



Cherukuri v. Shalala, 175 F.3d 446 (6th Cir. 1999)

Topics Covered: Emergency Services, EMTALA

Outcome: Very Favorable

Issue

The issue in this case was whether a patient could be transferred out of a hospital emergency room, although bleeding and suffering a deteriorating medical condition, if the transfer was medically necessary, in light of the transferring hospital's inability to provide the needed medical care.

AMA Interest

The AMA believes that Dr. Cherukuri acted justifiably when he ordered the transfer, since his hospital lacked the facilities and personnel needed to provide the emergency care required for these patients. Even though the patients were still bleeding when Dr. Cherukuri ordered the transfer, his decision was in their best medical interest.

Case Summary

Dr. Cherukuri, the doctor in this case who had ordered the transfer, was accused of violating the Emergency Medical Treatment and Active Labor Act, 42 U.S.C. § 1395dd(b) ("EMTALA"), which prohibits the transfer of emergency room patients unless they are in a "stable" condition at the time of the transfer. The United States Department of Health and Human Services fined him \$100,000, which was the largest fine ever assessed against a physician for an EMTALA violation. Dr. Cherukuri appealed to the United States Court of Appeals for the Sixth Circuit.

Ultimately, the Sixth Circuit found that Dr. Cherukuri had performed exemplarily under extreme emergency circumstances. It not only reversed the fine, but it admonished the Department of Health and Human Services Appeals Board for not having reviewed the case more carefully.

AMA Involvement

The AMA filed an amicus brief on Dr. Cherukuri's behalf. After filing the brief, the AMA learned that Dr. Cherukuri had sustained a disability and could not afford an attorney to represent him on the appeal. The AMA attorney therefore represented Dr. Cherukuri without charge.