

# Blood, Urine Taken In E.R.: Court Reviews Definition Of Medical Emergency.

The police stopped an individual driving five miles per hour on the wrong side of the road at 2:45 a.m. Her breathalyzer was negative so they took her to the emergency room.

She was verbally abusive to staff, could not walk straight, was intermittently alert and drowsy and had slurred speech. She had with her a prescription bottle, in another person's name, for twenty Soma pills. It had been filled the previous day but only seven pills remained.

A drug overdose was strongly suspected. The physician ordered the E.R. nurses to draw blood, to catheterize her forcibly for urine and to give Narcan and activated charcoal, all without express consent from the patient and against her expressed wishes.

## **Court Reviews Definition of a Medical Emergency**

Only in a medical emergency can a patient be treated without express consent, the Appellate Court of Illinois pointed out.

A caregiver is not required to obtain consent to treatment if the treatment is necessary immediately to protect the patient's health and it is impossible or impractical to obtain consent from the patient or from a family member or other individual authorized by law to consent to treatment on a patient's behalf.

By definition, it is not possible to obtain consent from a patient when the patient is mentally incompetent to make medical decisions, as in this case.

The legal sticking point, still undecided in this case, is whether there was time to hold and observe the patient in the E.R. while a family member was contacted for consent to treatment. **Allen v. Rockford Health Systems, Inc.**, \_\_ N.E. 2d \_\_, 2006 WL 1195525 (Ill. App., May 2, 2006).