

Emergency Room: Patient Disagreed With Treatment Plan, Court Sees No Liability.

The patient had to register as a self-pay patient because he had used up all of his Medicaid medical coupons.

The E.R. nurse practitioner refused the patient's request for the antibiotic of his choice because he did not show any signs or symptoms of a bacterial infection.

Instead, after consulting with the E.R. physician the nurse practitioner did offer to prescribe a non-narcotic analgesic for the patient.

A verbal confrontation erupted. The patient was told he would have to leave the E.R. or the police would be called.

The patient sued the hospital claiming he was denied necessary emergency treatment based on his lack of medical insurance and inability to pay.

The nurse practitioner in the E.R. would not prescribe the antibiotic that the patient requested because the patient was not running a fever and had no other signs or symptoms of a bacterial infection.

UNITED STATES DISTRICT COURT
MISSISSIPPI
October 4, 2010

The US District Court for the Southern District of Mississippi ruled the nurse practitioner did not violate the US Emergency Medical Treatment and Active Labor Act (EMTALA).

The Act requires every emergency room patient to be screened and treated the same as every other emergency patient with the same signs and symptoms, which was done in this case.

The Act does not give the patient permission to dictate a plan of care which is not appropriate, whether or not the patient has medical insurance or private funds.

Buras v. Highland Community Hosp., 2010 WL 3937631 (S.D. Miss., October 4, 2010).