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HOSPITALS: Tri-City sues Scripps over patient shift

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OCEANSIDE ---- Tri-City Medical Center sued Scripps Health Inc. on Tuesday, alleging the giant hospital system has illegally poached Tri-City patients and is risking their health by forcing them to go to distant Scripps-run facilities.

The suit, which seeks a restraining order, also names Sharp Mission Park Medical Group, a North County medical provider whose doctors previously practiced at Tri-City. In 2008, Scripps purchased the medical group and the 64 doctors who worked there agreed to start using Scripps hospitals.

Attorney Daniel Callahan, an Orange County trial attorney who is representing Tri-City in the lawsuit, said Tuesday the case is about what's best for patients who live in the health-care district.

"This is not about money," Callahan said. "This is about the residents of the Tri-City area being denied good reliable prompt medical care."

Scripps officials took immediate offense to the 16-page lawsuit filed in Vista Superior Court. Dr. Brent Eastman, Scripps' chief medical officer, called Tri-City's allegations "outrageous."

"I think it's an unprecedented attack of one hospital system on another," Eastman said.

Since the Sharp Mission Park deal took effect in January, the number of surgeries at Tri-City has dropped 30 percent, according hospital reports, Tri-City is on pace to finish the fiscal year with an \$8 million deficit, in part because of the loss of patients, officials have said.

In the lawsuit, Tri-City accuses Scripps of forcing nonemergency patients to have surgeries and other medical procedures at Scripps facilities and says Scripps has made "false representations to patients and members of the public, that they must receive care and treatment from Scripps and no other medical facility, including Tri-City."

It also accuses Scripps of unlawful restraint of trade.

The lawsuit asks the court to bar Scripps from directing patients who live within the Tri-City district to Scripps hospitals. The Scripps hospital closest to Tri-City is Scripps Encinitas, about 20 miles south.

Eastman said that, while Scripps doctors do state their preference to refer patients to a Scripps hospital, they do not insist.

"I'm aware of multiple cases where that is the case, where patients have chosen to go to Tri-City," Eastman said. "Scripps does not require, nor can they require, ultimately where those patients go."

The lawsuit alleges that some Scripps patients who pass through the doors of the Tri-City Emergency Department are inappropriately transferred to Scripps hospitals in Encinitas or La Jolla after they are stabilized. The lawsuit cites one case in which an unnamed patient allegedly died after arriving at Scripps from Tri-City.

Callahan, Tri-City's attorney, said the patient might have survived had he or she not been transferred. He declined to say how the hospital learned of the patient's death, given that federal privacy law prohibits sharing identifiable details of medical records.

"This is a situation that has gone grossly out of control and it is because Scripps is trying to increase market share and thus profitability," Callahan said.

Eastman, Scripps' medical director, said his organization was approached by doctors in the Sharp medical group about joining Scripps. He noted that the normal emergency medical system automatically directs patients with severe problems to the nearest hospital for treatment.

Sharp Mission Park, now called Scripps Coastal Medical Center, is in a large office building just east of Tri-City that contains an urgent care facility. Eastman said that since Jan. 1, 20 to 30 percent of patients seen there were sent to Tri-City because their conditions required immediate treatment.

"I think those physicians are absolutely adhering to the Hippocratic oath and doing what's in the best interests of their patients," Eastman said.

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