

## Emergency Medical Treatment And Active Labor Act (EMTALA): Emergency-Room Patients With Non-Emergency Conditions Are Covered, Court Rules.

Editor's note: This case has been overruled by HCFA regulations.

## Patient Discharge: No Need To Notify Family After Patient Has Been Abandoned.

**A**n adult, mildly retarded, chronic schizophrenic patient was discharged from a state-operated, locked facility on his psychiatrist's recommendation, and placed in a group home. He wandered away from the group home in late November. He was found dead from exposure ten days later.

Although the patient had stated he wished to be discharged from the locked facility to his parent's home, his parents were not willing to take him back, apparently because of the bizarre, delusional behavior which had resulted in his going to the locked facility in the first place for a three-month stint.

After his discharge to the group home, his elopement from the group home and his death, the parents filed suit against the state over the way their son was discharged. The Court of Claims of Ohio ruled against the parents.

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***After a patient has been abandoned by his or her family, there is no requirement that a healthcare facility notify the family of the patient's discharge or accept responsibility for the consequences of not placing the patient with the family.***

COURT OF CLAIMS OF OHIO, 1996.

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There was no error in professional judgment in getting this patient out of a restrictive locked facility and into a group home, even though he later eloped.

There was no negligence in not notifying the parents of their son's new placement. The parents had refused to accept him into their home, they had, in essence, abandoned the patient, the court ruled. **Michael vs. Woodside Receiving Hospital**, 669 N.E. 2d 581 (Ohio Ct. Cl., 1996).