

Index

- abandonment
 in the emergency department, 3–4
 of the patient by the treating physician, 6–7
 of young people, 4
Abramson v. Japan Airlines, 154
 access to facilities
 Americans with Disabilities Act (ADA), 27–8
Adams v. Christi Regional Medical Center, 322
Adkins v. P. Christie, 303
 admission
 bed boarding in the ED, 35–7
 family requests for, 182–4
 mandatory care, 182–4
 multiple visits to the ED, 212–14
 obligation to evaluate and treat, 9–10
 advance directives, 68–9
 hierarchy for decision-making, 12
 refusal of treatment on religious grounds, 273–6
 right to die, 11–13
 rights of a significant other, 12
 substituted judgment, 12
 advanced practice providers (APPs)
 litigation involving, 14–16
 adverse medical events
 after ED discharge, 340–3
 disclosure, 17–19
 malpractice claims, 193–5
 patient outcomes, 193–5
 Affordable Care Act, *see* Patient Protection and Affordable Care Act (2010)
 against medical advice (AMA)
 discharge, 21–4
 Age Discrimination in Employment Act (ADEA), 134
 air travel medical emergencies, 153–5
 Airline Deregulation Act (1978), 155
Albany Urology Clinic v. Cleveland, 309–10
 alcohol use
 intoxicated patient, 90–1, 166–7
Alexander v. Rush North Shore, 301
Allen v. Highlands Hospital, 134–5
Alsip v. Johnson City Medical Center, 53–4
 American Academy of Neurology
 brain death certification protocol, 38
 expert witness guidelines, 109
 American College of Emergency Physicians (ACEP)
 expert witness guidelines, 109–10
 transfer of care strategy, 48
 American College of Obstetricians and Gynecologists (ACOG), 18
 American Recovery and Reinvestment Act (2009), 132
 Americans with Disabilities Act (ADA), 114, 115, 149, 170, 190, 191, 301, 302, 309, 333
 access to facilities, 27–8
 medical education and, 25–6
Anderson v. St Francis-St George, 12
 Anti-SLAPP statute, 78
Applewhite v. Accuhealth, 101
 Arizona Law Mandatory Reporting Statute, 63
 Arizona Medical Malpractice Act, 34
Arons v. Jutkowitz, 265
Arthur v. Lutheran General Hospital, 268
 assault in the ED, 29–30
 assisted suicide, 31
Atcherian v. United States of America, 36
Austin v. American Association of Neurological Surgeons, 112–13
 Aviation Medical Assistance Act (1998), 153

Baber v. Hospital Corporation of America, 103, 281–2
Baker v. Adventist Health, 313
Baptist Memorial Hospital v. Sampson, 99, 326–7
Barnert Memorial Hosp. Ass'n v. Young, 51
Bass v. Barksdale, 217
 battery, 33–4
 informed consent and, 162

Battle v. Memorial Hospital at Gulfport, 119
Bd. of Reg. for the Healing Arts v. Levine, 112
 bed boarding in the ED, 35–7
Bellotti v. Baird, 206
 beneficence principle, 122
Benish v. Grotte, 16
Bergman v. Wing Chin, MD and Eden Medical Center, 59
Berthiaume v. Yellow Submarine, 27–8
Bessenyey v. Raiti, 158
Blan v. Ali, 111
 blood sampling
 refusal of consent for, 33–4
Board of Medical Quality Assurance v. Gherardini, 265
Boren v. Weeks, 327
Borgia v. City of New York, 180
Bowie Memorial Hospital v. Wright, 15–16
Bowman v. St Luke's-Roosevelt Hosp. Ctr., 96
 brain death certification, 38–40
Breckenridge v. Valley General Hospital, 119
Broders v. Heise, 111
Brophy v. New England Sinai Hospital, 40
Brownsville Medical Center v. Garcia, 23
Bryan v. James A. Holmes Regional Medical Center, 62
Bryan v. University of Virginia, 285–6
Bryant v. Adventist Health System/West, 202
Buchwald v. University of New Mexico School of Medicine, 190
Burchfield v. United States of America, 176
Butera v. Apfel, 306

Caldwell v. Bechtol, 206–7
 California Business and Professions Code, 310
 California Constitution, 170
 California Elder Abuse Act, 125

