

EMTALA: Nurses Did Not Violate The Law.

The US Emergency Medical Treatment and Active Labor Act (EMTALA) makes it unlawful for a hospital which has an emergency department to refuse to give an appropriate medical screening examination and necessary stabilizing treatment to any individual who comes to the emergency department seeking emergency care.

A motorcycle accident victim was brought to a hospital's E.R. with degloving injuries to a lower extremity. The hospital did not have a plastic surgeon on call and the only one who could be reached had had his hospital privileges revoked.

A family member of the victim, who was a nursing supervisor at another hospital, called a third hospital's E.R. The E.R. nurse on duty there called a plastic surgeon with privileges there, but he refused to treat the patient because the patient was already being treated.

Nurse Refused to Promise Admission No EMTALA Violation

The E.R. nurse, after calling her unit director at home, refused to promise to admit the patient, having no authority to override a staff physician's decision.

The E.R. nurse reportedly did tell the family member that the patient would be handled the same as any other emergency case if she were brought to the hospital.

The Court of Appeals of Arkansas ruled that the hospital where the staff physician and E.R. nurses would not promise to admit the patient did not violate the US EMTALA.

No Specialized Capabilities Hospital Has No Obligation To Accept Transfer of Patient

The court noted in passing that a hospital with specialized medical capability pertinent to the particular patient's needs, e.g. a burn unit, shock unit or neonatal intensive care unit, does have an obligation under the EMTALA to accept and admit a patient transfer from the E.R. at a hospital that lacks such specialized capability, but that was not the situation here. **Thompson v. Sparks Regional Medical Center**, __ S.W. 3d __, 2009 WL 700644 (Ark. App., March 18, 2009).