



Ricks v. Budge

Ricks v. Budge 64 P.2d 208 (Utah 1937)

Country: United States

Region: Americas

Year: 1937

Court: Supreme Court of Utah

Health Topics: Health care and health services, Medical malpractice, Poverty

Human Rights: Right to health

Facts

Plaintiff brought action for malpractice against defendant physicians at the "Budge Clinic," for (1) negligently treating him and discharging him and (2) refusing to treat and abandoning him when he was in immediate need of medical treatment.

On March 11, 1935 plaintiff went to Budge Memorial Hospital to seek treatment for an infected hand. Defendant physician Dr. Budge examined plaintiff and made lateral incisions on his fingers. Plaintiff remained at the hospital until March 15th under Dr. Budge's care and his condition improved. On March 15th, plaintiff left the hospital against the advice of Dr. Budge after paying his fees.

Dr. Budge advised plaintiff to continue his treatment at home and told him that if the finger showed signs of getting worse, plaintiff should return to Budge Clinic for further treatment. On March 17th, plaintiff informed Dr. Budge that the hand was getting worse and was instructed to report back to the clinic later that day. Upon examination, Dr. Budge confirmed the hand was worse and told plaintiff to go back to the Budge hospital. At the hospital, plaintiff was assigned a room and a nurse began administering treatment. Shortly after, Dr. Budge arrived and told the plaintiff, "you are owing us. I am not going to touch you until that account is taken care of," referring to a separate, unrelated debt. Plaintiff left Budge hospital to seek treatment a few blocks away at Cache Valley Hospital where he met Dr. Randall. Dr. Randall testified that plaintiff was in need of immediate surgical attention which he provided.

Decision and Reasoning

The Court first considered the question of whether the initial treatment plaintiff received from defendant showed evidence of negligence. The Court held there was no evidence of negligence on the part of the defendant physician especially in light of the fact that plaintiff made the choice to leave the hospital against defendant's wishes. Next, the Court considered the question of whether the defendants breached a duty owed under a physician-patient relationship when they refused to treat the plaintiff for a second time. Here, the Court finds that such a relationship did exist and the defendants did breach it. In reaching this conclusion, the Court stated that the physician patient relationship that had been established on March 11 had never terminated since plaintiff was advised to report back if required. Plaintiff's return to the clinic and hospital was under the advice of the doctor. Since it was determined that a relationship existed at the time of the refusal to treat, the defendants' actions amounted to a breach of duty. In support of this, the Court cites several cases that have stand for the proposition that, "A physician who leaves a patient, at a critical stage of the disease, without reason, or sufficient notice to enable the party to procure another medical attendant, is guilty of a culpable dereliction of duty." Ricks v. Budge, 64 P.2d 208, 212 (Utah 1937). The Court reversed the judgment of the lower court and remanded for a new trial.

Decision Excerpts

"When the plaintiff left the hospital on March 15th, he understood that he was to report to Dr. S. M. Budge if the occasion required and was so requested by the doctor. Plaintiff's return to the doctor's office was on the

advice of the doctor.â€•Â Ricks v. Budge, 64 P.2d 208, 211 (Utah 1937)â€œWhen a physician is employed to attend upon a sick person, his employment, as well as the relation of physician and patient, continues, in the absence of a stipulation to the contrary, as long as attention is required; and the physician or surgeon must exercise reasonable care in determining when the attendance may be properly and safely discontinued.â€• Ricks v. Budge, 64 P.2d 208, 212 (Utah 1937)

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