

Debt Collector Harasses Patients in Hospital

By John Skiba, Esq.

www.ConsumerWarrior.com



There you are, in the hospital, you come out of surgery hoping to see your loving family there to support you, but instead a debt collector is there asking you when you are going to pay your bill! It sounds stupid but that apparently is a new tactic being used by medical debt collector Accretive Health. In recent article in the [New York Times](#) it has come to light that Accretive is sending its collection agents into hospitals to harass consumers for payment, even going so far as to embed debt collectors in emergency rooms to demand payment prior to any medical services being rendered.

The question is, can they really do this? Of course normal decency says they shouldn't, but if the allegations are true this type of collection activity is against federal law. Specifically the [Fair Debt Collection Practice Act \(FDCPA\)](#) governs the behavior of companies and their employees who collect debts for a living. While it is legitimate for a creditor and even their collection agency to try and collect on debts that are owed, there are rules in place that they must follow.

Before jumping into what a debt collector can and can't do, it is important to understand that the FDCPA does not apply to all creditors. It mainly applies to those persons or companies who do debt collecting for a living. So, collection agencies, debt buyers, even some lawyers fall under the rules of the FDCPA. However, if a creditor is trying to collect a debt directly, then the FDCPA will likely not apply. For instance, if you American Express money they can try and collect on this debt without following all of the provisions of the FDCPA. However if they outsource the collection of your debt to a debt collector, the debt collector must follow the rules of the FDCPA.

So, what rules did Accretive Health break? Here are a few of the [behaviors outlawed by the FDCPA](#). You tell me if you think the law was violated:

- Collection calls after 9:00 p.m. or before 8:00 a.m. (15 U.S.C. § 1692c(a)(1)).
- Contacting you if the collector knows you are represented by an attorney. (15 U.S.C. § 1692c(a)(2)).
- Contacting your friends, neighbors, relatives, or employer about your debt. (15 U.S.C. § 1692c(b)).
- Engage in any conduct that is harassing, oppressive, or abusive. (15 U.S.C. § 1692d)).
- Use obscene, profane, or abusive language. (15 U.S.C. § 1692d(2)).
- Collectors may not use false, deceptive, or misleading representations. (15 U.S.C. § 1692e))

If a debt collector does violate the FDCPA they can be liable for up to \$1,000 in damages plus any attorney's fees. There may also be local debt collection laws in your state that can provide additional relief.

You can learn more about the FDCPA and how it is applied by going to the [Federal Trade Commission's website](#). Another good resource is the website of FDCPA lawyer [Pete Barry](#).

photo by: nffennr