

Las Vegas couple sues health care provider

[By John G. Edwards](#)
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A Las Vegas couple has filed a lawsuit in Clark County District Court seeking to collect damages for 350,000 customers of Columbia/HCA Healthcare Association nationwide.

Columbia/HCA of Nashville, Tenn., separately is the target of a federal criminal investigation into whether it overbilled Medicare for providing health care to senior adults and other government health insurance beneficiaries.

The civil lawsuit, filed last week, stems from allegations that the National Association of Senior Friends, a nonprofit group affiliated with Columbia/HCA, sold memberships that promised Columbia/HCA would waive charges for deductible expenses for Medicare patients.

The plaintiffs, Joseph P. Miller Jr. and his wife, Hazel, claim they paid the \$25 annual membership fee on April 1, 1997. The membership was said to entitle them to a waiver of Medicare deductible payments, but Columbia Sunrise MountainView Hospital refused to honor the promise, according to the lawsuit.

Attorneys Ara Shirinian and Howard Roitman are seeking class-action certification from a judge so they can represent 350,000 people around the country who were sold Senior Friends memberships. They are claiming breach of contract and unjust enrichment.

"If there's a theme to this, it's giving old people the expectation that they're protected and leaving them empty-handed," Roitman said. "In my opinion, it's putting their hands in the cookie jar."

Pamela Carnevale, director of Senior Friends' local chapters, counts 10,700 members in the Las Vegas area. She said Columbia/HCA lawyers interpreted provisions of a federal health care reform law to prevent hospitals from waiving the deductible payments.

Columbia/HCA stopped waiving the payments from Senior Friends members on Jan. 1, 1997, she said. The hospital company has since received a legal clarification from a federal health care agency and plans to resume waiving the payments starting April 15.

Roitman said some experts believe the federal law never contained any requirements that forced hospitals to stop waiving deductibles for Senior Friends members.

"We're just thrilled that it's (the waiver program is) back again," said Mark Howard, chief executive of Sunrise MountainView. "Was it a great benefit? Absolutely."

Sunrise MountainView is one of two hospitals that Columbia/HCA owns and operates in the Las Vegas area. The other is Columbia Sunrise Hospital and Medical Center on Maryland Parkway.