- California Fair Employment Housing Act (FEHA), 261
- California Health and Safety Code, 214, 285, 313
- Canadian Cardiovascular Society's Consensus Conference guidelines on driving fitness, 88
- Canterbury v. Spence*, 161
- capacity to make decisions, 50–1
- Caplan v. Divine Providence Hospital*, 350
- Capital Imaging Associates v. Mohawk Valley Medical Associates*, 289
- cardiopulmonary resuscitation (CPR) medicolegal aspects, 283–6
- Carradine v. Barnhart*, 232
- Carter v. Prime Healthcare Paradise Valley*, 4
- Cartwright Act, 290
- Castillo v. Emergency Medicine Associates MD*, 75
- Centeno v. Roseville Community Hospital*, 290
- Centers for Medicare & Medicaid Services (CMS), 9
- charitable care, 150–1
- Charles v. Southern Baptist Hospital of Florida*, 242
- Chavez v. Martinez*, 64
- children
abandonment of, 4
See also pediatric patients, 4
- Christian Science doctrine, 275
- Civil Rights Act (1964), 106, 170, 301, 332
- Civil Rights Act (1968), 118
- Clanton v. Von Haam*, 158
- Cleland v. Bronson Healthcare Group*, 202, 342
- clinical practice guidelines, 128–31, 245–6
- Cobbs v. Grant*, 34, 161–2
- Code response
ED physicians, 43–4
- Cogswell v. Chapman and Eichner*, 56
- Colavito v. New York Organ Donor Network*, 224
- Coleman v. Deno*, 331
- Collins v. DePaul Hospital*, 184
- commitment
involuntary, 268
psychiatric emergencies, 45–6
- Commonwealth v. Siegfried Golston*, 39
- communication
documentation of medical records, 82–3
issues in the transfer of care, 47–9
language issues, 332–5
- physician with hospitalist and PCB, 140–2
- transmission of protected health information (PHI), 263–5
- competence to make decisions, 50–1, 68–9
- confidentiality
and duty to warn, 92–3
HIV testing, 136–9
impact of social media, 296–9
issues in the ED, 52–4
laboratory testing, 169–71
privacy in the ED, 254–7
protected health information (PHI), 263–5
suspected criminal activity, 63–4
- Conley v. Gibson*, 210
- Connecticut General Statutes, 137
- Connecticut Unfair Trade Practices Act (CUTPA), 221
- Consent, *see* informed consent
- consultation
informal, 157–9
issues with informal
consultation, 55–7
procedures and protections, 55–7
- controlled substances
prescribing, 58–9
- Cooper v. Sisters of Charity of Cincinnati*, 180–1
- Coppage v. Mann*, 213
- coroner
role in death certification, 66–7
- Correa v. Hospital San Francisco*, 164
- Costello v. Christus Santa Rosa Healthcare Corp.*, 338
- Cox v. M.A. Primary and Urgent Care Clinic*, 16
- Cox v. Primary and Urgent Care Clinic*, 346
- Crawford v. Washington*, 64, 239
- credentialing of physicians
existence of criminal charges, 61–2
- criminal activity
security protocols in the ED, 63–4
- criminal charges
influence on physician
credentialing decisions, 61–2
- Cronin v. Strayer*, 148
- Cruzan v. Director, Missouri Department of Health*, 69
- Cunningham v. Thomas Memorial Hospital*, 142
- curbside consult issues, 157–9
- dangerous patients
legal obligations for the ED, 348–50
- Daubert v. Merrell Dow Pharmaceuticals*, 109, 111
- Davis v. Dr. Weiskopf, Hagman*, 271
- Dawson v. Weems*, 180
- Day v. Harkins*, 158
- death
after ED discharge, 340–3
unanticipated, 340–3
unexpected, 66–7
unusual circumstances, 66–7
- death certification, 66–7, *see also* brain death certification, 67
- Death with Dignity Act, 31
- Deberry v. Sherman Hospital Association*, 210
- decision-making
competence and capacity, 50–1
end-of-life care, 68–9
- Del Carmen Guadalupe v. Negron Agosto*, 342–3
- Delaney v. Baker*, 125
- DeMarines v. KLM Royal Dutch Airlines*, 154
- Deshaney v. Winnebago County Department of Social Services*, 238
- Detroit City Ordinance, 138
- DFEH v. Bee Hive Answering Service*, 261
- Diaz v. Division of Social Services*, 145
- Difficult Doctor–Patient Relationship Questionnaire (DDPRQ), 71
- difficult patient encounters, 70–3
- Diggs v. Arizona Cardiologists*, 56
- Dillon v. Legg*, 42
- disability
communication issues, 332–5
issues in medical education, 188–91
See also Americans with Disabilities Act (ADA), 28
- discharge
against medical advice (AMA), 21–4
pediatric patients, 41–2
death after ED discharge, 340–3
- discharge instructions, 74–6
- diseases
mandatory reporting
requirements, 185–7
- disruptive provider behavior, 77–8
- distributive justice principle, 122
- Do Not Resuscitate (DNR) orders, 79–81, 284, *see also* advance directives, 12
- documentation
medical records, 197–9
risks related to electronic health records (EHR), 94–6
- documentation issues, 82–3
- Doe v. National Board of Medical Examiners*, 190

