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Wilmington General Hospital v. Manlove

Wilmington General Hospital v. Manlove 174 A. 2d 135 (Del. 1961)

Country: United States
Region: Americas
Year: 1961
Court: Supreme Court of Delaware
Health Topics: Child and adolescent health, Health care and health services, Hospitals, Medical malpractice, Medicines
Human Rights: Right to health

Facts

Plaintiff, Darius M. Manlove, as administrator, brought suit against defendant, Wilmington General Hospital, a private hospital, to recover damages for the wrongful death of his infant, Darien E. Manlove, who was refused treatment at the emergency ward of the hospital.

On January 4, 1959, four month old Darien E. Manlove developed diarrhea and a fever. Darienâ€™s condition did not improve even after receiving prescribed medication from his physicians, Dr. Hershon and Dr. Thomas. On Wednesday January 7th, Darienâ€™s temperature was still above normal and the Manloves brought Darien to the emergency ward of Wilmington General Hospital, since Dr. Hershon and Dr. Thomas were unavailable on Wednesdays.

The Manloves explained Darienâ€™s condition to a nurse at the emergency ward, informed her that he was under the care of Dr. Hershon and Dr. Thomas, and showed her the prescribed medications he had been taking.

The nurse told the Manloves that the hospital could not provide treatment because Darien was already under the care of a physician and there would be danger that the medication of the hospital might conflict with that of the attending physician. The nurse did not examine Darien, take his temperature, or look down his throat. Darien was not crying or convulsing at the time. The nurse did attempt to get in touch with Dr. Hershon or Dr. Thomas, but was unsuccessful. She suggested that the parents bring Darien to the pediatric clinic the following morning.

Mr. and Mrs. Manlove returned home and made an appointment to see Dr. Hershon or Dr. Thomas later that same night at 8:00pm. At 3:08pm, Darien died of bronchial pneumonia.

Defendant moved for summary judgment and attached an affidavit from the nurse on duty. Her statement concerning the refusal of treatment was: â€œI then told Mr. and Mrs. Manlove that the that the rules of the hospital provided that in such cases, where a person is under attendance and medication by a private doctor, and there is no frank indication of emergency, no treatment or medication may be given by doctors employed by the hospital until the attending doctor has been consulted.â€• Wilmington Gen. Hosp. v. Manlove, 54 Del. 15, 18 (1961)

The Superior Court of New Castle County entered an order refusing the defendant hospitalâ€™s motion for

summary judgment on the grounds that: (1) the defendant hospital is liable for its refusal to treat in an emergency because it is a â€œquasi-public institutionâ€• since it receives tax-exemptions and public grants, and (2) there was some evidence of an apparent emergency based on the infantâ€™s death occurring within a few hours, and the childâ€™s symptoms as recited by the nurse.

The hospital appealed.

Decision and Reasoning

The Court examined whether liability for refusal to furnish medical treatment may be imposed on the defendant hospital in an emergency.

The Court began this analysis by first determining whether the defendant hospital was private or quasi-public. The Court held that the defendant is a private hospital and not a quasi-public hospital simply because it received public funds and tax-exemptions. In its reasoning, the Court noted that cases concerning the question of public or private hospital status have uniformly held â€œthat the receipt of public funds and the exemption from taxation do not convert a private hospital into a public one.â€• Wilmington Gen. Hosp. v. Manlove, 54 Del. 15, 19 (1961)

The Court then analyzed what the liability of a private hospital would be in this respect. The Court held that in general â€œliability on the part of a hospital may be predicated on the refusal of service to a patient in case of an unmistakable emergency, if the patient has relied upon a well-established custom of the hospital to render aid in such a case.â€• In reaching this conclusion, the Court cited Taylor v. Baldwin, Mo., 247 S.W.2d 741, 751 which stated that â€œIt may be conceded that a private hospital is under no legal obligation to the public to maintain an emergency ward, or, for that matter, a public clinic,â€• but also noted that if a seriously ill person relies on a hospitalâ€™s established custom to render aid, such a refusal is analogous to the case of the negligent termination of gratuitous services, which creates a tort liability. The Court found that the defendant hospitalâ€™s rule with respect to applicants under the care of a physician, carving out an exception for â€œfrankâ€• emergencies, was held to be an â€œimplied recognition of this duty.â€• Wilmington Gen. Hosp. v. Manlove, 54 Del. 15, 22â€“23 (1961)

Lastly, the Court examined the question of whether there was in fact an unmistakable emergency that could trigger defendant liability. Here, the Court held that there was a question of fact as to whether the childâ€™sâ€™ condition presented an emergency situation. The Court found the infantâ€™s ensuing death and the nurseâ€™s recitation of his symptoms to be insufficient evidence of an emergency. The infantâ€™s death was considered insufficient because it was considered to be hindsight, and the nurseâ€™s recitation was considered insufficient without proof that an experienced nurse should have known that such symptoms constituted evidence of an unmistakable emergency.

The order denying summary judgment was affirmed, without approving the reasons set forth in the lower courtâ€™s opinion.

Decision Excerpts

â€œSince such an institution as the defendant is privately owned and operated, it would follow logically that its trustees or governing board alone have the right to determine who shall be admitted to it as patients. No other rule would be sensible or workable. Such authority as we have found supports this rule.â€• Wilmington Gen. Hosp. v. Manlove, 54 Del. 15, 21 (1961)

â€œBut the maintenance of such a ward to render first-aid to injured persons has become a well-established adjunct to the main business of a hospital. If a person, seriously hurt, applies for such aid at an emergency ward, relying on the established custom to render it, is it still the right of the hospital to turn him away without any reason? In such a case, it seems to us, such a refusal might well result in worsening the condition of the injured person, because of the time lost in a useless attempt to obtain medical aid.â€• Wilmington Gen. Hosp. v. Manlove, 54 Del. 15, 23 (1961)

â€œIf the nurse makes an honest decision that there is no unmistakable indication of an emergency, and that decision is not clearly unreasonable in the light of the nurse's training, how can there be any liability on the part of the hospital?â€• Wilmington Gen. Hosp. v. Manlove, 54 Del. 15, 24 (1961)

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