

LITIGATION ALERT

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EMTALA: Interpretation of “comes to” Emergency Room Extended Beyond a Hospital’s Premises Under Certain Circumstances

The U.S. Court of Appeals for the First Circuit recently held, for the first time, that a hospital may be liable under the Emergency Treatment and Active Labor Act (“EMTALA”) even though a patient is not physically in the hospital premises, but en route to the hospital’s emergency room. Morales v. Sociedad Española de Auxilio Mutuo, 524 F.3d 54 (1st Cir. 2008).

In Morales, the patient’s obstetrician diagnosed her as having a nonviable ectopic pregnancy. Two days later, while at work, the patient experienced severe abdominal pain accompanied by vomiting. Paramedics arrived and placed the patient in an ambulance en route to a hospital’s emergency room. While in transit, the paramedics called the hospital’s emergency room director regarding the patient’s delicate condition. The director answered that he was very busy and asked the paramedics to call again. When they did, the director inquired about the patient’s medical coverage, but the paramedics were unable to provide him with an answer. The director then abruptly terminated the call. The paramedics construed such action as a refusal to treat the patient and took the patient to another hospital. The patient then sued the hospital under EMTALA. The District Court dismissed the action because the patient had never set foot in the hospital, thus not triggering an EMTALA violation. The patient appealed.

The First Circuit reversed the District Court’s summary dismissal of the case. After analyzing the statute and the regulations promulgated by the Secretary of Health and Human Services, the First Circuit held that, in order to prevent hospitals from refusing to treat patients without health insurance patients, the most sensible interpretation of EMTALA was to protect patients who were en route to a hospital’s emergency room. Accordingly, if a hospital is not in a diversionary status (that is, does not have the staff or facilities to accept any additional emergency patients), it must accept a patient who is en route to its emergency room and it must comply with the screening and stabilization requirements of EMTALA.

If you have any questions or comments, or wish additional information regarding this matter, please contact Francisco G. Bruno, Director of our Litigation Practice Group at (787) 250-5608 or fgb@mcvpr.com. The contact information of our Litigation Practice Group attorneys is available at our website: www.mcvpr.com.

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