

LEGAL EAGLE EYE NEWSLETTER

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EMTALA: E.R. Nurses, Physicians Provided Patient With Appropriate Medical Screening.

Weeks after a visit to the emergency department the patient sued the hospital for violation of the US Emergency Medical Treatment and Active Labor Act (EMTALA).

The US District Court for the District of New Jersey dismissed the case.

Facts of the Case

The patient arrived at 10:32 p.m. and was seen by a triage nurse fourteen minutes later. The nurse's triage note indicated he presented for evaluation of rectal bleeding which had started a week earlier. Although a bed was not available at the time he was nevertheless admitted to the E.R. with an ESI Level 3 acuity designation.

Three minutes after triage, seventeen minutes after arrival, a second nurse took his vital signs, obtained a list of his current medications and completed a head-to-toe assessment, all of which took six minutes.

More than two hours after arrival the same nurse saw that the patient was leaving without having been seen by the physician. She asked him why.

Twenty four minutes later the patient was back and yet another triage nurse took his vital signs again. She recorded complaints of severe hemorrhoid pain and knee pain from a recent injury. A knee x-ray was obtained a half hour later and showed no fracture.



The patient was seen a total of nine times by at least two nurses and two physicians.

The records reflect consistent attention to his complaints as well as assessment and treatment of his problems.

The hospital's emergency screening procedures were applied to him uniformly as required by the EMTALA.

UNITED STATES DISTRICT COURT
NEW JERSEY
September 11, 2014

The E.R. physician saw him at 3:26 a.m. His exam revealed a peri-anal abscess. The area was cleansed with saline and pain medication and antibiotics were prescribed. The patient was discharged in stable condition at 7:03 a.m.

EMTALA Requirements

The EMTALA gives legal rights to individuals who present for emergency treatment at a hospital with an emergency department.

The hospital must provide an appropriate medical screening to determine whether an emergency medical condition exists.

An appropriate medical screening for a particular patient for purposes of the EMTALA is the standard screening the hospital provides to every other patient with the same presenting signs and symptoms.

If an emergency medical condition is determined to exist, the hospital must provide necessary stabilizing treatment before discharging the patient, or follow stringent EMTALA guidelines for transferring the patient to another medical facility for stabilizing treatment.

The Court found no evidence this patient was treated any differently than any other patient would be treated in this E.R. with similar complaints.

McCann v. Kennedy Univ. Hosp., 2014 WL 4541534 (D. N.J., September 11, 2014).

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