Index

- domestic violence
 ED responsibilities, 84–6
 driving impairment, 87–8
 drug use
 in ED patients, 90–1
 intoxicated patient, 166–7
Dudley v. Humana Hospital, 309
Duncan v. Scottsdale Med Imaging Ltd., 33
Durflinger v. Artilles, 92–3
 duty to evaluate and treat, 9–10
 duty to warn, 92–3
 psychiatric care, 267–9
- education
 Americans with Disabilities Act (ADA), 25–6
Elam v. College Park Hospital, 325–6
 elderly abuse, 124–5
 Elder Abuse and Dependent Adult Civil Protection Act, 4, 7, 59
 elderly care
 competence and capacity, 50–1
 Elder Justice Act, 3
 elderly neglect
 abandonment, 3–4
Elder v. Sutter Medical Foundation, 7
 electronic health records (EHR), 94–6
 information requirements, 197–9
 emergency cardiac care (ECC)
 medicolegal aspects, 283–6
 emergency consent, 97–9
 emergency department
 abandonment in, 3–4
 assaults on staff, 29–30
 emergency medical services (EMS)
 basis for immunity from liability, 100–2
 Emergency Medical Services Personnel Exposure Law, 137–8
 Emergency Medical Treatment and Labor Act (EMTALA)
 claims, 42, 119, 130, 138, 151, 163–4, 184, 194, 201, 202, 214, 228, 269, 286, 313, 330, 331, 338, 342, 343, 344
 issues in overcrowded EDs, 226, 228
 medical screening exam (MSE), 201–2
 missed illness or injury claims, 210
 requirements, 103–4, 145, 163
 telephone advice, 320
Emery v. Astrue, 176–7
 Employee Retirement Income Security Act (1974), 235
 employment issues, 105–7
 employment-at-will doctrine, 105
- honesty testing, 106
 job interviews, 106
 pre-employment urine drug testing, 106
 workplace mistreatment, 106–7
- end-of-life care
 assisted suicide, 31
 brain death certification, 38–40
 Do Not Resuscitate (DNR) orders, 79–81
 medical futility, 121–3
 organ donation, 223–5
 resuscitation, 283–6
 withholding or withdrawing support, 68–9
- Equal Employment Opportunity Commission (EEOC)
 definition of medical examination, 115
Esgro v. Trezza, 67
Esperanza v. Sunrise Hospital, 202
Estate of Leach v. Shapiro, 285
Estate of William Behringer M.D. v. Medical Center at Princeton, 257
Estate of Witthoef v. Kiskaddon, 88
Estelle Warden v. McGuire, 256
Evitt v. University Heights Hospital, 194–5
Ex parte Young, 190
 expert witness, 108–13
- Fabian v. Matzko*, 4
 Fair Labor Standards Act (1938), 106
- family
 requests for patient admission, 182–4
- Family Planning Act (1970), 206
 Federal Aviation Act (1958), 155
 Federal Tort Claims Act (1946), 36, 59, 115, 176, 195
Ferguson v. City of Charleston, 91, 250
Fields v. Regional Medical Center Orangeburg, 112
 financial exploitation of vulnerable people, 125
Fisher v. San Pedro Peninsula Hospital, 261
 fitness for duty, 114–15
Frakes v. Cardiology Consultants, 246
Freilich v. Upper Chesapeake Health, 301–2
 frequent users of the ED, 117–19
Frost Street Medical Associates v. San Diego Internal Medicine Group, 289–90
Frye v. United States, 109
 futility of care, 121–3
- Gager v. U.S.*, 36
Gateway v. Washington Healthcare Corporation, 104, 163–4
Gdowski v. Gdowski, 125
Genova v. Banner Health, 228
 Georgia Code, 339
Gerena v. Fogari, 335
 geriatric abuse, 124–5
Gilbert v. Sycamore Municipal Hospital, 289, 326
Giles v. Anonymous Physician, 36–7
Gonzalez v. Paradise Valley Hospital, 176
 Good Samaritan Acts, 126–7
 Good Samaritans
 air travel medical emergencies, 153–5
 legal status, 43–4, 126–7
 medicolegal aspects of resuscitation, 283–6
Gooding v. University Hospital Building, 180
Grand Jury Investigation v. Morgenthau, 52–3
 grandfathered health insurance plans, 183–4
 granny dumping. *See* abandonment
Greene v. Rogers, 306
Greenery Rehabilitation Group v. Hammon, 145
Griffiths v. Superior Court of Los Angeles County, 310
Grimes v. Kennedy Krieger Institute, 279
 guardianship rights
 decision-making, 68–9
 guidelines and protocols, 128–31
Guttman v. Khalsa, 148–9
- Hackman v. AMR*, 101
Hageseth v. Superior Court of San Mateo County, 317–18
Harris v. Soha, 44
Harvey v. Strickland, 162
Hastings v. Baton Rouge General Hospital, 330
Haynes v. Yale-New Haven Hospital, 220–1
 Health and Safety Code (HSC), 118
 Health Care Decisions Act, 12
 Health Care Power of Attorney (HCPOA) document, 79
 Health Care Quality Improvement Act (HCQIA), 62, 302
 Health Information Technology for Economic and Clinical Health Act (HITECH), 132–5
 Health Insurance Portability and Accountability Act (HIPAA), 132–5, 238, 263, 265, 304–5

