

CITY OF SEATTLE

2016 FEB 16 PM 3:35

CITY CLERK

BEFORE THE CITY COUNCIL
OF THE CITY OF SEATTLE

In the Matter of an Application of Swedish
Medical Center for Approval of a Major
Institution Master Plan

CF 311936
DPD Project No. 3012953

And the Appeal of Cherry Hill Community
Council, et. al., of a Recommendation by the
Hearing Examiner for the City of Seattle

APPLICANT SWEDISH MEDICAL
CENTER'S MOTION FOR LEAVE TO
SUPPLEMENT THE RECORD

By this motion, applicant Swedish Medical Center ("Swedish") requests that the Committee supplement the record on appeal to include two e-mails the Washington Community Action Network ("Washington CAN") sent in January 2016, one to its constituents one to Swedish. These e-mails are necessary to ensure a complete record on the public benefit issues Washington CAN raised in the hearing.

I. RELEVANT FACTS

At the hearing, Washington CAN members and affiliates alleged that Swedish Cherry Hill's charity care program was inadequate. Washington CAN subsequently appealed the Hearing Examiner's recommendation to Council, primarily on the same theory.

On January 25, 2016, after the close of the record and after Washington CAN appealed the Hearing Examiner's recommendation to Council, Washington CAN Organizing Director Chris Genese, sent an e-mail to Dan Dixon. Declaration of Dan Dixon ("Dixon Decl.") Ex. A. In his e-mail, Mr. Genese acknowledged that Swedish had adopted a new charity care policy, and

1 thanked Swedish for listening to the needs of the community. *Id.* He wrote that the new policy
2 will ensure many community members will be able to access health care at Swedish without
3 financial ruin. *Id.* Ex. A. He wrote that the new program has made Swedish a leader, not only in
4 Seattle, but in the state, in providing accessible financial assistance for vulnerable people. *Id.*

5 On Monday, February 1, 2016, Washington CAN sent an e-mail to Dr. Hugh Fay, a
6 surgeon at Harborview that celebrates the changes to Swedish's charity care program. *Id.* Ex. B.

7 In that e-mail, Washington CAN wrote:

8 Recently, we discovered Swedish has dramatically improved to their charity care
9 policy. Now, Swedish patients up to 300% above the poverty line will get 100%
10 charity care. They've simplified the application process, physicians who contract
through the hospital are now included in the policy and they have signs up to
notify patients that charity care exists.

11 *Id.*

12 II. LEGAL AUTHORITY AND ARGUMENT

13 In accordance with SMC 23.76.054.E, Swedish moves the Council to supplement the
14 record with the two e-mails attached as Exhibits A and B to the Dixon Declaration. The
15 Washington CAN e-mails establish that Swedish has addressed Washington CAN's concerns
16 regarding charity care at Swedish. None of the information contained in the Washington CAN e-
17 mails, nor the e-mails themselves, existed prior to the July 2015 hearing. Including this
18 information in the record will ensure the Council makes its decision based on a complete record
19 that demonstrates that Washington CAN's concerns regarding charity care have been addressed.
20 In addition, should any party appeal the Council's ultimate decision on this Type IV decision, a
21 reviewing tribunal would benefit from a complete record on this topic.

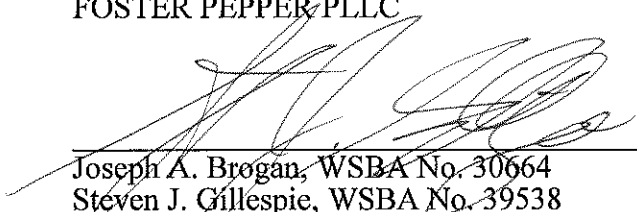
22 Allowing Swedish to supplement the record with this information will not prejudice any
23 remaining appellant, as no other appeal raises the charity care issues central to Washington
24 CAN's theory of the case and addressed by the proffered e-mails. By contrast, excluding the
25 Washington CAN e-mails from the Council's consideration on the merits of the MIMP would
26 create a great potential for prejudice to Swedish, because the new evidence clarifies the adverse

1 public benefit evidence already in the record. There is no other way to inform the Council and
2 any reviewing tribunal that Swedish amended its charity care program to Washington CAN's
3 satisfaction before Washington CAN withdrew its appeal.

4 To ensure that the Council makes its MIMP decision with the benefit of a complete record,
5 Swedish respectfully requests that the Committee supplement the record with the e-mails attached
6 to the Declaration of Dan Dixon.

7 DATED this 16th day of February, 2016.

8 FOSTER PEPPER PLLC

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11 _____
12 Joseph A. Brogan, WSBA No. 30664
13 Steven J. Gillespie, WSBA No. 39538
14 Attorneys for Applicant
15 Swedish Medical Center
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DECLARATION OF DAN DIXON

I, Dan Dixon, hereby declare and affirm that:

1. I am over the age of 18 years and have personal knowledge of the facts declared herein, and am competent to testify thereto.
2. I am the Chief Community Engagement Officer for Swedish/Providence. I have worked with Swedish for 12 years.
3. Attached as Exhibit A to this Declaration is a true and accurate copy of the January 25, 2016 e-mail Chris Genese sent me congratulating Swedish on its new charity care program.
4. Attached as Exhibit B to this Declaration is a true and accurate copy of the e-mail I received from Hugh Foy, a Harborview surgeon I am acquainted with. Dr. Foy's e-mail forwards a February 1, 2016 e-mail from Washington CAN describing its efforts regarding medical debt and Swedish's new charity care program.

