

Advise sought on getting money back for otherwise free posters

Dear Attorney General Kline:
My small business recently received a mailing from a company selling a set of labor law posters. The company's name caused me to conclude that they were a business or agency somehow associated with the State of Kansas, and the mailing claimed I had to display their posters to be in compliance with state law. Soon after sending my \$90.00 payment to a Topeka address to purchase the posters, I learned that I could have obtained the same information at no cost from the Department of Labor. I then attempted to return the posters, only to find out that this business was not even located within Kansas! What should I do?



Phill Kline

• Consumer Corner

law postings can be freely obtained by logging onto the Kansas Department of Labor's website at www.dol.ks.gov. Call (785) 296-3441 for more options.

The first step you should take when receiving such a dubious solicitation is to file a complaint with my Consumer Protection Division. That Division will investigate the facts to determine if the solicitation violates the Kansas Consumer Protection Act. To get the process started please visit our website at www.ksag.org or call 1-800-432-2310.

Not all labor law solicitations violate Kansas law. The one that you present appears to contain more than a few violations. My Consumer Protection Division recently fined a Missouri marketing firm \$10,000.00 for sending thousands of postcards into Kansas that con-

tained deceptive information similar to that described above. Such advertising violates the Kansas Consumer Protection Act in at least two ways:

- Companies that assume a fictitious name, and thereby seek to falsely communicate that their business location is within the state of Kansas, can be found to have engaged in a deceptive act in violation of the Consumer Protection Act's provisions at KSA 50-626.
- Companies that market a product which is grossly overpriced in comparison to what is charged for the same product by most all others in the same market can be found to have engaged in an unconscionable act in violation of the Consumer Protection Act's provisions at KSA 50-627.

It cannot be said that every solicitation to buy labor law posters is a scam or violation of the KCPA. Filing a complaint with my Consumer Protection Division should be the first step any small business takes when receiving such a mailing.

Anyone starting or operating a small business should also consider the following before purchasing items such as "mandatory" posters, credit card processing equipment or telephone packages:

- The process of starting a business is an involved process. Generally speaking, it is a good idea to find qualified private counsel to assist you in this process. This may avoid the pain of extra expenses and many headaches.
- Additional information on starting a business can be found at

www.kansas.gov under "start a business."

- Make it a practice to purchase from companies with a proven track record for honest dealing. Look for the business' actual address on their solicitation materials and confirm the business' good standing with the Better Business Bureau. Don't do business with a company - at the front door, over the telephone, on the Internet, or anywhere - that won't give you their name, street address and telephone number
- Take the time to research the product or service that you intend to purchase. A lot of good consumer information is available online in public libraries, at bookstores and through merchant associations.
- Comparison shop prices. Don't assume all merchants charge about the same price for a product.

Editor's note: Attorney General Phill Kline offers this public service to help people avoid becoming a victim of consumer fraud. Although some of the details have been changed, the cases appearing in this column are based on actual complaints or questions. For information or to file a complaint, please write Attorney General Phill Kline, Consumer Protection Division, 120 SW 10th Ave., Topeka, Kansas 66612, or call the toll-free Consumer Hotline, 1-800-432-2310.

Service to non-English speaking patients could be tracked

KANSAS CITY (AP) — The national body that regulates most U.S. hospitals is considering revising its standards to specifically evaluate — and penalize — medical organizations based on how well they serve patients who aren't fluent in English.

More than 8 percent of Americans speak English less than "very well," according to U.S. Census

2000 figures. But often people who need medical interpreters the most can't access them, resulting in medical errors and harm to patients, according to a new report published in Thursday's New England Journal of Medicine.

"Our surveyors will begin to ask hospitals more questions about how are they providing language services," said Amy Wilson-Stronks,

the principal investigator on the standards study by the Joint Commission on Accreditation of Healthcare Organizations. "If there is a large population whose needs aren't being met, I could see there being ramifications in terms of accreditation."

Investigators are still analyzing data from the study, which surveyed 60 hospitals across the country

about how they addressed patients' cultural and linguistic needs.

But even if the standards change, the University of Kansas Medical Center would probably do just fine. The prestigious teaching hospital, which was just reaccredited this year, has a team of medical interpreters who speak everything from Spanish to Kori, a rare language from Sierra Leone.

Partner clinics within the hospital often use two telephone interpreter lines when seeing Medicaid managed care clients who don't speak English. The state picks up the tab for all such bills, said Luke Thompson, a spokesman for the Kansas Health Policy Authority.

See "HOSPITALS," page 6

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