provided for in this section is cumulative to any punishment, penalty, or other relief available under any other law.

(e) Inapplicability. This section shall not apply to:

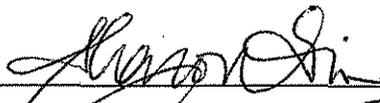
(1) Patients in the care and custody of a California state hospital operated and administered by the State Department of Mental Health, who are civilly or criminally committed and subject to transfer to the State Department of Corrections and Rehabilitation, the Forensic Conditional Release Program, or a court for further proceedings.

(2) Patients who are in the custody or otherwise under the jurisdiction of the State Department of Corrections and Rehabilitation, including the Division of Juvenile Justice, the Los Angeles County Sheriff, or the Los Angeles Police Department.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAY 16 2008.

KAREN E. KALFAYAN, City Clerk

By  Deputy
 Mayor

Approved MAY 27 2008

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By  MICHAEL J. DUNDAS
Deputy City Attorney

Date 5/16/08

File No. 06-0705-51