- hearsay, 85
Heastie v. Roberts, 282
Heater v. Southwood Psychiatric Center, 176
Heinrich v. Conemaugh Valley Memorial Hospital, 186
Hernandez v. Clinica Pasteur, 180
Hernandez v. State Board of Registration for the Healing Arts, 191
Hicks v. United States, 180
Higgins v. Salt Lake County, 36
 Hill–Burton Act, *see* Hospital Survey and Construction Act
HIRPA v. IHC Hospitals, 44
 HIV testing, 136–9
Holden v. Astrue, 177
Home Start Bank & Financial Services v. Emergency Care & Health Organization, Ltd., 127
 homeless persons
 healthcare for, 150–1
 Hospital Survey and Construction Act (1946), 9, 118
 hospitalist model of care, 140–2
 hospitalization
 mandatory, 45–6
 hospital–physician relationships
 third-party duty, 324–8
Hospodar v. Schick, 88
House v. Swedish American Hospital, 30
Housley v. Cerise, 83
Howland v. Wadsworth, 339
Hunt v. Palm Springs General Hospital, 10
Hutchinson v. Greater Southeast Community Hospital, 129–30
IASIS Healthcare v. Apollo Physicians of Texas, 177, 221
 immigrant healthcare, 143–5
 impaired physician, 147–9
 substance abuse, 308–10
 Impaired Physicians Committee (IPC), 148, 149
In re Haymer, 39–40
In re James E., 46
In re Matter of Patricia Dubreuil, 4
In re Sealed Case, 138–9
In the Interest of W.E.C., 249–50
In The Matter of Thran, 298
 Indiana Medical Malpractice Act, 53
 Indiana Rules of Evidence, 85
 indigent care, 150–1
 in-flight medical emergencies, 153–5
 informal consultation, 157–9
 informed consent, 160–2
 battery and, 33–4
 competence and capacity, 50–1
 doctrine of deferred consent, 98
 doctrine of implied consent, 97
 emergency consent, 97–9
 minor consent, 204–7
 organ donation, 223–5
 pediatric patients, 161
 refusal of consent on religious grounds, 273–6
 religious issues, 162
 research study participation, 277–9
 testing of the pregnant ED patient, 248–50
 informed refusal of care, 22–3
 insurance issues, 163–5
 EMTALA requirements irrespective of insurance status, 103–4
International Shoe Co. v. Washington, 317
 interpreting, 332–5
 intoxicated patient, 166–7
 involuntary commitment, 268
Iodice v. United States of America, 59
Isaacs v. Huntington Memorial Hospital, 350

Jackson v. East Bay Hospital, 213–14
Jackson v. Power, 326
Jacobs v. Gross, 176
Jakubowski v. Christ Hospital, 191
Janus v. Tarasewicz, 39
Jarvis v. Levine, 72
Jefferson Parish Hospital v. Hyde, 289
Jefferson v. Griffin, 275
 Jehovah's Witness patients, 274, 275
Jersey City Medical Center v. Halstead, 228
Jett v. Penner, 271
John F. Kennedy Memorial Hospital v. Heston, 275
Johnson v. Deep East Regional Narcotics Trafficking Task Force, 64
Johnson v. Jamaica Hospital Medical Center, 75
Johnson v. University of Chicago Hosp., 184
Johnson v. West Virginia University Hospitals, 257
 Joint Commission on Accreditation of Healthcare Organizations (JCAHO)
 Clinical Practice Guidelines, 128–9
Joseph v. Board of Medicine, 112

Kassen v. Hatley, 72, 313
Kees v. Medical Board of California, 148
Kelley v. Middle Tennessee Emergency Physicians, 48

