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MENDELSON SPEARHEADS LEGISLATIVE FIX TO IMPROPER BILLING OF INJURED MENTAL PATIENT

(Washington, DC) Councilmember Phil Mendelson (D, At-Large) was joined by ten colleagues: Chairman Vincent Gray as well as Councilmembers Alexander (Ward 7), Barry (Ward 8), Brown (At-Large), Catania (At-Large), Cheh (Ward 3), Evans (Ward 2), Graham (Ward 1), Thomas (Ward 5), and Wells (Ward 6) in introducing legislation today to prevent the District from billing patients for negligent care. The “Frank Harris Jr. Offset Justice Act of 2007” would make the law clear that the District shall not charge for the care of a person acquitted solely on the grounds of insanity where the District has been found negligent as to that person’s care.

The need for a legislative fix became apparent in light of the case of Frank Harris, Jr., an indigent mentally ill patient who is an involuntary committed person at St. Elizabeth’s. Mr. Harris managed to gouge his eyes out with his bare hands while under a physician’s order to have constant one-on-one supervision and to remain in four-point restraints. As a result, he is permanently blind. Only after a claim of negligence by Mr. Harris’ estate did the District send him what amounted to a \$2.4 million bill for his room and board, a “set-off” in case the District is found negligent.

In February 2000, the District government took the position that the filing of a claim for reimbursement in a case such as this was ill-judged. In 2002, after a protest by every sitting councilmember, the District reaffirmed the position that the filing of set-off claims was not the right public policy. The current administration chose not to follow this precedent, so the need for the council to act was apparent.

“On the one hand, it is heartening to see my colleagues on the Council see the offensive nature of the District billing for negligent care,” stated Mendelson. “But on the other hand, I am disappointed that precedent has not been followed at the outset and we had to resort to a legislative fix. In the end though, I am confident that we will have a law that does not reward the government for poor care.”