

Emergency Room: Court Finds EMTALA Violation.

The thirty-nine year-old patient came to the emergency room with abdominal pain, nausea and vomiting and said he had been constipated for four days.

He was given pain medication, an enema and manual disimpaction of his colon, but no lab tests or x-rays were done.

He was sent away in an ambulance at 12:40 a.m. The ambulance drove around to several relatives' homes who all refused to take him, returned him to the E.R. and then transported him to a nearby bed and breakfast. The bed and breakfast called 911 at 5:25 a.m. the same morning because he was vomiting blood. The same hospital discharged him again at 12:15 p.m.

The patient died that afternoon at a relative's home from purulent peritonitis caused by rupture of a duodenal ulcer.

The hospital chart itself showed that the patient was in severe pain and was vomiting blood. His respiration rate, hematocrit and white blood cell count were high and his red cell count and lymph percentage and urine output were low.

The patient was not stable at the time of discharge.

COURT OF APPEALS OF KENTUCKY

July 16, 2010

The Court of Appeals of Kentucky saw grounds for a lawsuit against the hospital by the family for violation of the US Emergency Medical Treatment and Active Labor Act (EMTALA).

The patient was discharged from the hospital in medically unstable condition which posed serious jeopardy to his health. The hospital had a legal responsibility to provide an appropriate medical screening and necessary stabilizing treatment, but failed to do so. ***Thomas v. St. Joseph Healthcare***, __ S.W. 3d __, 2010 WL 2812967 (Ky. App., July 16, 2010).