Kelly v. St Luke's Hospital of Kansas City, 23
Kelly-Nevils v. Detroit Receiving Hospital, 224
 Kentucky Civil Rights Act (KCRA), 134
Kho v. Pennington, 53
Kibler v. Northern Inyo County Local Hospital District, 78
Kilian v. Med. Educ. Assistance Corp., 53
Kirbens v. Wyoming State Board of Medicine, 309
Kirk v. Michael Reese Hospital, 253
Kish v. Graham, 265
Koeniguer v. Eckrich, 217
Kopp v. Samaritan Health System, 261–2
Kramer v. Lewisville Memorial Hospital, 195
Kroll v. White Lake Ambulance Authority, 115
Kumho v. Carmichael, 109, 111

 laboratory testing and follow-up
 medicolegal issues, 169–71
Landefeld v. Marion General Hospital, Inc., 62
 language issues, 332–5
Lauro Lines s.r.l. v. Chasser, 148
 law enforcement
 interface with the ED, 304–7
Law v. Zuckerman, 265
 learning disability
 Americans with Disabilities Act (ADA), 25–6
Leckelt v. Board of Commissioners of Hospital District No. 1, 186
Lee v. Calhoun, 137–8
 left before treatment complete (LBTC), 172–7
 left without being seen (LWBS), 172–7
 left without treatment (LWOT), 172–7
 legal process
 forms of, 305
 subpoena, 304–7
Levine v. Rosen, 246
 Life Sustaining Procedures Act, 12
Lofton v. Greico, 199
 Louisiana Civil Rights For Handicapped Persons Act, 186
Lowry v. Henry Mayo Newhall Memorial Hospital, 285
Luna v. Diverse and Hamilton County Hospital, 141–2
Lyons v. Walker Regional Medical Center, 22

Index

- M'Naghten, Daniel, 108
Ma v. City and County of San Francisco, 130–1
MacDonald v. Schriro, 318
Mack v. Soung, 7
Maier v. Green, 133
Major v. Memorial Hospitals Assn., 290
Majzoub v. Appling, 158
Malette v. Shulman, 275
 malpractice claims, 179–81
 adverse event disclosure, 17–19
 analyses of the nature of claims, 15
 battery, 33–4
 loss of chance to survive, 180–1
 medical errors, 193–5
 missed illness and injury, 208–10
 nurse liability issues, 215–18
 physician expert witness, 108–13
 relating to informal consultation, 157–9
 relating to telephone advice from the ED, 320–3
 relating to triage, 337–9
 risks related to electronic health records (EHR), 94–6
 supervision of APPs, 14–16
 telemedicine, 315–18
 mandatory care, 182–4
 mandatory reporting, 185–7
Martin v. Richards, 98–9
Maryland State Board of Physicians v. Eist, 199
Matrixx Initiatives, Inc. v. Siracusano, 19
Matsuyama v. Birnbaum, 346
Matter of Baby K, 122
Matter of Dubreuil, 275
Matter of Warren, 80
 MCARE Act, 162
McGuire v. Estelle, 256
McIntyre v. Ramirez, 126–7
McKellips v. St Francis Hospital, 181
Mduba v. Benedictine Hospital, 288
Mead v. Legacy Health Systems, 57
Meadows v. Patterson, 217
 Medicaid, 145, 345
 medical education
 Americans with Disabilities Act (ADA), 25–6
 disability issues, 188–91
 honesty and integrity issues, 188–91
 medical errors
 missed illness and injury, 208–10
 reporting, 193–5
 medical futility, 121–3
 Medical Liability and Insurance Improvement Act, 15
 Medical Malpractice Act, 331
 Medical Practice Act, 317
 medical records
 documentation issues, 82–3
 information requirements, 197–9
 risks related to electronic health records (EHR), 94–6
 medical screening exam (MSE), 201–2
 Medicare, 163
Medley v. Jewish Hospital, 322
Meeks v. OPPCotton Mills, 105–6
Mehlman v. Powell, 170
Menkowitz v. Pottstown Memorial Medical Center, 301
 mental health status
 evaluation, 50–1
 suicidal patient, 311–13
 mental status
 altered, 166–7
 Michigan Handicappers Civil Rights Act, 138
Miller v. Eisenhower Medical Center, 77
Miller v. Medical Center of Southwest Louisiana, 184
Miller v. Rhode Island Hospital, 51
 Mini-Mental State Exam (MMSE), 50, 51
Mink v. University of Chicago, 278–9
 minor consent, 204–7
 Miranda rights, 64, 167, 256, 353
 missed illness and injury, 208–10
Molzof v. United States, 195
Moore v. Baker, 246
Moore v. Regents of the University of California, 279
Morlino v. Medical Center of Ocean County, 195
Moses v. McWilliams, 52
Moses v. Providence Hospital and Medical Centers, 269
 motor vehicle accidents (MVA)
 driving impairment, 87–8
 testing of trauma patients, 248–50
 Motor Vehicle Driver Protection Act, 34
 multiple visits to the ED, 212–14

