

Burditt v us dept of health and human services case studies example

[Law](#), [Criminal Justice](#)



This paper was prepared for Course _____ for Professor _____.

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Burditt v US Dept. of Health and Human Services

This case was decided on July 9, 1991 by the United States Court of Appeals, Fifth Circuit. According to 42 U. S. C. § 1395cc, all hospitals must treat all human beings who enter their emergency departments in accordance with the Emergency Medical Treatment and Active Labor Act (EMTALA), 42 U. S. C. § 1395dd. In this case, Mrs. Rose Rivera arrived in the DeTar Hospital in Victoria, Texas at 4: 00 pm on December 5, 1986, with her contractions roughly one minute apart for her sixth child. She had dangerously high blood pressure and had not received prenatal care throughout her pregnancy.

When Dr. Burditt, the on-call physician for cases of these nature was called by the nurses on duty, he point blank told them he did not want to treat this patient and immediately told the nurses to transfer her to a hospital 170 miles away. The nurses were very hesitant to allow this to happen and suggested medicating the patient to stabilize her blood pressure and contain possible convulsions, as the high blood pressure could cause serious complications for both mother and child, including death. Burditt did arrive at the hospital, examined the patient and concluded her blood pressure was the highest he had ever seen, but still insisted on the patient's transfer immediately and would not examine her again in addition to being coerced to sign the appropriate paperwork to transfer her to the other hospital. While en route, the patient delivered a healthy child with no complications to herself and when returned to DeTar, Burditt still refused to treat her,

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insisting she be discharged, so she received care from another physician. The legal questions at issue for the court are hospitals and physicians that refuse to comply with EMTALA's standards when treating patients will receive a civil fine. Burditt was fined \$20, 000 and contended the previous court misconstrued or misinterpreted

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EMTALA, that there was not enough evidence to prove he violated EMTALA, and that EMTALA is unconstitutional because it takes the services of physicians without compensating them. The court upheld the previous courts findings and asserted all of Burditt's representations were untrue, in addition to finding the fine adequate for his violation of EMTALA.

In regards to critical thinking questions, I agree with the court's decision, as it was readily apparent Burditt did not want to treat the patient because she was at high risk and he was concerned about medical malpractice being claimed on his behalf. One of my first questions would be isn't the fact that he did this not medical malpractice? It should be. Also, my second question would be what are the guidelines for EMTALA when it comes to women in labor? As it appears this is narrowly defined in the statute and protects only a small fragment of women this situation could happen to.