

LDR650-OB: Medical Law

Legal Summary of Hill V. Ohio County

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October 28, 2019

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Facts: The uncontradicted material facts brought out by the answers to discovery interrogatories and depositions of Nurse Hartley and Dr. Robert T. Johnson were as follows:

On Friday morning May 12, 1967, at 9 a.m. the decedent approached Nurse Hartley at her desk of Ohio County Hospital in Hartford, KY. The decedent said that her name was Juanita Monroe. The decedent's doctor was in Illinois, she had come to Ohio County to attend a funeral and she was fearful she would not be able to get back to Illinois before she had her baby. Nurse Hartley assumed she wanted to be admitted for obstetrical care. Four doctors had to admit privileges to the hospital. Nurse Hartley checked her physician list and found that Dr. Beard was "on-call" that week. At that time in the morning, Dr. Beard was in an OR procedure. Nurse Hartley asked if the decedent could be admitted as a patient of Dr. Beard's. Dr. Beard informed Nurse Hartley that he did not handle OB patients. A hospital administrator informed Nurse Hartley that another of the four doctors, Dr. Johnson was making rounds. Nurse Hartley contacted Dr. Johnson and asked if she could admit the decedent under his service. Dr. Johnson replied that he did not handle "walk-in OBs." The decedent did not inform Nurse Hartley that in June 1964 she had been delivered a child at Ohio County Hospital as a patient of Dr. Charles Price of Hartford, KY and had again consulted Dr. Price within the past year. Dr. Price is one of the four doctors practicing in the Hospital. The decedent was advised that she could get OB service in Owensboro, KY and Louisville, KY, with doctors on call. The decedent said that she did not want to go to Owensboro or Louisville (law.justia.com).

The decedent decided to call a taxi to take her home. Nurse Hartley allowed her to use the phone to call a cab. The decedent waited more than an hour for the cab. Nurse Hartley consulted with the hospital administrator and was told to call Bill Danks, ambulance driver, who promptly appeared and offered to take decedent wherever she wanted to go. The decedent declined and a cab finally arrived. The decedent was home alone, and the baby was born later that night. The decedent called Bill Danks. He arrived immediately at her house at 6 a.m. Dr. Johnson was contacted. He asked questions regarding the condition of the mother and child. Dr. Johnson instructed Mr. Danks to take the mother and baby to Owensboro. Decedent was dead on arrival at the Owensboro Hospital, some twenty-five miles from Hartford (law.justia.com).

Ohio County Hospital in Hartford, KY is a public hospital, constructed in part with Hill-Burton federal funds. The hospital is a one-floor twenty-five-bed acute care facility. The county pays the cost of operation, including a non-physician administrator and at least two registered nurses. There are no salaried doctors, no residents or interns, and only four local doctors are admitted to practice. The hospital rules properly provide that no patient may be admitted without an order from a doctor to do so KRS 311.560 provides that no one may practice medicine without being licensed to do so (law.justia.com).

Issues: The issues are whether Ohio County Hospital, Dr. Johnson and Nurse Hartley denied hospital admission and therefore patient care for Juanita Monroe resulting in the death of the decedent, Juanita Monroe (law.justia.com).

Rules: In 40 Am.Jur., 2d 859, Hospitals and Asylums, Sec. 12, it is said:

"Concerning a public hospital, it has been said that since all persons cannot participate in its benefits, no one has, individually, a right to demand admission. The trustees or governing board of a public hospital alone determine the right of admission to the benefits of the institution, and their discretion in this regard will not be reviewed by the courts at the suit of an individual applicant." The hospital rules properly provide that no patient may be admitted without an order from a doctor to do so. Ky. Rev. Stat. § 311.560 provides that no one may practice medicine without being licensed to do so. Section 311.560 - Prohibition against the practice of medicine or osteopathy without a license (law.justia.com).

Analysis: Appellant chiefly relies upon *Wilmington General Hospital v. Manlove* (1961), Del., 4 Storey 15, 174 A.2d 135; *O'Neill v. Montefiore Hospital* (1960), 11 A.D.2d 132, 202 N.Y.S.2d 436; and *Barcia v. Society of New York Hospital* (1963), 39 Misc.2d 526, 241 N.Y.S.2d 373. In *Manlove* the refusal of summary judgment for defendant hospital was affirmed, the court saying 174 A.2d at p. 141:

"In the circumstances, we think the case should go back for further proceedings. We should add, however, that if the plaintiff cannot present evidence showing some incompetency of the nurse, or some breach of duty or some neglect, his case must fall. Like the learned judge below, we sympathize with the parents in their loss of a child; but this natural feeling does not permit us to find liability in the absence of satisfactory evidence" (law.justia.com).

Conclusion: The decedent was not admitted to the hospital and the element of critical emergency was not apparent. The hospital nurse performed in compliance with valid guidelines for admission to the facility. The uncontradicted facts determined that no breach of duty by the hospital occurred. The nurse did not have the authority to force private physicians to accept decedent as a patient. The nurse did all she could do for the decedent on the occasion in question. Therefore, the hospital and the nurse were entitled to dismissal as a matter of law (law.justia.com).

References

Hill v. Ohio County. (n.d.). Retrieved from <https://law.justia.com/cases/kentucky/court-of-appeals/1971/468-s-w-2d-306-1.html>.