Nash v. State of Indiana, 85
 National Center of Ethics in Healthcare, 18
 neglect
 elder neglect, 124–5
 New Jersey Law Against Discrimination, 257
 New York Family Court Act, 207
 New York Social Services Law, 207
Newmark v. Williams/DCPS, 275–6
 nonmaleficence principle, 122
Norman-Bloodsaw v. Lawrence Berkeley Laboratory, 170

Norvell License, 88
 nursing liability issues, 215–18

O'Connor v. Ortega, 261
O'Donnell v. Barnhart, 231–2
O'Rourke v. Nakamura, 158
O'Connor v. Pierson, 265
 Ohio Revised Code, 191
Ohio v. Stahl, 294
Oja v. Kin, 56
Oksanen v. Page Memorial Hospital, 77–8
Olympic Airways v. Husain, 155
 operational efficiency of the ED, 219–21
 organ donation, 223–5
Osonma and IPC v. Smith, 141
Ost v. West Suburban Travelers Limousine, Inc., 301
 overcrowding in the ED
 bed boarding, 35–7
 causes of, 7, 12
 effects of, 226–9

 pain management, 230–2
 prescribing controlled substances, 58–9
Parris v. Sands, 346
 patient elopement, 172–7
 patient experience perspective, 233–5
 patient–physician relationship
 difficult patient encounter, 70–3
 informal consultation and, 157–9
 professional boundary issues, 259–62
 termination by the physician, 6–7
 Patient Protection and Affordable Care Act (2010), 3, 9, 145
 grandfathered health insurance plans, 183–4
 provisions, 164
 Patient Safety and Quality Improvement Act (2005), 242
 patient satisfaction, 233–5
 patient transfer, 329–31
Paul v. Providence Health System – Oregon, 95–6
Payton v. Weaver, 118–19
 pediatric patients
 brain death certification criteria, 39
 care of, 41–2
 child abuse and neglect, 237–9
 discharge against medical advice (AMA), 41–2
 informed consent, 161
 minor consent, 204–7
 reporting suspected child abuse, 186
 peer review of cases, 240–2
Pegram v. Herdich, 235

