

# Emergency Medical Treatment And Active Labor Act (EMTALA): Hospital's Nurses Provided Appropriate Medical Screening, But Did Not Stabilize The Patient Before Sending Her Home.

The patient phoned the hospital's emergency room and spoke with an emergency room nurse, then came in in person. She was pregnant and had abdominal pain radiating around to her back.

The nurses took various measures in the emergency room and sent her home. In fact, the patient was having placental abruption.

The patient delivered a stillborn infant. She sued the hospital for violation of the US Emergency Medical Treatment and Active Labor Act (EMTALA) and for medical malpractice under common law principles.

## Appropriate Medical Screening Examination

The US District Court for the Middle District of Florida ruled the hospital's nurses provided the patient with an appropriate medical screening examination as required by the EMTALA. Although the nurses failed to detect the true nature of her condition, they did give the patient the same basic screening measures any other patient would receive for the same presenting signs and symptoms.

## Necessary Stabilizing Treatment

The court seriously questioned whether the nurses provided necessary stabilizing treatment even if their assessment of a urinary tract infection was correct.

The court did not rule the nurses violated the EMTALA, but bound the case over for a civil jury trial on the issue.

## EMTALA Liability / Nurses

The EMTALA gives a patient or the family of a deceased patient the right to file a civil lawsuit. Most cases are filed in Federal court.

Hospitals and physicians are the only permissible defendants in an EMTALA lawsuit. The EMTALA does not allow nurses to be sued, although hospitals can be sued under the EMTALA for the errors and omissions of emergency room nurses.

***The EMTALA requires a hospital to provide an appropriate medical screening examination to any person needing emergency medical treatment, assuming the hospital participates in Medicare and has an emergency department.***

***The courts interpret the word "appropriate" to mean each person who comes to an emergency room must get the same screening examination as any other person with the same presenting signs and symptoms, no more, no less.***

***Necessary stabilizing treatment is also mandated by EMTALA in every case where the medical screening examination reveals to the hospital's first-response personnel that the person has an emergency medical condition.***

***Necessary stabilizing treatment is mandatory before the patient can be transferred to another facility or sent home, unless the hospital lacks the full ability to treat the condition and transfer would in fact benefit the patient.***

UNITED STATES DISTRICT COURT,  
FLORIDA , 2000.

## Professional Malpractice

Professional malpractice is not relevant in an EMTALA lawsuit. Even if the screening, assessment and treatment were negligent by standards of professional malpractice, there is no EMTALA violation as long as the patient receives the same screening as any other patient with the same signs and symptoms and is given standard treatment based on the results of the screening to the point where the patient appears stabilized.

However, as in this case, the patient's lawyers will often add allegations of common-law professional malpractice in the lawsuit to supplement the allegations of EMTALA violation.

## The Facts of This Case

The patient phoned the hospital at 10:00 p.m. and spoke with a registered nurse in the emergency room. She said she was pregnant and was having pain in her lower abdomen and back and felt like she was in labor.

The nurse told her she had a urinary tract infection and should come in when her contractions were regular to receive medication for the infection.

The patient came in to the emergency room at 2:40 a.m. and saw the same nurse to whom she had spoken on the phone. The patient complained of pain in her lower abdomen that radiated around to her back and said she was unable to urinate.

There was disputed testimony at this point. The patient said she could not urinate, but one nurse said they got a urine sample. The other emergency room nurse said the patient said she was urinating frequently. The patient also said when she tried to give a urine sample she noticed she was bleeding and told the nurses, but the nurses denied that.

The nurses did a vaginal exam, took her vital signs, got a urine sample, they said, and tried to attach a fetal monitor.

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