

LEGAL EAGLE EYE NEWSLETTER

May 2006

For the Nursing Profession

Volume 14 Number 5

EMTALA: Intoxicated Patient Leaves AMA, Court Says Hospital Did Not Violate The Law.

An ambulance brought the patient to the hospital's emergency room after a prescription-drug overdose.

On admission to the E.R. he was disoriented, hallucinating and out of control, according to the US District Court for the Middle District of Florida.

Appropriate Medical Screening Necessary Stabilizing Treatment

The US Emergency Medical Treatment and Active Labor Act (EMTALA) requires a hospital, if it has an emergency department, to provide an appropriate medical screening examination, within its existing capabilities, to determine if the patient has an emergency medical condition.

If the medical screening examination indicates the patient in fact has an emergency medical condition, the hospital must furnish necessary stabilizing treatment for the emergency condition, within the hospital's existing capabilities.

The court ruled this patient got an appropriate medical screening examination and received substantial efforts to stabilize his medical condition.

His hospital care also fulfilled the common-law standard of care. That is, he had no grounds to sue the hospital or his caregivers for malpractice.



A hospital cannot force a patient who comes in as a emergency case to leave before the patient has been examined and stabilized.

However, a patient who wants to leave voluntarily against medical advice can and must be allowed to go.

What this patient did after he left is not the hospital's fault.

UNITED STATES DISTRICT COURT
FLORIDA
March 20, 2006

The emergency physician promptly evaluated his condition on arrival.

He was admitted to the hospital's intensive care unit (ICU).

In the ICU he was assigned one-to-one monitoring by a nurse.

His cardiac tracings, respiratory rate, O₂ saturation and blood pressure were watched closely by his nurse.

IV fluids were started.

Stat lab work was done, that is, toxicology screening and various blood work including metabolic and chemistry panels and a chest x-ray.

There was also a nursing assessment of his risk for pressure sores.

Appropriate Transfer

The EMTALA also says that an unstabilized patient cannot be sent home or to another facility unless the circumstances of the patient's leaving the hospital meet the Act's rigorous legal test for an appropriate transfer.

In this case the patient asked to make a phone call. His nurse disconnected his monitors and IV so he could do so. He called someone to come right away and pick him up. The court ruled he left of his own free will against medical advice. What he did thereafter to get himself arrested, while apparently still under the influence, was not the hospital's fault. **Johnson v. Health Central Hosp., 2006 WL 709320 (M.D. Fla., March 20, 2006).**

Inside this month's issue ...

May 2006

New Subscriptions

See Page 3

**EMTALA/Patient Leaves Against Medical Advice - Illegal Restraints
Unsanitary Wound Care/Immediate Jeopardy/Civil Monetary Penalty
Patient Falls/Nursing Leadership/Seat Alarm - Psych Patient Abused
Unexplained Wrist Fracture/Nursing Documentation - Stillborn Fetus
Whistleblower/Abuse Reporting - Post-Surgical Ambulation/Fall
Epilepsy/Airway/Post-Ictal Care - IV Technique - Healthcare Fraud
Nurse Practitioners/Physicians Assistants/Overtime Pay
Nurse Practitioners/Physicians Assistants/Equal Pay Act Lawsuit**