- Pennsylvania Department of
 Transport Medical Advisory
 Board, 88
- Pennsylvania Peer Review Protection
 Act (PRPA), 242
- People v. Cage*, 64
- People v. Holder*, 66–7
- performance measures for the
 ED, 172–7
- Perry v. Owensboro Health*, 228
- Phillips v. Hillcrest Medical Center*, 338
- physician–hospital relationships
 third-party duty, 324–8
- Physician Insurers Association
 of America Data Sharing
 Project, 108
- Physician Order for Life-Sustaining
 Treatment (POLST), 12, 79,
 81, 284
- physicians
 Code response by ED
 physicians, 43–4
 communication with hospitalists
 and PCPs, 140–2
 difficult patient encounters, 70–3
 disruptive provider
 behavior, 77–8
 fitness for duty, 114–15
 impaired physician, 147–9
 peer review of cases, 240–2
 professional boundary
 issues, 259–62
 responsibility for patients residing
 in the ED, 35–7
 service contracts, 287–90
 staff privileges, 300–3
 stress related to medical error, 194
 substance abuse, 308–10
 supervision of APPs, 14–16
 termination of a patient–physician
 relationship, 6–7
- Picklesimer v. Colvin*, 177
- Pirdair v. Medical Center Hospital of
 Vermont*, 112
- Plyer v. Doe*, 32
- policies and procedures
 quality of healthcare, 244–6
- Poliner v. Texas Health System*, 302–3
- Posner v. Walker*, 59
- Power v. Arlington Hospital
 Association*, 103–4, 330
- pregnancy
 maternal drug use, 248–50
- prescribing
 controlled substances, 58–9
 non-standard or informal
 requests, 251–3
 pain management, 230–2
- Price v. Sheppard*, 72
- privacy in the ED, 254–7
- professional boundary issues, 259–62
- Prohibition of Discrimination by
 Public Accommodations
 Act., 26
- Prospect Medical Group v. Northridge
 Emergency Medical Group*, 164
- protected health information
 (PHI), 263–5
- psychiatric care
 duty to warn, 92–3, 267–9
- psychiatric emergencies
 commitment, 45–6
- public health issues
 mandatory reporting
 requirements, 185–7
- Puetz v. Spectrum Health
 Hospitals*, 298
- Pulliam v. Coastal Emergency
 Services*, 221
- quality markers for the ED, 172–7
- quality of healthcare
 peer review of cases, 240–2
 policies and procedures, 244–6
- Quintero v. Encarnacion*, 335
- Raich v. Ashcroft*, 122
- Reddington v. Staten Island University
 Hospital*, 106–7
- referral from the ED, 270–2
- refusal of care
 informed refusal of care, 22–3
- refusal of treatment
 critically ill patient, 68–9
- Reginelli v. Boggs*, 242
- Rehabilitation Act (1973), 62, 138,
 186, 190, 191, 301, 302
- religion
 consent issues, 162
 refusal of consent for
 treatment, 273–6
- reporting
 adverse medical events, 193–5
 mandatory reporting
 requirements, 185–7
 suspected child abuse, 186, 237–9
- Repp v. Anadarko Municipal
 Hospital*, 202
- research studies
 patient consent for
 participation, 277–9
- residency training
 problem residents, 188–91
- restraints
 use in ED patients, 280–2
- resuscitation
 advance directives, 11–13
 medicolegal aspects, 283–6
- Reynolds v. Decatur Memorial
 Hospital*, 158
- Reynolds v. Maine General
 Health*, 210
- Richard v. Adair Hospital
 Foundation*, 9–10
- right to die
 advance directives, 11–13
- Right-To-Know Law, 67
- risk management
 adverse event disclosure, 17–19
 discharge against medical advice
 (AMA), 21–4
 issues in the ED, 179–81
 security in the ED, 348–50
- Roach v. Springfield Clinic*, 241
- Roberson v. Provident House*, 34
- Roberts Test, 239
- Roberts v. Galen of Virginia, Inc.*, 331
- Robinson v. Henry Ford Health
 Systems*, 138
- Rogers v. Okin*, 45–6
- Roth v. Lutheran General
 Hospital*, 190–1
- Rubin v. USA*, 15
- Sacks v. Thomas Jefferson University
 Hospital*, 4
- SANE (sexual assault nurse examiner)
 program, 292–4
- Sard v. Hardy*, 162
- Scherber v. California*, 90–1
- Schmerber v. California*, 167
- Schroeder v. Albaghdadi*, 56–7
- Scott v. Uljanov*, 167, 180
- Securities Exchange Act (1934), 19
- security in the ED, 348–50
- Serry v. Yale-New Haven
 Hospital*, 149
- service contracts, 287–90
- sexual assault, 291–4
- sexual harassment, 259–62
- Sharpe v. St. Luke's Hospital*, 170
- Sharpe v. Worland*, 148
- Sherman Act, 289
- Sheron v. Lutheran Medical
 Center*, 268–9
- Shilkret v. Annapolis Emergency
 Hospital Association*, 181
- Shinal v. Toms*, 162
- Shine v. Vega*, 98
- Shipley v. Williams*, 271
- Sikorski v. Johnson*, 88
- Simmons v. Tuoemy Regional Medical
 Center*, 327
- Simon, Secretary of the Treasury v.
 Eastern Kentucky Welfare
 Rights Organization*, 151
- Singh v. George Washington University
 School of Medicine*, 26
- Smith v. Richmond Memorial
 Hospital*, 42

