

by Josh Goldstein

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Penn hospital sued for allegedly turning away uninsured patient

A federal suit filed today charges the Hospital of the University of Pennsylvania with refusing a patient because he lacked health insurance, causing an extended delay in care and then significant damage to his brain.

At 7.27 p.m. on May 2, 2008, Marcus Murray, 56, developed chest pain while driving in New Jersey and went to the emergency room at Underwood Memorial Hospital in Gloucester County. After a CAT scan identified a “complex aortic dissection,” efforts were made to transfer Murray, a contractor from Felton, Delaware, to Penn.

Medical records at Underwood indicate that at 10:54 p.m., Penn said it would take Murray and began to arrange for a helicopter to transport him, according to the complaint. Then at 11:50 p.m., an Underwood nurse wrote that Y. Joseph Woo, a heart surgeon at Penn, called and said they would not take Murray “due to no medical insurance,” the suit alleges.

“We received [the complaint] late yesterday and are reviewing our records,” Penn Medicine’s chief of staff Susan Phillips said in a statement. “However, we believe the complaint to be without merit.”

Thomas R. Kline, the lawyer who represents Murray and his wife, said that notes in the Underwood medical records clearly show that Penn “accepted and then refused the patient and refused on a very specific basis.”

The patient now is blind and has brain damage, Kline said.

The case was filed in federal court because, Kline said, in addition to involving medical negligence, the suit alleges that Penn violated the Emergency Medical Treatment and Active Labor Act – or EMTALA.

“The statute reads like a legal prescription for what Penn cannot do, but did in this case,” Kline said.

The suit states, “the ‘reverse dumping’ section of EMTALA states that ‘a participating hospital that has specialized capabilities or facilities ... shall not refuse to accept an appropriate transfer of an individual who requires such specialized capabilities of facilities if the hospital has the capacity to treat the individual.’”