



Attorney General Josh Stein Sues HCA | Fact Sheet

On December 14, 2023, Attorney General Josh Stein sued HCA Healthcare for failing to comply with the Asset Purchase Agreement (APA) it executed when it purchased Mission Health System in 2019. Attorney General Stein alleges that HCA is not providing the quality, consistent emergency and cancer care for western North Carolinians it committed to deliver.

Background:

- When HCA purchased Mission Hospital in 2019, state law authorized the attorney general's office to conduct a limited review of the transaction because for-profit HCA was purchasing nonprofit Mission Health System.
- Attorney General Stein determined that HCA had paid a fair market price for the system and that the beneficiary, Dogwood Health Trust, would provide charitable services in compliance with the law.
- Attorney General Stein was also concerned about the transaction's potential impact on health care delivery in western North Carolina, so he negotiated additional health care protections for patients in the APA. HCA agreed not to discontinue providing certain services for a 10-year period from 2019 to 2029, including:
 - Emergency and trauma services consistent with Mission's role as a level II trauma program, including emergency services for children, adults, ground/air medical transport, and forensic nursing; and
 - Oncology services, including inpatient and outpatient cancer services, radiation therapy, surgery, chemotherapy, and infusion.

Attorney General Stein's complaint alleges that HCA has violated the APA by discontinuing certain emergency and oncology services. **The allegations cover:**

Discontinuation of emergency and trauma services at Mission Hospital. Mission no longer meets the standards of a level II trauma center.

Staffing.

- Best practices for the patient-to-nurse ratio are four patients to one nurse in the emergency department (ED) and two patients to one nurse in the intensive care unit (ICU). Mission's ED regularly exceeds four patients to one nurse in the ED and three to four patients to one nurse in the ICU.
- Patients have to wait for hours to be seen, have fallen with no staff around to assist, and have gone for hours without being seen by their nurse.
- Patients sometimes can't get certain testing or diagnoses because no one is present and trained to operate the medical equipment.
- The ED is often unclean and unsterile because it isn't adequately staffed.
- The staffing issues are harming staff well-being, which further exacerbates the staffing crisis. Mission had 30 vacant nursing positions in October 2023, and nearly 60 percent of first-year nurses left the ED in 2023.
- In 2023, 13 full-time emergency doctors and 13 advanced care providers left Mission. Still others have reduced their working hours at Mission Hospital or chosen to work at other Mission Health System locations.

Wait Times.

- Patients share that they've waited for hours to even be admitted to the ED – sometimes well over 16 hours, and in one case, 30 hours.
- Laboratory tests can take five to seven hours to come in, taking longer to diagnose and treat patients.



- EDs nationwide have an average wait time of 143 minutes. At Mission’s ED, the average wait time is 187 minutes.

Bed shortages.

- Mission has created a bed shortage that doesn’t actually exist. In 2019, the hospital’s ED expanded from 68 to 94 beds – but wait times are longer now than in 2019.
- Mission often closes sections of the ED, limiting the number of staffed, available beds.
- Instead of solving its staffing problems, Mission has created an “internal processing area” where patients are examined while sitting in a chair. The area is understaffed, is unequipped with heart monitors, pulse oximeters, or code carts, and is not sanitized regularly.

Ground/air medical transport services.

- Because Mission is taking hours to admit patients, it is impeding ground and air medical transport services in the region. Paramedics and emergency responders wait for hours to transport patients and complete paperwork, which limits their ability to respond to other emergency calls.
- Sometimes, Mission has required paramedics to clean rooms in the ED just so they can admit their patients.

Discontinuation of inpatient and outpatient oncology services at Mission Hospital.

Staffing and bed shortages.

- HCA employs zero medical oncologists at Mission, down from five in 2021. Oncologists have left because they were burned out and did not have adequate staffing support.
- The lack of oncologists has forced Mission to cancel 45 appointments in the first six months of 2023, which is the same number of appointments it canceled in all of 2020.
- HCA has also reduced the number of oncology beds from 44 to 24.
- The patient-to-nurse ratio for patients receiving complex chemotherapy should be three patients for every nurse. At Mission, there are four patients to every nurse, and often more.

Chemotherapy treatments.

- Mission has only one oncology pharmacist who can prepare chemotherapy and infusion treatments for patients. When he is not there, no chemotherapy drugs can be mixed.
- Patients also cannot begin chemotherapy treatments at Mission Cancer Center, because a medical oncologist has to supervise the first treatment, and Mission does not have any medical oncologists on staff. Instead, patients have to travel hours to get treatment.

Attorney General Stein is asking the court for the following relief:

1. Declare that HCA has breached the APA.
2. Issue a permanent injunction to restrain HCA from committing such breaches.
3. Require HCA to continue providing emergency and trauma services and oncology services at the level they were provided at Mission in 2019.

The allegations laid out in this fact sheet have been pulled from our office’s complaint against HCA and experiences shared by patients and medical staff. They can be read in full in the complaint.