

LEGAL EAGLE EYE NEWSLETTER

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Emergency Department: Nurses Did Not Take Vital Signs, Court Sees EMTALA Violation.

A pregnant woman came to the hospital's emergency department at thirty-seven weeks with vaginal bleeding and pelvic pain.

Months earlier her gynecologist had admitted her to the hospital but the patient soon had to be transferred to a facility better able to care for her complex blood coagulation disorder.

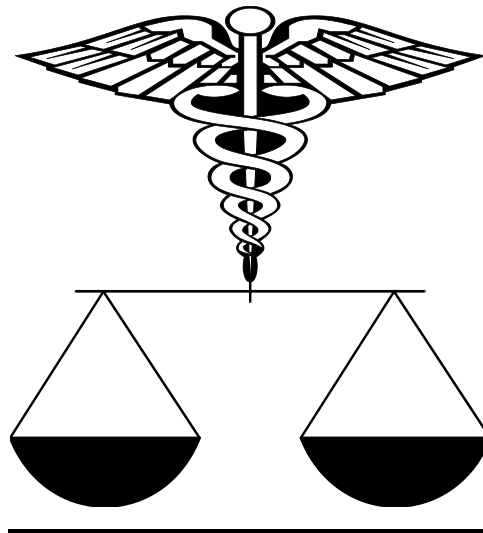
This time she spent only ninety minutes in the first hospital's emergency department before being transferred again to the other hospital. The first hospital has an ob/gyn department and delivery rooms, but no blood bank.

For her brief stay the patient sued the first hospital alleging violations of the US Emergency Medical Treatment and Active Labor Act (EMTALA).

The patient claimed the hospital's emergency department nurses did not follow the hospital's standard emergency medical screening protocols, in that the nurses did not take her vital signs every time they performed an intervention for her.

The patient's lawsuit also claimed she was inappropriately transferred to the second facility.

The US District Court for the District of Puerto Rico ruled the hospital's nurses did violate the EMTALA by failing to take vital signs, but her transfer was appropriate and legal.



The US Emergency Medical Treatment and Active Labor Act (EMTALA) requires the hospital's standard emergency screening procedures be followed with every patient in the emergency department.

The law does not set the standard of care. It requires that every emergency patient get the same care as others.

UNITED STATES DISTRICT COURT
PUERTO RICO
September 13, 2016

The Court pointed to nursing progress notes for 2:15, 2:30 and 2:57 a.m. which documented interactions between the nurses and the patient, but no vital signs were taken as required by the hospital's emergency screening protocols.

The physician saw the patient at 2:30 a.m. and did not take vital signs.

It also came to light in the court case that only fifty minutes of fetal monitor tracings could be located. That tended to show that the patient was not on continuous fetal monitoring as required by the hospital's emergency screening protocol for every pregnant emergency patient past twenty weeks.

The EMTALA does not require vital signs to be taken or define any particular standard of care for screening or stabilizing cases seen in a hospital's emergency department.

The EMTALA does require that every emergency patient be given the same emergency medical screening, as the hospital has defined it, for the same presenting signs and symptoms.

Originally the EMTALA was enacted to outlaw disparate emergency treatment of the indigent and uninsured. Now the EMALA applies to all emergency department patients without regard to their financial status. **Morales-Ramos v. Hospital**, 2016 WL 4766235 (D. Puerto Rico, September 13, 2016).

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