Emergency Room: Hospital Admitted The Patient For Care, EMTALA No Longer Applies.

he patient came to the hospital's emergency department ready to deliver her third child.

She had been diagnosed with preeclampsia with her second pregnancy and this time the E.R. diagnoses included preeclampsia, eclampsia and HELLP syndrome.

The E.R. physician admitted her to the hospital and wanted to send her to the ICU. but the ICU was full. She was not transferred to another hospital with available ICU capability. The patient died in the hospital shortly after giving birth.

The US District Court for the Northern District of California went over the complicated regulations that apply to emerlized patients from a hospital's emergency section. department other hospitals.

patient has been admitted as an inpatient.

Current EMTALA Regulations Medical Screening / Stabilization

Congress passed the Emergency Medi-(EMTALA) to prohibit hospital emergency tion ends. (Emphasis added.) rooms from refusing to treat indigent and uninsured patients or transferring patients to other hospitals without first stabilizing their conditions.

When an individual requests treatment vidual unless in a hospital emergency department, the available ancillary services routinely avail- transfer to another facility; and able to the emergency department, to detercondition exists.

If the hospital determines that the indition, the hospital must provide either -

medical examination and such treatment as effecting the transfer, or may be required to stabilize the medical condition, or

After a hospital admits an E.R. patient as an inpatient in good faith for treatment, the complex requirements of the US Emergency Medical Treatment and Active Labor Act no longer apply to decisions made regarding the patient's care.

UNITED STATES DISTRICT COURT **CALIFORNIA** October 10, 2012

(B) For appropriate transfer of the gency medical screening, medical stabili- individual to another medical facility in sends to the receiving hospital all medical zation and appropriate transfers of unstabi- accordance with the requirements of this records relating to the emergency condition

A hospital stabilizes a patient by propoint out that 2003 amendments now in-tient's condition is not likely to materially tion equipment, including life support. corporated into the regulations state that deteriorate during or as a result of transfer by delivering the child.

as an inpatient for further treatment, gency medical condition, the hospital cal Treatment and Active Labor Act the hospital's obligation under this sec-

Current EMTALA Regulations Appropriate Transfer

The hospital may not transfer the indi-

- (A)(1) The individual (or a legally EMTALA requires the hospital to provide responsible person acting on the individfor an appropriate medical screening ex- ual's behalf) after being informed of the amination within the capability of the hos- hospital's obligations under this section later develops that the individual can be pital's emergency department, including and the risks of transfer, in writing requests
- (ii) A physician has signed a certificamine whether or not an emergency medical tion that based on the information available at the time of the transfer, the medical benefits reasonably expected from the providual has an emergency medical condi- vision of appropriate medical treatment at did the very best it could under the circumanother medical facility outweigh the in- stances by admitting the patient in good (A) Within the staff and facilities creased risks to the individual, and in the faith as an inpatient and trying to care for available at the hospital, for such further case of labor, to the unborn child from her within its existing capabilities available

- (iii) If a physician is not present in the emergency department at the time of transfer, a qualified medical person such as a nurse has signed a certification after a physician in consultation with the qualified medical person has made the determination described above and subsequently countersigns the certification.
- (B) The transfer is an appropriate transfer in which the receiving facility
- (i) Has space available and qualified personnel for the treatment of the individual, and
- (ii) Has agreed to accept transfer of the individual and to provide appropriate medical treatment.
- (C) In which the transferring hospital and the informed consent.
- (D) In which the transfer is effected The Court did that, however, only to viding sufficient treatment that the pa- through qualified personnel and transporta-

If a hospital has screened an indithe regulations no longer apply once the or, where the emergency medical condition vidual and found the individual to have is a pregnant woman having contractions, an emergency medical condition, and admits that individual as an inpatient in If the hospital admits the individual good faith in order to stabilize the emerhas satisfied its special responsibilities under this section with respect to the **individual.** (Emphasis added.)

> The important but somewhat circular definition of the term "inpatient" is an individual who is admitted to a hospital for bed occupancy for purposes of receiving inpatient hospital services with the expectation that he or she will remain at least overnight and occupy a bed even though the situation discharged or transferred to another hospital and does not actually use a hospital bed overnight.

No EMTALA Violation Found **Lawsuit Dismissed**

According to the Court, this hospital on the day in question. Lopez v. Contra Costa Reg. Med. Ctr., 2012 WL 4845610 (N.D. Cal., October 10, 2012).