Index

- social media
 impact on patient care, 296–9
 impact on patient confidentiality, 296–9
- Social Security Act, 177
- Somes v. United Airlines*, 154–5
- Spirides v. Reinhardt*, 301
- St. John v. Pope*, 321
- staff privileges, 300–3
- State of Indiana v. Eichhorst*, 134
- State of Minnesota v. Scacchetti*, 238–9
- State of Nebraska v. Vaught*, 293–4
- State of North Carolina v. Grover*, 238
- State of North Carolina v. O'Hanlan*, 293
- State of Oregon v. Cromb*, 256
- State of Washington v. Moses*, 85–6
- State of Wisconsin v. Straehler*, 134
- Steere v. George Washington University School of Medicine*, 25–6
- Stock v. Harborview Medical Center*, 228–9
- Strachan v. John F. Kennedy Memorial Hospital*, 224
- Strategic Lawsuits Against Public Participation (SLAPP), 78
- Strauss v. City of Chicago*, 210
- subpoena
 issues for healthcare professionals, 304–7
 types of, 305
- substance use
 impaired physician, 308–10
 in ED patients, 90–1
 intoxicated patient, 166–7
 pregnant patient, 248–50
 substituted judgment, 12, 68–9
 suicidal patient, 311–13
- suicide
 assisted, 31
 prevention, 45–6
- Superintendent of Belchertown State Sch. v. Saikewicz*, 80
- superusers of the ED, 117–19
- Swanson v. St John's Lutheran Hospital*, 106
- Tabor v. Doctors Memorial Hospital*, 313
- Tarasoff v. Regents of the University of California*, 92, 268
- telemedicine
 medicolegal issues, 315–18
- Telemedicine Development Act (1996), 317
- telephone advice from the ED
 protocols and guidelines, 320–3
- temporary restraining order (TRO), 122
- Tenenbaum v. Williams*, 207
- Texas Civil Practice and Remedies Code, 313, 350
- Texas Medical Liability and Insurance Improvement Act, 338
- Texas Survivorship Statute, 195
- Texas Wrongful Death Act, 195
- The Home News v. State of New Jersey, Department of Health*, 67
- The Matter of Claire C. Conroy*, 68–9
- The Matter of Earle N. Spring*, 80
- The Matter of Shirley Dinnerstein*, 80
- The Matter of William Schiller*, 51
- Thing v. La Chusa*, 42
- third-party duty, 324–8
- Thomas v. Corso*, 48
- Thompson v. Nason Hospital*, 288–9, 327–8
- Thompson v. Sun City Community Hospital Inc.*, 104
- Thornton v. Shah*, 322
- Thornton v. Southwest Detroit Hospital*, 151
- Tobin v. AMR Corporation*, 155
- Toguchi v. Chung*, 286
- tort duty of care, 130–1
- transfer of care
 communication issues, 47–9
- transfer of patients, 329–31
- translation, 332–5
- treatment
 right to refuse, 11–13
- triage
 decision-making process, 337–9
- Troy v. San Diego County Department of Social Services*, 249
- Turnbull v. Topeka State Hospital*, 30
- unanticipated death, 340–3
- undocumented immigrants
 emergency healthcare, 143–5
- Unfair Competition Act, 290
- Uniform Anatomical Gift Act (UAGA), 224
- United States v. Eide*, 256–7
- United States v. Moore*, 253
- United States v. Zamora*, 306–7
- urgent care centers (UCC), 344–7
- US Constitution
 Eighth Amendment, 213, 318
 Eleventh Amendment, 149, 190
 Fifth Amendment, 64, 90, 310
 Fourteenth Amendment, 32, 64, 90, 91, 186, 207, 238, 310
 Fourth Amendment, 33, 64, 90, 170, 186, 207, 261
 Sixth Amendment, 86, 91, 239
- US Food and Drug Administration (FDA), 19
- USA v. *Maye*, 318
- USA v. *Quinones*, 317
- Vacco, Attorney General of New York, et al. v. Quill et al.*, 32
- Van Horn v. Watson*, 127
- Vickers v. Nash General Hospital*, 343
- violence
 assault in the ED, 29–30
 duty to warn, 92–3
 in the ED, 348–50
- Virmani v. Novant Health*, 241–2
- Wachter v. United States*, 115
- Wagenseller v. Scottsdale Memorial Hospital*, 106
- Warsaw Convention, 154, 155
- Washington v. Glucksberg et al.*, 32
- Washington v. Washington Hospital*, 245–6
- Watkins v. Affiliated Internists*, 16
- Weaver v. University of Michigan Board of Regents*, 321–2
- Webb v. New York Methodist Hospital*, 265
- Welfare and Institutions Code, 176
- Weschler Adult Intelligence Scale – Revised (WAIS-R), 278
- Westlake Community Hospitals v. Superior Court*, 61
- whistleblower protection, 106
- William Francis Bartling v. The Superior Court of Los Angeles County, Glendale Adventist Medical Center*, 80–1
- Wilson N. Jones Memorial Hospital v. Ammons*, 350
- Wilson v. Southampton Urgent Medical Care*, 346
- Winkfield v. Children's Hospital Oakland*, 40
- Winkfield v. Children's Hosp. & Research Ctr. at Oakland*, 122
- Wong v. Regents of the University of California*, 26
- workplace violence in the ED, 348–50
- Wright v. City of Los Angeles*, 101
- Wright v. Johns Hopkins Health Systems Corporation*, 12
- Wyatt v. Stickney*, 281
- Wyeth v. Levine*, 19
- Yancey v. Apfel*, 306
- Yath v. Fairview Clinics*, 298–9
- Zepeda v. City of Los Angeles*, 101
- Zinermon v. Burch*, 45–6