

# Emergency room closures increasingly at a crisis

By Kevin Herrera  
Special to Sentinel-Voice

LOS ANGELES — (NNPA) Hospitals across the state — and particularly in Los Angeles County — are closing their emergency rooms at such an alarming rate that health experts are calling the phenomenon a “crisis of extreme proportions” that, if not treated soon, could lead to the meltdown of emergency networks in many municipalities, including Los Angeles.

As more hospitals shutter their emergency rooms because of increasing operating costs and demands by the uninsured, others will have to carry the load, potentially creating a domino effect where hospital after hospital closes as the burden of providing care becomes greater.

If that happens, both the insured and uninsured would have to travel farther and farther to receive care, which would most certainly lead to an increase in deaths and

malpractice suits as the quality of care is diminished, health experts warn.

All have put the blame on rising health care costs, the increasing ranks of the uninsured who flock to ERs often for minor problems, the closure of community clinics used to treat and prevent ailments, and the decrease in reimbursement rates by insurance companies and the state.

“If I had to give a diagnosis [of Los Angeles County’s network of emergency medicine], it would be critical; definitely a guarded prognosis,” said Dr. Thomas Garthwaite, chief medical officer and director of the county’s Department of Health Services who has been blasted by community activists and elected officials for recommending the closure of the trauma unit at King/Drew Medical Center. Garthwaite last month recommended the closure to protect the hospital from going under, which

would further exacerbate the ER crisis.

“When you see middle-sized and larger hospitals struggling and major sell-offs of hospitals by private companies... when you see people leaving hospitals because the wait to see a physician can take hours and even days... you know that this system is not a healthy one, but one that is struggling.”

Over the last year alone, Los Angeles County has lost six emergency rooms — or the ability to treat 75,000 — and faces more closures.

Two days after the county Board of Supervisors announced last month they would seek to shutter King/Drew’s trauma center, officials at Robert F. Kennedy Medical Center in Hawthorne said that they would shut its doors — and its emergency room — by the end of the year, and on Monday, Northridge Hospital’s Sherman Way campus was ordered to close its emer-

gency room, effective immediately.

Statewide, more than 65 emergency departments have closed over the last decade — 28 of them since Jan. 1, 2000, according to the state’s Department of Health Services.

“Where are families, children and the uninsured going to go to receive emergency attention?” asked Lesa Lessard, national communication director for the International Association of Emergency Medical Technicians and Paramedics, which has criticized elected officials for not dealing with the crisis sooner.

St. Francis Medical Center in Lynwood is one option. The private, nonprofit facility is preparing for an influx of patients in case nearby King/Drew Medical Center is forced to close. The center is already facing the closure of its trauma unit, and federal regulators have warned that if drastic reforms are not made, the entire facility could

be put out of business.

“We are continually being challenged and have seen significant increases in the number of patients we serve, especially the uninsured, after they heard of King/Drew’s situation,” said Carol Lee Thorpe, vice president of community services at St. Francis. “It seems like there is always something threatening our long term viability, but we are going to remain vigilant and keep serving the community and raising awareness about this issue.”

Dr. Gail V. Anderson Jr., of Los Angeles County Harbor — UCLA Medical Center said he, too, has seen an increase in the number of patients visiting the ER, but the hospital has been fiscally conservative over the years, which has helped cover the increase. The hospital is in such “relatively good shape,” that officials are looking at expanding its facilities.

There are many complex factors contributing to the clo-

sure of emergency rooms, but the main one is cost. A federal law requires hospitals with ERs to treat all patients, regardless of their ability to pay. As the numbers of uninsured increase — estimates put the figure at nearly 7 million in California — and more uninsured and those enrolled in HMOs seek treatment at emergency rooms instead of with primary care physicians, the cost of treating them rises also.

According to a report by the California Institute for County Government at Cal State Sacramento, emergency room visits are soaring, totaling 10 million in 2001. Emergency room costs are an estimated six times more than treatment in a physician’s office.

That, along with declining reimbursement rates from HMOs and state and federal programs like Medi-Cal — physicians face a proposed 5 percent reduction, which is

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## Judges

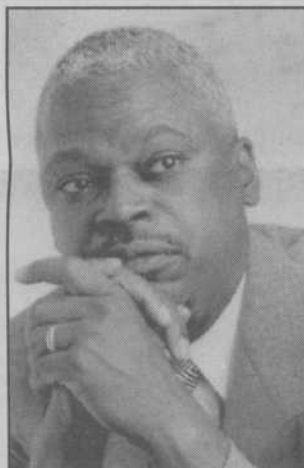
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dent nominating federal judges. To provide a check on the powers of the executive branch of government, the Senate serves in the role of “advice and consent,” meaning, the appointments become effective only if the Senate approves. The judges are given lifetime appointments to insulate them against political pressures.

