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Backus guilty of 'dumping' some patients, lawsuit charges

Hospital denies former staffer's
accusations that it discharged
patients with no insurance early

By **KENTON ROBINSON**
Day Staff Writer

Norwich — A psychiatrist alleges that The William W. Backus Hospital has provided inadequate mental health services to emergency room patients who had no insurance, an illegal practice called "dumping."

In documents filed in the U.S. District Court and the state Appellate Court in Hartford, Dr. Safaa Hakim, a psychiatrist who worked for five years at Backus and was later dismissed, cites four cases in which she says psychiatric patients were prematurely discharged and subsequently took their own lives.

Keith Fontaine, vice president for corporate communications at Backus, issued a statement saying the hospital "vigorously denies the allegations in the complaints filed by Dr. Hakim ... and the hospital has aggressively defended itself. ... Dr. Hakim's claims, stemming from the

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Lawsuit accuses Backus Hospital of 'dumping' some patients

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termination of her part-time employment, are wholly baseless."

Hakim would not comment for this story, but two sources still employed by the hospital have told The Day that Backus has refused admission to uninsured psychiatric patients or discharged them prematurely.

If the claim were substantiated, it is a violation of the Emergency Medical Treatment and Active Labor Act, the federal law that prohibits hospitals from refusing to treat emergency room patients because they are too poor to pay the bill.

Robin Locke Nagele, an attorney with the Philadelphia firm of Post & Schell, is representing the hospital. Nagele has characterized Hakim's allegations as "wild half-truths ... just out of nowhere, wild, speculative, unsupported, and highly defamatory and derogatory to the hospital."

Hakim has "accused without any foundation ... the hospital of intentional medical malpractice, grave medical negligence, and murders," Nagele has argued in court.

Hakim sued Backus in federal court in 1999, claiming the hospital fired her after she complained that patients were dying. She was dismissed on March 20, 1997, but continued to maintain medical staff privileges at the hospital until Nov. 6, 2001.

The hospital filed suit against Hakim in state Superior Court in February, claiming she illegally re-

moved copies of the records of 18 psychiatric patients from its files. The hospital is seeking the return of those records, and all documents and transcripts in that case have been sealed.

New London Superior Court Judge D. Michael Hurley made a ruling on the case in closed court on Monday, but the clerk said she was forbidden to reveal the judge's ruling.

In a separate lawsuit, another former Backus employee has made allegations similar to Hakim's. That employee would not comment for this story and asked that his name not be used. In that suit, dismissed by Hurley last month and currently under appeal, the employee alleges he was fired after he complained that psychiatric patients were refused admission if they did not have health insurance.

Nagele has said she could not comment for this story other than to say that the hospital's case against Hakim "was filed to remedy the unlawful dissemination of patient records in violation of Connecticut law."

Hakim, in her federal suit, said she brought her concerns to Thomas J. Pipicelli, the president and CEO at Backus, and to Barbara Wilcox, then senior vice president for patient care.

Hakim said hospital administrators responded to her complaints by allowing her supervisor, Dr. Brian T. Benton, and a second doctor, Irwin August, to harass her until she was

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no longer able to perform her duties.

They did this, Hakim alleges, by making false accusations against her and repeatedly threatening her with "unspecified disciplinary action." Both doctors "verbally assaulted and threatened" her, Hakim has alleged. When the constant stress made it impossible for her to perform her duties, they used her disability as a pretext for firing her, she said.

Two psychiatrists who examined Hakim, Dr. Howard G. Iger of the Institute of Living in Hartford and Dr. Michael P. O'Brien of Stonington, reported that Hakim suffered from anxiety and post-traumatic stress disorder brought on by the abusive treatment she received by her superiors at the hospital.

Documents on file with the courts

refer to four cases in which patients committed suicide. At the request of Hakim, Iger reviewed them.

On Feb. 2, 1997, a 40-year-old female patient committed suicide 11 days after being discharged from the hospital against her wishes.

"The patient and her boyfriend felt adamantly that her inpatient hospitalization was necessary at this time," Iger wrote. "It is apparent from the record that the patient is being treated with inadequate dosages of antidepressants for an insufficient period of time ... and that she was very likely to have been actively suicidal and psychotic at the time of her discharge."

On Feb. 17, 1997, a 42-year-old male patient committed suicide three days after being discharged from Backus.

"Despite the fact that he stated

that he did several bags of I.V. heroin and drank 1 1/4 quarts of vodka prior to his admission, the patient was discharged after three days and inadequately medicated," Iger wrote.

In early March, 1997, a 31-year-old female patient was discharged after just three days of treatment for major depression.

"The patient was discharged after four days on ... a perhaps adequate dose of antidepressant, but given for an inadequate period of time, to test its effectiveness," Iger wrote.

On Oct. 4, 1997, a 25-year-old male patient shot himself to death three days after being discharged from the hospital. The patient had a history of depression and drug abuse and was "described as being a high suicide risk, having spent that morning of his admission with a loaded gun in his mouth," Iger wrote. "Given this degree of pathology, one is struck by the somewhat cavalier treatment."

Court exhibits include a note from a nurse at the hospital concerning a phone call received that afternoon: "The caller was a woman, crying and saying, 'I told you people not to let him out. He shot himself. He's dead.' I asked her who she was. She said, 'I was his girlfriend, (name redacted).'

She repeated, 'He's dead so it doesn't matter anymore. I can't talk about it anymore.' She hung up."

Overall, Iger wrote, "There appears to be a pattern of poor judgment as well as considerable negligence in the four cases ... which you asked me to review. It is certainly clear from the cases that I have reviewed that Dr. Hakim was right about her charges."

Nagele disagreed. The documents in Hakim's possession "do not come anywhere close to establishing that there was intentional medical negligence or murders committed at Backus Hospital," Nagele told the court. "That is just simply false."

The case in federal court is pending. Hakim's attorney in the federal matter, Mary Alice Leonhardt of Hartford, has made a motion to withdraw from the case. Court records indicate that Hakim has told Leonhardt she is not satisfied with her representation. Leonhardt said she could not comment for this story.

The state Department of Public Health's physician profile of Hakim lists no malpractice reports and no disciplinary actions within the past 10 years.

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