

Health Law: Quality & Liability

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EMTALA: Enforcement
with lawsuits



Kaufman

v.

Franz



Patient arrive at hospital

Not already inpatient, outpatient

Screen for EMC?

Screened in standard way for presented symptoms?

EMC identified?

EMC stabilized?

Transferred per certification?



Very common procedural
posture in EMTALA

DEF wants summary
judgment



Summary judgment
denied

Material question of
fact in dispute



Did ED staff **know**
this patient
presented with
chest pain



If knew of chest pain →
disparate screening

If not know of chest pain →
no disparate screening



What about a **stabilization**
claim?

Patient really **did have** an EMC

The hospital discharged patient
without stabilizing EMC



Kaufman v Franz

illustrates a general
rule on screening
duty



Duty to screen
based on symptoms
& complaints
actually aware of



This rule parallels a
similar one on
stabilization duty



Duty to stabilize
only those EMCs
actually aware of
from screening





**STAY
STUPID,
YOU'LL
BE
HAPPIER**



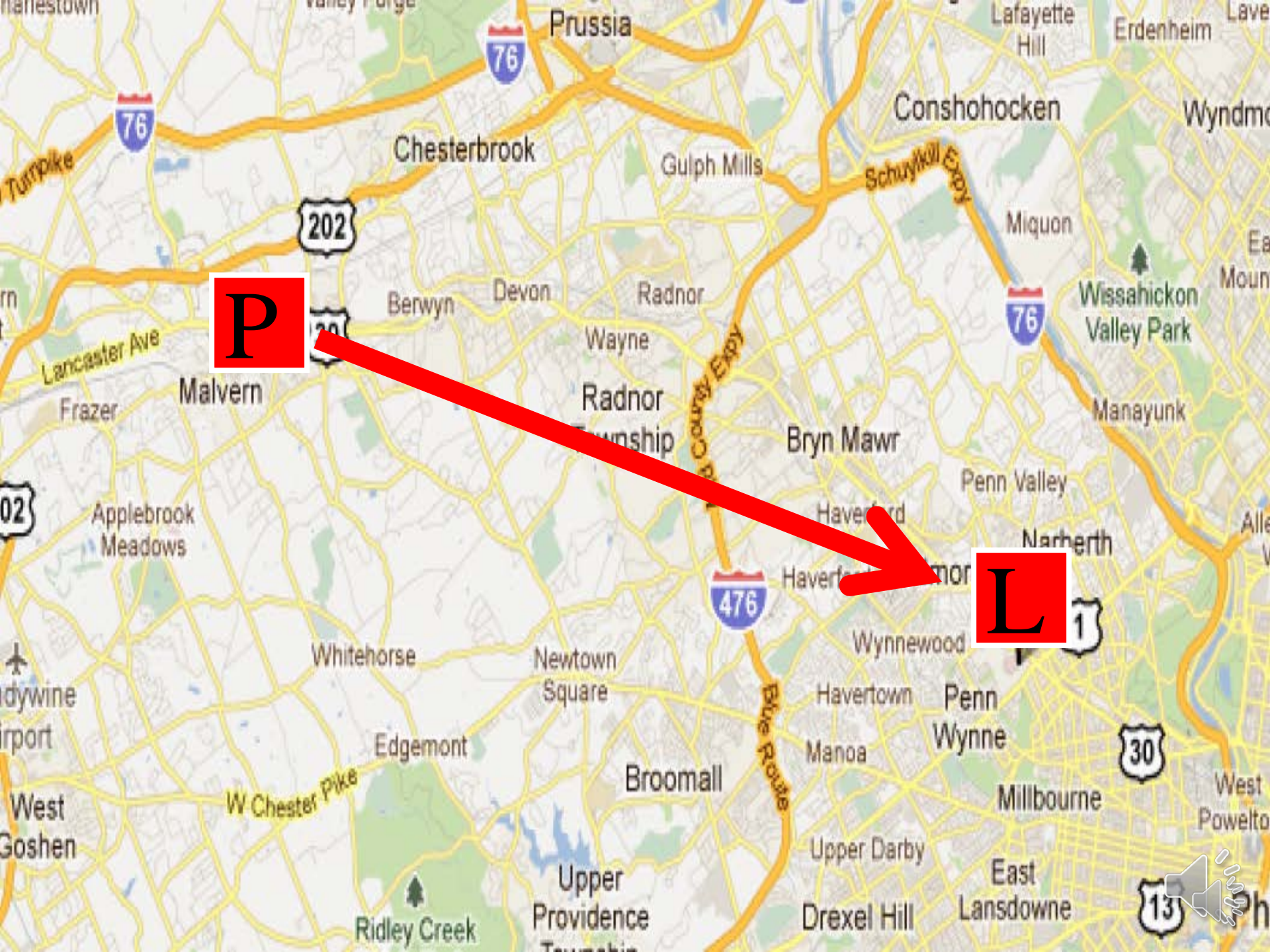
Torretti

v.

Main Line

Hosp.





P

L

Patient arrive at hospital
(not already inpatient, outpatient)?

