Wideman v. Shallowford Community Hospital

Wideman v. Shallowford Community Hospital 826 F. 2d 1030 (11th Cir. 1987)

Country: United States
Region: Americas
Year: 1987
Court: United States Court of Appeals, Eleventh Circuit
Health Topics: Health care and health services, Hospitals, Medical malpractice
Human Rights: Right to health

Facts

Plaintiffs, Toni Wideman and her husband, filed suit under 42 USCA Section 1983 which permits civil action for the deprivation of Constitutional rights, against defendants, DeKalb County, Shallowford Hospital, and three DeKalb County EMS employees in their official capacities, seeking damages for the wrongful death of their child.

On April 12, 1984, Toni Wideman, who was four months pregnant, began experiencing abdominal pain. She called her obstetrician, Dr. Ramsey, who instructed her to come to Piedmont Hospital immediately. Ms. Wideman called the 911 operator in DeKalb County and requested transport to Piedmont. Three DeKalb County EMS employees responded to the call and refused to take to Piedmont where her doctor was waiting. Against Ms. Widemanâ€™s wishes, they took her to Shallowford Community Hospital. After a substantial delay, during which time the attending physician at Shallowford spoke with Dr. Ramsey, Ms. Wideman was transferred to Piedmont. By then, Dr. Ramsey was unable to stop her labor and Ms. Wideman gave birth to a premature baby, who survived for only four hours.

Plaintiffs alleged that a conspiracy existed between Shallowford Community Hospital and DeKalb County, whereby the County had a policy of using its EMS vehicles to transport patients only to hospitals such as Shallowford which guaranteed the payment of the Countyâ€™s emergency medical bills. Plaintiffs argued that this conspiracy deprived them of their federal constitutional right to essential medical treatment and care.

The United States District Court for the Northern District of Georgia granted summary judgment in favor of the defendants. Plaintiffs appealed.

Decision and Reasoning

Since plaintiffs made claims under federal civil rights statute 42 USCA Section 1983, the Court sought to determine whether the Constitution grants a right to medical care and treatment in such circumstances. The Court held that no such constitutional right existed for the provision of medical treatment and services by county and to transport by ambulance to hospital of oneâ€™s choice. The Court affirmed the judgement of the district court for failure to state a claim under Section 1983. The Court reached this decision by first noting that there is no general right, within the Constitution or federal statutes, to the provision of medical treatment and services by a state or municipality. The Court cites the Supreme Courtâ€™s interpretation of Maher v. Roe, 432 U.S. 464, 97 S.Ct. 2376, 53 L.Ed.2d 484 (1977) and Harris v. McRae, 448 U.S. 297, 100 S.Ct. 2671, 65 L.Ed.2d 784 (1980), as standing for the proposition that the State is under no constitutional duty to provide substantive services for those within its border. The Court then considered whether a state or municipality has a duty under the fourteenth amendment to provide various protective services to its citizens and determined that courts have, without exception, stated that governments are under no constitutional duty to provide such safety services. The Court continued in its inquiry by considering whether the existence of a â€œspecial custodial or other relationshipâ€• between an individual and the state may trigger a constitutional duty or

the part of the state to provide certain medical services. The Court cited to the decision in Walker v. Rowe, 791 F.2d 507, 511 (7th Cir.) which stated that the rationale for imposing these special relationships â€œlies in the constraints the state imposes on private action.â€• The Court found that in the present case, DeKalb County did not constrain Ms. Widemanâ€™s actions enough to create a â€œspecial relationshipâ€• thus imposing on the Count constitutional duty to provide her with the medical treatment she alleges was necessary. Since Ms. Widemanâ€™s medical emergency was not caused by the defendants and Ms. Wideman made the decision to enter the ambulance voluntarily, the Court concludes that the county had no affirmative constitutional duty to provide any particular type of emergency medical service to her.

Decision Excerpts

â€œWhen a local governmental entity is the subject of a section 1983 suit, the plaintiff bears an additional burden. To establish the liability of a city or county under section 1983, the plaintiff must show that the constitutional deprivation resulted from a custom, policy, or practice of the municipality.â€• Wideman v. Shallowford Community Hosp., Inc., 826 F.2d 1030, 1032 (11th Cir. 1987)

â€œSeveral court of appeals decisions have addressed the issue of whether a state or municipality has a duty under the fourteenth amendment to provide various protective services to its citizens. Almost without exception, these courts have concluded that governments are under no constitutional duty to provide police, fire, or other public safety services.â€• Wideman v. Shallowford Community Hosp., Inc., 826 F.2d 1030, 1033â€“34 (11th Cir. 1987)

â€œA constitutional duty can arise only when a state or municipality, by exercising a significant degree of custody or control over an individual, places that person in a worse situation than he would have been had the government not acted at all. Such a situation could arise by virtue of the state affirmatively placing an individual in a position of danger, effectively stripping a person of her ability to defend herself, or cutting off potential sources of private aid.â€• Wideman v. Shallowford Community Hosp., Inc., 826 F.2d 1030, 1035 (11th Cir. 1987)

â€œThe key concept is the exercise of coercion, dominion, or restraint by the state. The state must somehow significantly limit an individual's freedom or impair his ability to act on his own before it will be constitutionally required to care and provide for that person.â€• Wideman v. Shallowford Community Hosp., Inc., 826 F.2d 1030, 1035â€“36 (11th Cir. 1987)