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Administrative Law Judge Upholds HHS-OIG's \$50,000 Civil Monetary Penalty Against St. Joseph's Medical Center For Violating EMTALA

88-Year-Old Man Died in Emergency Room Without Treatment

Washington, DC -- Administrative Law Judge Steven T. Kessel sustained the imposition of the maximum allowable \$50,000 civil monetary penalty against St. Joseph's Medical Center by the Office of Inspector General (OIG) of the Department of Health and Human Services (HHS). OIG assessed the civil monetary penalty under the Emergency Medical Treatment and Labor Act (EMTALA) based on St. Joseph's failure to provide required emergency care for an 88-year-old man, who died in its emergency room.

OIG determined that St. Joseph's violated EMTALA by failing to provide a medical screening examination and stabilizing treatment for the man, who came to St. Joseph's emergency room for treatment. The man remained in the emergency room for nearly 3 hours without being examined by a physician. During this time, his condition deteriorated steadily while his family repeatedly pleaded unsuccessfully with the emergency room staff for help. Ultimately, he went into cardiopulmonary arrest and died without receiving required treatment.

In sustaining OIG's \$50,000 civil monetary penalty, Judge Kessel found St. Joseph's failures "shocking" and characterized St. Joseph's treatment of the patient as "constituting a complete collapse of the system of care it purported to offer emergency patients."

"This case demonstrates that OIG will impose the maximum civil monetary penalty for egregious violations of the requirements of EMTALA," said HHS Inspector General Daniel R. Levinson.

Under EMTALA, hospitals with emergency rooms must provide an individual who requests treatment a medical screening examination to determine whether the person has an emergency medical condition. If the hospital determines that an individual does have such a condition, EMTALA requires the hospital to provide that individual with stabilizing treatment or an appropriate transfer.

St. Joseph's, located in Stockton, California, is part of the Catholic Healthcare West hospital system. Judge Kessel made his decision to sustain the civil monetary penalty on January 30, 2009.