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Huge bill for husband in state mental hospital

Citing a 1967 law, California wants a Galt woman to pay \$335,000 for holding disturbed spouse in facility

By Jim Sanders - Bee Capitol Bureau

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Honorato Rodriguez had a history of mental illness and delusions that neighbors were out to get him when he lobbed a Molotov cocktail over the fence of his Galt home.

Nobody was hurt and no home burned down, but the dangerous act landed the 55-year-old Rodriguez, a victim of Parkinson's disease, in a state mental hospital.

Rodriguez's care is costing \$455 per day. His wife, Gloria, a seasonal cannery worker whose only major asset is the family's 30-year-old, three-bedroom home, is billed for the amount under state law.

"If I had the money, I would pay it -- but I don't have the money," Gloria Rodriguez said of demands by the state Department of Developmental Services for payment of \$335,000 owed by May 2006.

The Rodriguez case is sparking questions about whether, and under what conditions, the state should seize assets from families that could neither prevent, nor predict, a violent act from an insane relative.

Murderers, rapists and robbers don't pay for their imprisonment, but Rodriguez and others too mentally unstable to be guilty of any crime are liable for massive state hospital costs.

Rodriguez was sentenced to state care by Sacramento Judge Thomas Cecil, who found him not guilty of arson by reason of insanity. Family members did not choose the location or the duration of the placement, yet they must pay for it.

Assemblyman Guy Houston, R-San Ramon, recently wrote a letter asking state agencies temporarily to suspend collection efforts.

"It is unconscionable that the state of California is allowed to collect money under these circumstances," he wrote.

Houston said he understands, and does not necessarily oppose, efforts to reimburse taxpayers for bankrolling public services.

"There has to be a middle ground," he said.

Kirsten Macintyre, spokeswoman for the state Department of Mental Health, said the agency is bound by state law to collect from the Rodriguezes but is trying to do so sensitively.

"This is the law and we have to follow it," she said, adding that she does not know lawmakers' rationale for passing the reimbursement statute in 1967.

Targeting patients' families provides taxpayers with some hedge against very expensive care not covered

by Medi-Cal. Collections last year totaled \$3.3 million from 230 patients.

The state initially filed court papers seeking the entire Rodriguez estate, which would include the home, but later issued a settlement offer that would place a lien against half the residence and not force Gloria Rodriguez to move.

"There was never any talk about taking her house from her, as long as she was living," Macintyre said.

The settlement offer would resolve current debts, but not necessarily Rodriguez's future state hospital costs of \$166,000 annually.

Rodriguez is not expected to regain his sanity any time soon, if ever, raising the specter of astronomical expenses that could jeopardize assets of his two grown children, Raquel, 29, and Fabian, 28.

"You know, it's OK if I lose my house," Gloria Rodriguez said. "But they're just starting."

A 2005 psychiatric report in Rodriguez's court file describes his delusions as "severe and pervasive." It mentions an incident in which he tried to head-butt a nurse while in custody.

"Unfortunately, the Parkinson's disease is going to inexorably worsen in time," the report said.

Gloria Rodriguez recalls happier times. She met Honorato when both were 22. Both had immigrated from Mexico legally. He was a student in an English class where she was an aide, she said.

The Rodriguezes married in 1975. Honorato, a high school dropout, worked various jobs at a farm, dairy and a company that made rubber mats.

"He was a good person," Gloria Rodriguez said. "He was always a family person."

Honorato was stricken with Parkinson's disease at 37 or 38. His speech became slurred, his limbs stiff, and he often had trouble walking, she said.

His mental condition also deteriorated.

"It was mostly like the neighbors were out to get him," she recalled. "He thought they were looking through the windows, or at night, he could hear them jumping over the house and trying to get in the house."

Gloria Rodriguez does not know what provoked her husband, who had no criminal record, to toss a Molotov cocktail into the backyard of her neighbor in July 2002.

He ultimately was sentenced to eight years in a state hospital or until he regains his sanity.

Rodriguez's psychiatric report from Atascadero State Hospital said he allegedly had "bashed in the windows of his neighbor's truck" prior to the arson and "chased the neighbor's children with a stick."

The longtime Galt resident currently is housed at Napa State Hospital.

Rodriguez's ailment, Parkinson's disease, is a degenerative neurological disorder for which there is no known cure.

Lew Uhler, president of the National Tax Limitation Committee, which supports seeking reimbursement for other programs, said there is no compelling reason to charge the Rodriguezes.

Taxpayers should pay to confine insane offenders, as they do for regular prisoners, because both pose the same danger to public safety, he said.

"The only distinction is mental competence," Uhler said.

Attorney Randy Rosá, representing the Rodriguezes, argues the state's reimbursement laws may violate constitutional rights to due process and equal protection.

While some mentally disordered offenders are placed in a state hospital, others land in a different type of locked facility -- licensed by the state, funded largely through Medi-Cal and operating under less stringent reimbursement statutes.

State law sets no limits on a state hospital patient's cumulative bills, and it makes a patient's spouse, parents and children jointly and separately liable, he said.

"It just strains my belief in a fair and moral system," Rosá said.

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