

# Topeka hospital sued low-income single mom who qualified for free care

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- **Stormont Vail Healthcare is suing a low-income single mother for unpaid medical bills, who her attorneys say qualifies for free care.**
- **The hospital argues the patient is responsible for not knowing about or applying for its financial assistance program.**
- **Kansas Legal Services contends the hospital violates its own policy and federal requirements by not screening the patient for charity care.**
- **A judge has temporarily halted a wage garnishment order against the woman while the case proceeds.**

Stormont Vail Healthcare — by suing a low-income Topeka single mother for unpaid medical bills totaling about \$2,400 — violated its own financial assistance policy, which entitles her to free care, that woman's attorneys say.

Stormont Vail's suit targeting McDonald's Restaurant employee Mariana Villegas — who takes home about \$14,400 a year and wasn't screened by Stormont Vail to

determine if she was eligible for assistance — also goes against a federal requirement that nonprofit hospitals offer charity care to patients in her position, says Kansas Legal Services.

Matthew Keenan, executive director for KLS, said March 31 that Villegas's situation illustrates a problem that's widespread in Kansas, where nonprofit hospitals led by executives who are paid hefty salaries are suing to collect unpaid bills from low-income patients who actually qualify for free care.

Keenan raised questions about how many other low-income patients Stormont Vail has sued without telling them they're entitled to free care.

### **Stormont Vail blames defendant for not knowing about available help**

Villegas was personally responsible for her not knowing about and applying for the financial assistance program Stormont Vail offers, Stormont Vail said in a court document filed March 26 on its behalf by Topeka attorney Susan Mauch.

Villegas declined to receive a patient handbook, which tells about that program, Mauch wrote.

She added that Villegas didn't review her billing statements, which included a statement that said: "What if I cannot pay my bill? See Financial Assistance and payment options in back."

### **Here's what happened in court**

KLS attorney Mark C. Hegarty represented Villegas at a March 31 hearing in Shawnee County District Court that was held at the Stormont Vail Event Center's Ag Hall. Judge Pro Tem R.E. "Tuck" Duncan granted Hegarty's request that Duncan issue a stay Hegarty sought regarding a garnishment order issued in Stormont Vail's pending suit against Villegas.

Duncan said he needed to examine the documents involved before making a ruling regarding Hegarty's separate motion asking him to set aside a default judgment made Aug. 29 in Stormont Vail's favor.

Villegas didn't attend the March 31 hearing, where Duncan scheduled himself to hear oral arguments regarding Hegarty's motion at 1 p.m. April 14 in the Shawnee County Courthouse.



### **Here are the facts of the case**

Court records said the following about Stormont Vail's case against Villegas:

- Villegas, a single mother of two, has take-home pay of about \$1,200 a month, which would amount to \$14,400 a year.
- Stormont Vail filed a petition June 25 in Shawnee County District Court seeking \$2,401.17, including \$2,184.74 plus \$216.43 for medical debt allegedly owed by Villegas.
- KLS contends Villegas wasn't properly served. Summons papers were attached July 15 to the door of her mother's home in central Topeka, where Villegas said she hadn't lived since October 2023, although she still used the address for mail purposes.
- Because she was never served with the petition and summons, Villegas didn't know the case would be heard Aug. 29 by a district judge, who issued a default

judgment that day in favor of Stormont Vail.

- The court on Sept. 29 issued a garnishment order against Villegas.
- Villegas first learned about the suit when \$300 was garnished from her monthly take-home pay, which caused her significant financial hardship. She contacted KLS.
- Hegarty and KLS attorney Katie King asked in a motion filed Feb. 6 that the default judgment be set aside.
- Villegas on Feb. 13 sent an application for financial assistance to legal counsel representing Stormont Vail.
- Hegarty and King asked in a motion filed Feb. 18 for a stay of the garnishment order issued in the case.
- Stormont Vail responded to the Feb. 6 motion in a document filed March 26 saying Villegas was properly served and sharing its arguments as to why the judgment against her should stand. Those included its assertion that Villegas was personally responsible for her not knowing about the financial assistance program.

"Part of this work includes ensuring Stormont Vail Health is in complete compliance with all federal and state regulations," Bugg said. "Stormont Vail Health has had a strong and legally compliant financial assistance program for many years, through which it provides tens of millions of dollars every year in financial assistance."

### **Stormont Vail shares numbers patients can call to get financial help**

Stormont Vail's financial assistance program does ask patients to communicate with it regarding their financial condition and needs, Bugg said.

