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LSLA NEGOTIATES SETTLEMENT TO PROTECT HEALTH CARE ACCESS

Low-income patients no longer to be denied health care by Harris Health System over co-pays

HOUSTON – Attorneys for Lone Star Legal Aid reached an Agreed Settlement with Harris Health System that will significantly alter how the Harris Health System bills and collects co-payments from the poorest of its patients. The underlying lawsuit, *Rideaux v. Lopez*, alleged that Harris Health System repeatedly denied medical treatment to low-income, eligible residents who were unable to make co-payments and wrongly induced other patients to make co-payments that are required to be voluntary in violation of Texas Health & Safety Code §61.005. In a settlement approved by the 80th District Court on May 14, 2014, the parties resolved the claim providing that Harris Health System undertakes a series of stipulated reforms.

“This ruling ensures that current and future patients who are unable to afford co-payments will never be denied medical care and will no longer receive bills related to that care,” says Kimberly Brown, LSLA Staff Attorney and the lead attorney on the case.

The Final Consent Judgment affects patients with a household income that falls at or below 100% of the Federal Poverty Level guidelines. (For context, that translates to an income of less than \$23,850 for a family of four.) Harris Health System previously lumped patients at 100% of poverty in its “Plan 1” financial assistance level, which charged the patients co-pays ranging from \$3 to \$50 per visit. *Rideaux v. Lopez* centered on Texas Health and Safety Code §61.005(b), which stipulates that “[a] county, public hospital, or hospital district may not deny or reduce assistance to an eligible resident who cannot or refuses to contribute.” Harris Health System admits no wrongdoing but elects to no longer define this financial assistance category using the term “Plan 1.”

Additional terms of the settlement are that Harris Health System will (a) cease all billing and collection activities for unpaid co-payments by “Plan 1” patients for the next two years; (b) modify the language in various notices to “Plan 1” patients to clarify that co-payments are “requested” not “required and that services will still be provided even if a requested copayment is not paid; and (c) educate its staff on these eligibility changes for the next two years. Under the Agreed Settlement, Harris Health System must come into compliance with these terms within 60 calendar days, i.e. by July 13, 2014.

Formerly known as Harris County Hospital District (HCHD), the Harris Health System owns and operates three hospitals and 12 community health centers, a dental center, eight school-based clinics, 13 homeless shelter clinics and four mobile health clinics throughout Harris County, TX.

Founded in 1948, Lone Star Legal Aid (LSLA) acts as a safety net for at-risk Texans, providing free civil legal services to clients facing complex legal issues with no ability to afford a private attorney. Staff and volunteer attorneys work to further LSLA’s mission to protect the legal rights of low-income Texans in civil matters by providing advocacy, legal representation and community education. Headquartered in Houston, LSLA operates an additional 12 regional offices which cover one-third of the state, including 72 counties in the Eastern and Gulf Coast regions of Texas. Practice areas include domestic violence and child abuse, veteran’s issues (including health and disability benefits), human trafficking, consumer fraud and predatory lending, elder care and exploitation, and disaster relief. For more information on LSLA, call 713.652.0077 ext. 1228 or visit www.LoneStarLegal.org.

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