

D.C. Circuit

CASE	DATE	RESULT	PLAINTIFF	DEFENDANT	FACTS	HOLDING	REASONING
<i>McLaurin v. District of Columbia</i> 1993 WL 547193 D.D.C.	1993	?s prevail on EMTALA claim	Personal representative of estate of male decedent.	Hospital.	Decedent, a gunshot victim, taken to ER but directed to another hospital; died during surgery.	No genuine issues of material fact with respect to liability under EMTALA.	EMTALA imposes strict liability because it uses mandatory language; testimony that ? hospital had capability to render services; ? representatives freely admit EMTALA violations
<i>Hutchinson v. Greater Southeast Community Hosp.</i> 1993 WL 30902 D.C.Cir.	1993	?s prevail.	Wife of male patient individually, as wife, and as personal representative of husband's estate.	Hospital and physicians.	Pt brought to ER, examined and assessed "non-emergent," transferred by cab, picked up by cops wandering about half-naked, taken to hospital where died.	EMTALA does not provide for private right of action against individual treating physicians or physician groups.	Court looks at prior case law and statutory language.
<i>Hutchinson v. Greater Southeast Community Hosp.</i> 793 F.Supp. 6, D.D.C.	1992	?s prevail.	Wife of male patient individually and as personal representative of husband's estate.	Hospital and physicians.	Pt brought to ER, examined and assessed "non-emergent," transferred by cab, picked up by cops wandering about half-naked, taken to hospital where died.	EMTALA does not incorporate malpractice or negligence standard available under state law; negligent misdiagnosis does not state a claim under EMTALA; deviation from documentation requirements of hospital does not constitute EMTALA violation.	Hospital's standard screening procedures followed, decedent not treated differently; total absence of screening record would support EMTALA violation.
<i>Gatewood v. Washington Healthcare Corp.</i> 933 F.2d 1037 D.C.Cir.	1991	?s prevail.	Wife of male patient individually and as personal representative of husband's estate.	Hospital.	Decedent died of heart attack after being discharged from ER after misdiagnosis.	District court erred to extent it premised dismissal on pt's status as insured pt; ? failed to show that hospital departed from its normal screening procedure.	EMTALA applies to all individuals who present to ER; reference not to particular outcome but to standard screening procedure.