"Stormont Vail Health makes patients aware of its financial assistance program through a variety of sources, including but not limited to information at registration points in clinics and hospitals, on its website and in every patient statement sent to patients," she said.

Stormont Vail's goal is to "provide transparent and helpful financial information to make the billing process as clear as possible, and to help patients with financial concerns navigate payment options," Bugg said.

She said customer service representatives are available to share information about Stormont Vail's financial assistance program at (785) 354-1150 or (800) 637-4716 or

by email at [hospitalbillinghelp@stormontvail.org](mailto:hospitalbillinghelp@stormontvail.org).

Those who speak Spanish may call (833) 692-3054, Bugg said.

### **Effectiveness of wording Stormont Vail uses questioned**

Keenan questioned the effectiveness of the wording Stormont Vail uses to share information on billing statements about the availability of free care through its financial assistance program.

He said there's a very important difference between a bill that shares a statement that says "Need help paying your bill?" — which is similar to what Stormont Vail says — and one that says "You may be entitled to free care."

### **Attorney: Villegas meets charity write-off guidelines**

In their Feb. 6 motion, Hegarty and King said the IRS imposes various requirements upon Stormont Vail and other nonprofit hospitals, which they must satisfy to qualify for tax-exempt status. Those include a stipulation that such hospitals adopt a financial assistance policy, which must be "widely publicized," the motion said.

It said Stormont Vail's financial assistance policy, or FAP, states that uninsured patients "with annual incomes at or below 200% of the most recently published Federal Poverty Guidelines, and have non-liquid assets less than \$10,000, will receive a full (100%) charity write-off of balances due to emergency and other medically necessary services."

Villegas meets those guidelines, having non-liquid assets totaling less than \$10,000 and easily falling below 200% of the most recently published Federal Poverty Guidelines, which require a maximum income to qualify for 100% free care of \$54,640 for a family of three, Hegarty and King's motion said.

### **Attorneys say defendants won similar cases in Pratt County**

Hegarty and King's motion said Stormont Vail requires itself to "make reasonable efforts to presumptively determine if a patient is eligible for financial assistance."

Yet no one from Stormont Vail spoke to Villegas about financial aid before it sued her, it said.

Hegarty and King added that courts in Pratt County in south-central Kansas have set aside default judgments against Pratt Regional Medical Center patients in two lawsuits involving similar circumstances.

They indicated both those cases were filed in 2023.

### **Nonprofit hospitals pursue most Kansas medical debt-collection suits**

Most medical debt-collection suits in Kansas are prosecuted by the state's roughly 90 nonprofit hospitals, Keenan said in an article he wrote published that was last year on the website of the [Kansas Trial Lawyers Association](#).

Federal law places requirements upon those hospitals regarding their ability to sue and collect from "poor patients," the article said.

"Nevertheless, the suits continue unabated," it said.

### **Questions raised about why Stormont Vail is pursuing lawsuit**

Keenan said he wanted to ask Stormont Vail executives the following:

- Why is a nonprofit that [brings in annual revenue of almost \\$1 billion](#) suing a low-income mother of two who works at McDonald's for about \$2,000?
- Why is Stormont Vail, which was founded upon a commitment to provide charitable care to the poor, garnishing that woman's paycheck?
- How many of the 8,000 local residents Stormont Vail has sued in the past three years would have qualified for free care if they'd known they were entitled to it?

### **KLS leader: 'Jane Stormont would be appalled'**

In an interview following the March 31 hearing at Ag Hall, Keenan made reference to the donation Stormont Vail made in 2019 to [become the namesake of the former Kansas Expoentre](#), as well as the money donated by Topekan Jane Stormont in 1895 to found one of the two entities that in 1949 became Stormont Vail.

"Jane Stormont, in 1895, donated most of her estate to Stormont Vail to ensure that the poor in Topeka always had access to high-quality care," he said. "We're today standing in the shadow of an events center that they paid \$2 million to have named after them. And they're here forcing this woman to defend her paycheck for a \$2,000 judgment. Jane Stormont would be appalled to know this is happening today in this court."

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The infographic is split into two parts. On the left, a light blue box contains text: 'STEP I: ASK FOR THE FINANCIAL ASSISTANCE POLICY (FAP)' followed by a bulleted list: 'FAP explains' (with sub-points: 'Who qualifies', 'What help is available', 'How to apply') and 'Hospital MUST give FAP information to you for free'. Below this is a dark grey box with white text: 'Don't wait — ask as soon as you get a bill'. On the right, a photograph shows a person with curly hair in a wheelchair sitting at a desk, talking to a staff member behind a counter in a hospital setting.

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