

Emergency Room: Court Questions The Existence Of A Medical Emergency.

The patient's story was that she went outdoors partially clothed first thing in the morning to get her overnight bag from her car parked at an acquaintance's apartment complex following a late-night party where alcohol and drugs were consumed, only to realize she had forgotten her car keys and could not remember exactly which apartment she had come out of.

A police car spotted her and stopped to investigate. She gave a false name and was unable or unwilling to supply proof of who she was, where she lived or what she was doing, so she was taken to the hospital for a mental health evaluation.

At the hospital she was evasive about identifying herself or supplying a relative's name. Her anger and her caregivers' impatience escalated to combativeness that led to her being disrobed by a male nurse and a security guard, placed in four-point restraints and forcibly catheterized without being asked to give a sample voluntarily.

The hospital can point to nothing in the medical chart to justify forced stripping, catheterization and deployment of restraints.

COURT OF APPEALS OF KENTUCKY
December 19, 2008

On grounds of jury confusion, the Court of Appeals of Kentucky threw out a jury verdict in favor of the hospital and ordered a new trial.

The court saw no justification in the medical records, from the mere fact the patient could not corroborate her story, for hospital personnel to believe a medical emergency existed at the onset of the behavioral escalation that resulted basically in an assault and battery upon the patient.

Straub v. St. Luke Hosp., 2008 WL 5264284 (Ky. App., December 19, 2008).