Screen for EMC?

Screened in standard way for
presented symptoms?

EMC identified?

EMC stabilized?

Transferred per certification?



Procedural history

E.D. Pa. grants summary
judgment to Hospital

3d Cir. affirms



Contrast the
Torettis with
the Manloves

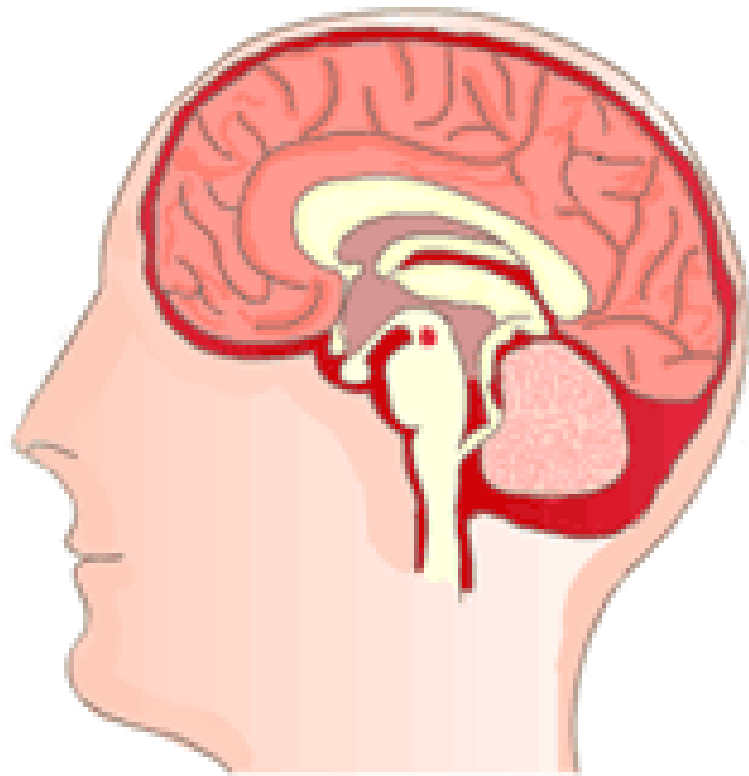


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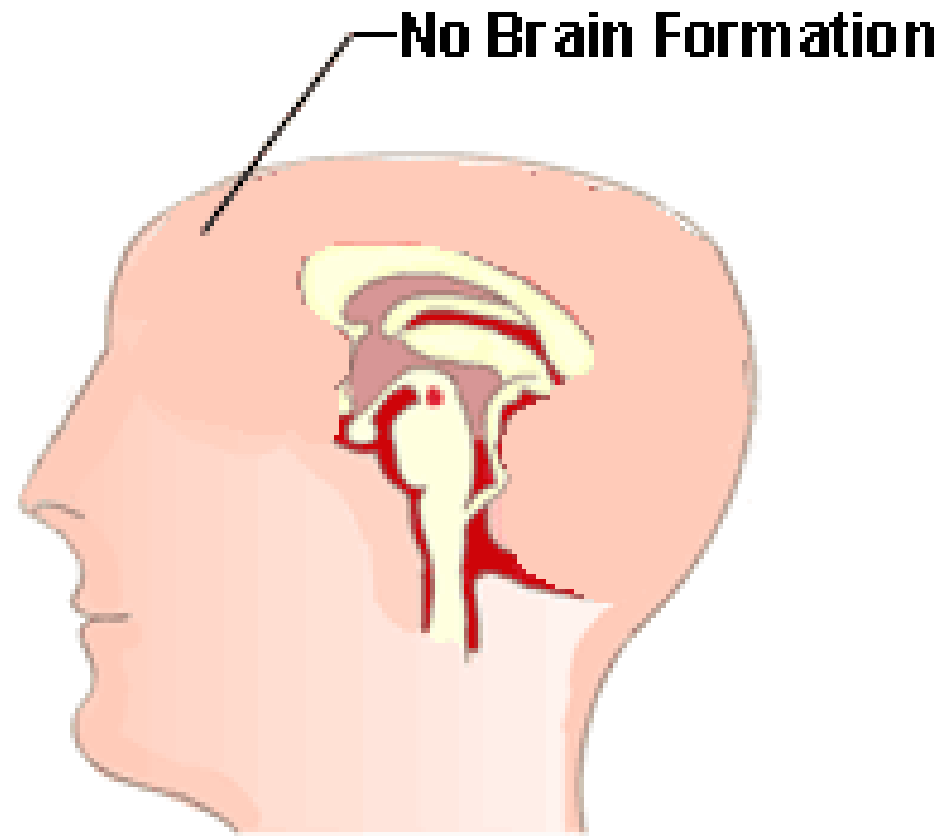
Baby K



Normal



Anencephaly



EMTALA requires provider to enter into treatment relationship

Existence of treatment relationship gives rise to tort duties

But refusing to treat Baby K would not be a tort under Virginia law



What if hospital admits patient
and then refuses requested
treatment

Why didn't Fairfax hospital just
admit Baby K, and then
refuse to treat