1 I certify under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct.

3 Executed at Seattle, Washington this 11TH day of February, 2016.

4
5 
6 Dan Dixon

EXHIBIT A

Powell, Shane W

From: Dixon, Dan D
Subject: RE: Thank you for changes in your charity care

From: Chris Genese <chris@washingtoncan.org>
Date: January 25, 2016 at 3:43:29 PM HST
To: "Dixon, Dan D" <Dan.Dixon@providence.org>, Brian Kristjansson <brian@desimonecg.com>
Subject: Thank you for changes in your charity care

Dan and Brian:

Washington Community Action Network reviewed Swedish Hospital's new charity care and billing policies and wants to thank you for listening to needs of the community on this issue. Your new policies will ensure many community members will be able to access health care at your institution without financial ruin.

The new income thresholds and the sliding scale established in the policy are a major improvement and more realistically recognize both the needs and the rights of consumers and will prevent many consumers from facing financial ruin because of sickness.

Simplifying the application reduces barriers to accessing charity care for many low-income community members.

We also appreciate that the policy allows for discretion in determining eligibility so individual financial situations can be taken into account. Not continuing collection action on community members who obviously will not be able to pay, such as those on fixed incomes, will help many in Seattle.

We also applaud the inclusion of many of your major third-party contractors within the scope of these new policies and we encourage you to ensure that all of your contractors abide by these guidelines.

There is one thing in addition that we hope you will do – review all currently outstanding accounts to ensure patients, including those who received care before these policies were enacted, who qualify for charity care under these guidelines are able to access this assistance.

With these new guidelines, Swedish has become a leader - not only in Seattle, but in the entire state - in providing accessible financial assistance for our most vulnerable communities. We hope you will encourage other hospitals to adopt similar policies. --

Chris Genese
Organizing Director
Washington Community Action Network
chrisgenese@washingtoncan.org
c: (206) 349-6753
o: (206) 389-0050 ext. 230

EXHIBIT B

Powell, Shane W

From: Dixon, Dan D
Subject: RE: Celebrating a Big Win for the Community

From: Hugh M. Foy [mailto:hughfoy@uw.edu]
Sent: Monday, February 01, 2016 1:38 PM
To: Dixon, Dan D
Subject: FW: Celebrating a Big Win for the Community

Dan,

This is great news! Thanks to you and the administration at Swedish. It surely helps spread the burden of those with limited access to care.

Best regards,
Hugh

Hugh M. Foy MD
Professor of Surgery
Head, Wind River and Olympic College
UW School of Medicine
Attending Surgeon, Harborview Med Cntr
325 9th Avenue
Seattle, Washington 98144
office: (206)744 5882
page:
(206)405-5328
mobile: (206)963-0697

From: <rosalind=washingtoncan.org@mail.salsalabs.net> on behalf of Rosalind of Washington CAN!
<rosalind@washingtoncan.org>
Reply-To: "rosalind@washingtoncan.org" <rosalind@washingtoncan.org>
Date: Monday, February 1, 2016 at 12:08 PM
To: Hugh Foy <hughfoy@uw.edu>
Subject: Celebrating a Big Win for the Community

Dear Hugh,

We wanted to share with you a big win for the community we are celebrating this week!

We've been fighting a battle against medical debt for the last two years. It's the leading cause of bankruptcy and foreclosure. Some of our most active members have lost their homes, had wages garnished and have been forced into bankruptcy because of medical debt.

During this campaign we targeted several local hospital systems including Swedish. We made big strides with pickets and protests outside hospitals to draw attention to unjust practices.

Recently, we discovered Swedish has dramatically improved to their charity care policy. Now, Swedish patients up to 300% above the poverty line will get 100% charity care. They've simplified the application process, physicians who contract through the hospital are now included in the policy and they have signs up to notify patients that charity care exists.

This is a big step towards eliminating medical debt. Another big step we are working towards is single-payer health care. It is one of the focuses of our Lobby Day in Olympia on February 15.

[Click this link to register for Lobby Day.](#)

We want to thank you for your support throughout this campaign. We couldn't have done it without you!

Sincerely,

Rosalind and the rest of the Washington CAN team

With over 44,000 members across the state, Washington CANI is the state's largest grassroots community organization. Washington CANI fights for progressive social change at the local, state, and national levels, with a focus on issues that most directly affect the lives of Washington residents. Our mission is to achieve economic fairness in order to establish a democratic society characterized by racial and social justice, with respect for diversity, and a decent quality of life for those who reside in Washington State.

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