

ILLEGAL ALIENS AND EMTALA

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The influx of Illegal Aliens has devastating, hidden medical consequences. We judge reality primarily by what we see. But what we do not see can be more dangerous, more expensive, and more deadly than what is seen. [1] Illegal Aliens' stealthy assaults on medicine now must rouse Americans to alarmed alert. [2] Even President Bush describes Illegal Aliens only as they are seen: strong physical laborers who work hard in nasty jobs with low wages, who cultivate their families, and who pursue the American dream. What is unseen is their free medical care that has degraded and closed some of America's finest emergency medical facilities and caused hospital bankruptcies: 84 California hospitals are closing their doors forever. [3] An important cause of these hospital closures is the Emergency Medical Treatment and Active Labor Act of 1985 (EMTALA).

What is seen is the political statistic that 43 million lives are at risk in America because those people have no health insurance. [4] What is unseen is that medical insurance does not equal medical care. Uninsured people get medical care in hospital Emergency Rooms under the coercive EMTALA that obligates hospitals to treat the uninsured but does not pay for that care. Also unseen is the percentage of uninsured who are Illegal Aliens. No one knows how many Illegal Aliens reside in America. If 10 million, they constitute nearly 25% of the uninsured. If more, more.

EMTALA

EMTALA requires each Emergency Room to treat anyone who enters with an "emergency" associated with cough, headache, hangnail, cardiac arrest, herniated lumbar disc, drug addiction, alcohol overdose, gunshot injury, automobile trauma, HIV-positive infection, mental problem, or personality disorder. Definition of emergency is flexible and vague enough to include almost any condition as requiring mandatory care. Any patient coming to a hospital emergency room requesting emergency care must be screened and treated until stabilized for discharge or stabilized for transfer whether or not insured, whether or not "documented," and whether or not able to pay.

A woman in labor must remain to deliver her child. Babies born to Illegal Alien women are called Anchor Babies for once they are born, like anchors dropped to keep boats safely in harbor, they pull their Illegal Alien parents and siblings into lucrative residency. The babies instantly qualify as citizens for welfare benefits. They have caused volcanic eruptions in Medicaid costs and skyrocketing stipends under Supplemental Security Income and Disability Income. [5], [6]

What is seen is the strong-backed Illegal Alien who will come to the Emergency Room and cough, sweat, and bleed but is assumed basically healthy even though he and his Illegal Alien wife and kids never were examined for contagious diseases. By our glance and by our shrug we grant Illegal Aliens health passes. What is unseen is that many Illegal Aliens harbor within their bodies fatal diseases that long ago American medicine fought and vanquished. Now Illegal Aliens carry drug resistant strains of tuberculosis, malaria, leprosy, plague, polio, Dengue Fever, and Chagas Disease. [7], [8]

A hospital with an Emergency Room must have specialists ready to treat on call at all times for all departments that provide medical services and specialties within the hospital's capabilities. EMTALA is an unfunded federal mandate. Government imposes viciously stiff fines and penalties up to \$50,000 for each incident upon any physician and any hospital refusing to treat any patient that a vigorous prosecutor deems an emergency patient even though the hospital or physician screened and declared the patient's illness or injury non-emergency. [9], [10] But government does not pay either the hospital or the physicians for treatments. In addition to the fiscal attack on medical facilities and personnel, EMTALA is a handy truncheon to pummel politically unpopular physicians by falsely accusing them of violating EMTALA.

High-tech hospital emergency units degenerated into local free medical offices. In California, for

instance, between 1993 and 2003, 60 hospitals closed because of over 50% of unpaid services, and another 24 California hospitals closed in 2004. Even ambulances from Mexico come to Emergency Rooms with indigents because the drivers know that EMTALA requires accepting patients who come within *250 yards of a hospital*. That geographic limit has figured in many lawsuits.[11], [12]

Los Angeles County Trauma Care Network, built in 1983, was one of America's finest Emergency Medical Response organizations. Consisting of 22 hospitals, super-high-tech equipment, superior emergency physicians, surgeons, specialists, nurses, and technicians, it offered 365-day, round-the-clock emergency care for people suffering life-threatening car crashes, industrial accidents, urban crime, natural disasters of earthquake and wildfire, and national disasters of terrorism. Now most trauma hospitals have left the Network and so have many emergency physicians and surgeons.[13] EMTALA contributed to the Trauma Care Network's loss of focus and loss of money.[14]

VIOLENT CRIME

Illegal Aliens perpetrate much violent crime whose physical results arrive in ERs. [15],[16] "Dump and Run" patients dropped on the hospital sidewalk or at the emergency room entrance before the car speeds away usually are connected to drugs and gangs. Patients requiring tracheotomies and thoracotomies for stab or gunshot wounds are dumped at hospitals whether or not exclusively dedicated to trauma care and EMTALA governs their treatment.[17],[18]

While nationally most people coming to emergency units are not poor and have medical insurance,[19] cities such as Los Angeles with large Illegal Alien populations, high crime, and powerful immigrant gangs are losing their hospitals to the ravages of unreimbursed care under EMTALA. In Los Angeles, 95% of outstanding homicide warrants are for Illegal Aliens, likewise for 66% of fugitive felony warrants. The notorious 18th Street Gang has 20,000 members the California Department of Justice deems 60% Illegal Aliens, but 80% according to the Los Angeles Police Department. The Lil' Cycos Gang notorious for murder, racketeering, and drugs in Los Angeles's MacArthur Park was thought 60% illegals in 2002, though higher now. Francisco Martinez of the Mexican Mafia ran the gang from prison while incarcerated for felonious reentry after deportation.[20]

Illegal Aliens move freely in *crime sanctuary cities*. [21],[22] In Los Angeles, San Diego, Stockton, New York, Chicago, Miami, Austin, and Houston, no hospital, physician, city employee, or police officer can report immigration violators to the Department of Homeland Security's Bureau of Immigration and Customs Enforcement (the old INS). Los Angeles Police Department *Special Order 40* (begun in 1979 by then Chief Daryl Gates) prohibits cops from "initiating police action where the objective is to discover the alien status of a person."

Daily as many as 10,000 Illegal Aliens cross the 1,940-mile-long border with Mexico. [23],[24] About 33% are caught. Many try again, immediately. Authorities estimate about 3,500 Illegal Aliens daily become permanent U.S. residents, at least 3 million annually.[25],[26],[27] EMTALA rewards them with extensive, expensive free medical services if they claim emergency requirement for care.

Government welcomes Illegal Aliens by refusal to police our borders, by reluctance to prosecute people who violate basic American law, and by fervor to please those who snidely abuse our generosity and cynically ply our compassion against ourselves.

Footnotes:

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