

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

KAMAL AMIREH and HUGO CABRERA  
VILLALOBOS, individually and on behalf of  
others similarly situated,

Plaintiffs,

v.

UW MEDICINE/NORTHWEST, d/b/a  
NORTHWEST HOSPITAL & MEDICAL  
CENTER, a Washington corporation,

Defendant.

No.

**CLASS ACTION COMPLAINT**

**EXCERPT FROM INTRODUCTION**

Plaintiffs Kamal Amireh and Hugo Cabrera Villalobos bring this class action complaint against Northwest Hospital & Medical Center (“Northwest”), challenging its unfair, deceptive and unlawful practice of subjecting them and other similarly situated uninsured and underinsured patients to collection efforts without first affirmatively screening them to determine their financial eligibility for free or discounted hospital care under Washington’s Charity Care Act, [RCW Ch. 70.170](#).

Plaintiff Amireh also seeks a declaration that the right to seek charity care continues after the hospital’s collection agency files a lawsuit to collect on a hospital bill, and an injunction requiring Northwest to cease telling patients, as it told Mr. Amireh, that it is too late to seek charity care after its collection agency commences legal action on an account.

The classes in this case encompass only Northwest patients who were provided emergency care and (1) were uninsured and not covered by a governmental healthcare program or any other third-party payment source, or (2) were underinsured because any private insurance, governmental healthcare program or other third-party source available to them was insufficient to cover the full cost of their care.

Plaintiff Kamal Amireh was uninsured when he went to Northwest and received the emergency care for which he alleges he should have received free or discounted care under the Charity Care Act.

Plaintiff Hugo Cabrera Villalobos was underinsured when he went to Northwest and received the emergency care for which he alleges he should have received free or discounted care under the Charity Care Act for the amount that remained after his coverage was exhausted.

The Charity Care Act requires Northwest to grant free or discounted care to qualifying uninsured or underinsured patients upon determining their income is below 200% of the federal poverty level. This obligation to provide charity care continues after the hospital assigns a patient's account to collections, including after its collection agency files suit to collect on the account. Under current guidelines, 200% of the federal poverty level for a family of four in Washington is an income of \$48,600 per year.

According to [Northwest's assessment](#), there are 639,000 persons in its hospital service area, 21% of whom are in households with income below 200% of poverty level. Thus, approximately 134,000 persons (21% times 639,000) in Northwest's hospital service area should qualify for charity care based on their income.

The Charity Care Act requires Northwest to screen its patients at or near the time of admission to determine whether they qualify for free or discounted care based on their income. This affirmative, proactive screening to determine each patient's financial eligibility for charity care must occur before any collection efforts. Plaintiffs Amireh and Cabrera Villalobos allege that Northwest has engaged, and continues to engage, in a pattern and practice of collecting or seeking to collect from patients without first screening them to determine whether they qualify for charity care based on their income.

Representing uninsured patients, Plaintiff Amireh brings his claims in this case on behalf of himself and other uninsured patients who (a) received emergency care medical treatment from Northwest; (b) were not covered by insurance or any other third-party source of payment at the time of treatment; and (c) were subject to collections even though Northwest's account records show no affirmative screening to determine their eligibility for charity care.

Representing underinsured patients, Plaintiff Cabrera Villalobos brings his claims on behalf of himself and other underinsured patients who (a) received emergency care medical treatment from Northwest; (b) were covered by insurance or some other third-party payment source at the time of treatment; and (c) were subject to collections for the balance not covered by their insurance or other third-party payment source even though Northwest's account records show no affirmative screening to determine their eligibility for charity care.

On behalf of both uninsured and underinsured patients who received emergency medical services from Northwest but did not receive the charity care to which they were entitled, this lawsuit seeks: (1) declaratory and injunctive relief to require Northwest to fully comply with the requirements of the Charity Care Act; (2) recovery of excess payments made by Plaintiffs and members of the proposed uninsured and underinsured classes when they were indigent; and (3) damages under the Washington Consumer Protection Act, [RCW Ch. 19.86](#), for Northwest's unfair and deceptive practices.