

## Hospital Must Face 'Patient-Dumping' Case, Judge Says

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A federal judge refused to toss a wrongful death case against a hospital centering on a man who went to the emergency room with chest pains, and died from a heart attack less than a day after his discharge.

U.S. District Judge Cynthia Rufe of the Eastern District of Pennsylvania denied Pottstown Memorial Medical Center and two doctors' motion for summary judgment. The central argument in the case was whether Hendrico F. Salata was admitted for observation or inpatient treatment. The hospital would not be liable for his death under the Emergency Medical Treatment and Labor Act (EMTALA) if he were admitted as an inpatient. The federal law requires hospitals to stabilize ER patients before discharging them.

According to Rufe's opinion, Salata was admitted under observation status. The hospital argued that observation status is the same as being an inpatient at Pottstown Memorial, the only distinction lies in its insurance classification.

But Rufe rejected the argument, citing the Centers for Medicare & Medicaid Services regulations that state a hospital's obligations under EMTALA to stabilize don't disappear in observation status, noting that observation does not qualify as inpatient status.

"In short, the CMS regulations and guidance make clear that admission for observation does not end a hospital's EMTALA obligations, and PMMC's arguments to the contrary are not persuasive," Rufe said.

The plaintiffs' attorney, Eric Weitz said, he was "pleased that the court has clarified an issue that the hospital seemed to be confused about and look forward to trial."

The attorneys for the defendants could not be reached for comment.

In the early morning of May 28, 2012, Salata went to Pottstown Memorial's emergency room complaining of chest pain. He was hooked up to a cardiac monitor and given lab tests. After it was determined that he was in stable condition, he was put under observation.

Doctors thought he had unstable angina, a condition that can cause a heart attack, but ultimately Salata was diagnosed with esophageal reflux. He was discharged at 11:30 a.m. the following day.

Less than 24 hours later he returned to the ER on "full code" status, meaning to be resuscitated by any available means, with CPR already in progress. He was pronounced dead two minutes after entering the ER.

Rufe said that conflicting testimony between the hospital's chief medical officer and one of Salata's doctors on whether observation and inpatient status were practically the same thing meant the case needed to move forward.

"There is at least a genuine factual dispute regarding whether the care Mr. Salata received in observation was substantially similar to the care he would have received had he been admitted as an inpatient, and summary judgment is inappropriate," Rufe said.

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