

Congress of the United States
Washington, DC 20515

April 30, 2013

The Honorable Eric Holder
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

The Honorable Kathleen Sebelius
Secretary
US Dept. of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Attorney General Holder and Secretary Sebelius,

We are writing to urge the Department of Justice and the Department of Health and Human Services to open an investigation into the allegations that mental health providers in Nevada are transporting vulnerable individuals with serious mental illnesses across state lines. If this practice of shipping patients with a history of mental illness to other states, known colloquially as “Greyhound Therapy,” is occurring, it would not only be unethical and disgraceful, but would also be an illegal attempt by Nevada to evict members of the state’s most vulnerable population to benefit its bottom line.

On April 14, 2013, the *Sacramento Bee* reported that a Nevada psychiatric hospital was engaging in the immoral practice of patient dumping. According to the *Bee*, one of their patients, James Flavy Coy Brown, was sent on a fifteen-hour bus ride from the Rawson-Neal Las Vegas Psychiatric Hospital to Sacramento, California. They report he had never visited Sacramento before, had no friends or family in the area, and only had a medicine supply to last three days. The *Bee* alleges that Brown arrived in the city confused, with nowhere to go, and no one to contact.

The *Bee* reports that Mr. Brown was not the only victim of this practice. In the past five years, it has been reported that Rawson-Neal has shipped more than 1,500 patients out of Nevada – sending patients to every state in the continental U.S., with California as the largest recipient of psychiatric patients transported out of Nevada, straining California’s already over-burdened public mental health system.

We respectfully request that the Department of Justice and the Department of Health and Human Services investigate to see if any federal laws have been violated by the State of Nevada, Southern Nevada Adult Mental Health Services, or Rawson-Neal Psychiatric Hospital as they pertain to Medicare and Medicaid funded patients. Additionally, we request that you examine if the practice of “Greyhound Therapy” is occurring in any other states. Federal investigation is warranted here, particularly in light of admissions from Nevada officials that their own investigation found “no pattern of misconduct.”

Allegations of these shocking and inhumane practices raise a number of important federal concerns:

- Such practices may constitute a violation of the federal EMTALA (Emergency Medical Treatment & Labor Act) requirements imposed on all hospital emergency departments in Medicare participating hospitals that mandate medical and psychiatric stabilization prior to discharge or transfer;
- The purchase of one-way interstate bus transportation and involuntary escort and placement on such bus transportation may constitute interstate kidnapping in violation of federal statute;
- The purchase of one-way interstate bus transportation with federal funds earmarked for patient treatment may be a violation of a state's requirements under the Medicaid statute or the provider's conditions of participation in Medicare.

In the practice of medicine, doctors must obtain the prior informed consent of patients, or an authorized representative, both during treatment and before transfer from an in-patient facility whenever possible. Investigation should be made to determine whether patients who were discharged from the Rawson-Neal facility consented to and understood any plan to send them to another state at the time of discharge. Additionally, if they did not have the mental capacity to make these decisions, we question whether contact with a legal guardian was made and if they consented to the relocation.

We must ensure that the first priority is the well-being of patients. Every state has a commitment to serve the needs of their patients. We ask that you investigate these allegations to ensure that all individuals receive necessary and appropriate treatment in a safe and humane manner. We request that your respective Departments report back to us within 30 days on the status of the investigation and any of your findings.

Thank you for your prompt attention to this serious matter.



AMI BERA, M.D.
Member of Congress



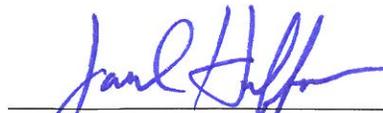
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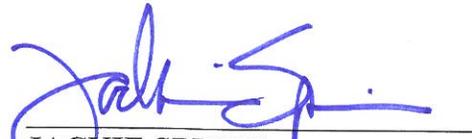
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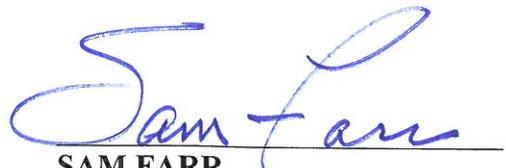
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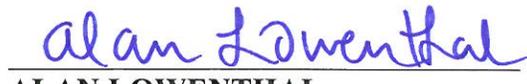
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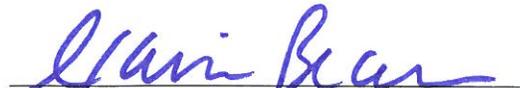
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cc. California Governor Edmund G. Brown
California Senate President pro Tem Darrell Steinberg
California State Assembly Speaker John A Pérez
California Attorney General Kamala D. Harris