

## **EMTALA: Patient Was Screened, Left AMA, No Violation Found.**

The police took the patient into custody and called paramedics. The patient was belligerent, uncooperative and possibly intoxicated.

The police had the paramedics transport him to the nearest hospital to be checked medically, even though the patient himself voiced no medical complaints.

At the hospital the E.R. nurses took his vitals, temp 98, respirations 20, B/P 139/94 and O<sub>2</sub> sat 99% and noted he was uncooperative and combative. The E.R. physician saw him, obtained the same vital signs, noted that he had been drinking and had a possible history of alcoholism but was alert, awake, ambulatory and in no acute distress. The patient stated he did not want further evaluation or treatment and left against medical advice.

There was no indication the police had completed paperwork for an involuntary mental health hold.

Hours later the patient was taken by ambulance from a restaurant to a hospital where he was diagnosed with severe anemia and treated with five pints of blood.

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***There is no evidence the hospital departed from the standard of care or caused the patient any harm.***

CALIFORNIA COURT OF APPEAL  
July 30, 2010

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The California Court of Appeal ruled the evidence was completely lacking that the nursing or medical personnel in the first hospital's E.R. departed from the accepted standard of care or violated the US Emergency Medical Treatment and Active Labor Act (EMTALA), despite the fact that 20/20 hindsight revealed that the patient was likely suffering from a serious medical condition at the time.

The hospital performed an appropriate medical screening and had no authority to hold him after he decided he wanted to leave. ***Donegan v. CFHS Holdings, Inc., 2010 WL 2978631 (Cal. App., July 30, 2010).***