

3rd Circuit

CASE	YR	RESLT	?	?	FACTS	HOLDING	REASONING
<i>Doe v. Montgomery Hosp.</i> , 1996 WL 745524, 7 A.D. Cases 121, E.D.Pa.	1996	? prevails	John Doe affected with HIV virus.	Hospital and nurses.	Pt's med. history taken in curtained area, other patients. may have overheard, chart said "HIV+" in large letters, nurse attended in mask and gloves, priest prayed over bed w/o consent, treated, discharged, returned with complaints, released, and recovered fully	? failed to allege that ? departed from standard screening procedure which is required element of EMTALA claim	No evidence that patient. suffered from an emergent medical condition or received inadequate or inappropriate screening, not transferred or discharged prior to treatment
<i>Mose v. U.S. Health Care Systems of Pennsylvania, Inc.</i> , 1996 WL 397465 E.D.Pa.	1996	Conceded EMTALA not issue	N/A	N/A	N/A	N/A	N/A
<i>Evans v. Montgomery Hosp. Medical Center</i> , 1996 WL 221526 E.D.Pa.	1996	? prevails	Administratrix of estate of male decedent.	Hospital.	Police brought decedent to ER b/c driving erratically to perform blood alcohol test then took decedent to jail. Found unresponsive in cell the next morning, returned to hospital where died of cerebral hypoxia. Decedent signed consent form but was unable to sit up w/o assistance.	Decedent's actions in signing the consent form constitute a request for treatment. ? also asserts failure to properly screen and stabilize which are requisite elements of an EMTALA claim.	In order to assert an EMTALA claim, a patient must present to the hospital and request treatment. Though the pt. was brought to the ER by the police, he signed a consent form and was unable to sit up w/o assistance from hospital personnel which constitutes a request for treatment.
<i>Slabik v. Sorrentino</i> , 82 F.3d 406 (Pa.)	1995	? prevails	Female patient/?.	Hospital.	Patient. discharged from ER without follow up instructions, pt's appendix ruptured.	Once hospital found no emergent medical condition existed, EMTALA duties did not extend further such that it did not violate EMTALA .	Appropriateness of screening not determined by adequacy in identifying condition; once emergent medical condition found not to exist, EMTALA duties cease.
<i>Moore v. John F. Kennedy Memorial Hosp.</i>	1994	? prevails	Decedent's spouse, administrator of decedent's estate, guardian of estates	Hospital and physician.	Decedent arrived at ER with chest pains considered an emergent medical condition, treated and discharged, suffered fatal heart attack	?s state EMTALA claim because allege screening failed to conform to hospital standards and ? failed to stabilize prior to discharge	To state an EMTALA claim, ? must allege pt presented with emergent medical condition and that hospital failed adequately to screen for condition or released patient before condition had been stabilized.

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			of 2 children. Male decedent.				
<i>Butler v. Medical Center of Delaware, Inc.</i>	1993	N/A	Female Medicaid patient/?.	Hospital.	N/A. Negligence claim.	N/A.	EMTALA mentioned as limited exception to general rule that private hospital under no duty to admit or treat patient.
<i>In re University Medical Center 973 F.2d 1065 (Pa.)</i>	1992	N/A	N/A	N/A	N/A	N/A	Bankruptcy court. EMTALA mentioned in dicta.
<i>Daniels v. Wills Eye Hosp.</i> , 1992 WL 103009 E.D.Pa.	1992	? prevails	Male patient/?.	Hospital.	? alleged he went to see physician in “room on the second floor” of the hospital	? failed to allege requisite EMTALA claim that he presented to ER	To maintain an EMTALA claim, ? must allege that he went to the ? hospital’s ER with an emergent medical condition.
<i>Bryant v. Riddle Memorial Hosp.</i> , 689 F.Supp. 490 E.D.Pa.	1988	? prevails	81 year old female nursing home patient/?.	Hospital.	? taken to ER, treated and discharged back to nursing home. Alleges discharged before stabilized.	Federal district court has subject matter jurisdiction over EMTALA actions.	EMTALA provides a private cause of action in federal court as determined through legislative history and plain language of statute