

Emergency Room: Assessment Ruled Adequate, No Liability Found.

The patient, himself a registered nurse, was taken to the hospital by ambulance after he was struck by a car and knocked unconscious as he was crossing the street.

The nurses and the physician in the E.R. did thorough exams.

There was no evidence of a skull fracture.

He was kept under observation for one and one half hours during which time there was no change in his condition that would indicate a closed head injury.

When a head CT was suggested the patient left against medical advice.

SUPERIOR COURT
LOS ANGELES COUNTY, CALIFORNIA
February 14, 2010

The patient left against medical advice around 4:00 a.m. after spending two hours in the E.R.

At 8:30 a.m. he was returned to the hospital by ambulance. He had a skull fracture and had been bleeding into his brain. He was pronounced dead a half hour later.

The jury in the Superior Court, Los Angeles County, California found no liability by the hospital. Experts in emergency medicine testified that a thorough nursing assessment and medical exam were done. The patient was not impaired by intoxication, so it was not inappropriate not to allow him to make his own decision to leave the hospital against medical advice after being advised to stay for a CT scan.

It was also plausible that the fatal injury did not actually occur until after he left the E.R. ***Germany v. Cedars-Sinai Med. Ctr., 2010 WL 3625185 (Sup. Ct. Los Angeles Co., California, February 14, 2010).***