“When people are appointed they serve for life,” explains Mary Frances Berry, chair of the U.S. Commission on Civil Rights and an expert on constitutional law. “They make these decisions about our lives, whether it’s employment discrimination, or whether it’s injuries on the job that violate workplace laws or education, as we saw in the University of Michigan affirmative action case. Whatever it is, who is on the court is really fundamental in terms of the quality of our lives.”

A detailed study titled, “Ideological Voting on Federal Courts of Appeals: A Preliminary Investigation,” published last year by the AEI-Brookings Joint Center for Regulatory Studies, supports Berry’s view.

An examination of more than 4,400 legal opinions, involving politically divisive issues, concluded that appeals judges overwhelmingly decided cases according to the philosophical position of the party that appointed them.



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On the issue of affirmative action, for example, the study, conducted by Cass R. Sunstein, David Schkade, and Lisa Michelle Ellman, reports: “From 1980 through 2002, Republican appointees cast 267 total votes, with 127, or 48 percent, in favor of upholding an affirmative action policy. By contrast, Democratic appointees cast 198 votes, with 147, or 74 percent, in favor of upholding an affirmative action policy. Here we find striking evidence of ideological voting.”

Clinton, in his first term alone, appointed 33 Black judges out of 170, nearly 20 percent. In his second term, with a Republican majority in the Senate, Clinton still appointed 20 Black judges out of 137 or 14 percent. Clinton’s 53 Black appointments rank him ahead of second-place Jimmy Carter, who appointed 39 African-American judges.

Much of the progress in

appointing Black judges is being eroded, court watchers say.

According to the Alliance for Justice, a Washington-based group that works to maintain an independent judiciary, Republican appointees represent 53 percent of the federal judiciary. They are a majority in 10 of the 13 federal circuits and are expected to control all but one circuit by the end of the year.

Retired Sixth U. S. Circuit Judge Nathaniel R. Jones of Ohio, former general counsel of the NAACP in the 1970s, says African-Americans have not been active enough in helping preserve an independent judiciary.

“This is not on the radar screen,” says Jones, a Jimmy Carter appointee. “It’s hard to get traction because there’s just a feeling that this is not a productive political fight to have.” However, he disagrees with that thinking, adding: “You’ve got to go into the home districts of these senators. They’ve got to feel the fire, feel the heat. Unless this issue is raised, unless the temperature is turned up on it, then they’re going to skate.”

Leslie M. Proll, assistant counsel to the NAACP Legal Defense and Educational Fund, says, “A lot of different communities have raised their own awareness, and, at the same time, have helped to educate the Senate that these issues are important. I think that communities have an

opportunity and even responsibility to participate in this process.”

A key issue is the expected Supreme Court vacancies. Most recent civil rights victories, such as in the University of Michigan affirmative action case, have been decided by 5-4 votes. However, the next president is expected to name three, possibly four, justices, appointments that will alter the fabric of the court for perhaps the next half-century.

President Bush has already stated that he will appoint justices in the philosophical mold of Clarence Thomas and Antonin Scalia, the two most conservative members on a conservative Supreme Court. His opponent, John Kerry, has pledged to appoint moderate judges sensitive to the need for affirmative action and protecting civil liberties. As important as the Supreme Court appointments will be, it is also important what kind of judges are appointed at the federal District Court and Appeals level. Of the 8,000 to 9,000 cases appealed to the Supreme Court each term, for example, no more than 100 cases are accepted for review.

“What is at stake in the fight over judicial nominations is the continued ability of Congress to protect our civil rights and fundamental freedoms: the right to be free from discrimination based on race, national origin, religion,

gender, sexual orientation, or disability; the right to organize in a union and be protected by national labor standards; the right to clean air and water; and the right to equal opportunity in employment and education for all Americans,” says a report by the Leadership Conference on Civil Rights, titled “Turning Right: Judicial Selection and the Politics of Power.” It concludes, “While many have fought for years for these rights, they are not secure without a federal judiciary

ready to stand vigilant to protect them.”

Free to speak his mind now that he is retired, Judge Jones says: “What Bush has done is scandalous. It’s obscene. Yet, he prances around and kisses little Black kids and hugs these Black preachers and thinks he can get over for what he’s done to the federal judiciary,” Jones says. “It’s a precarious situation and an acute situation and if the election goes the wrong way, if Bush is re-elected, we’re going to have more of the same.”

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