

LOUISIANA COURT OF APPEAL, THIRD CIRCUIT

Jason Allen v. Lafayette General Medical Center, Inc.

25-506 · No. 25-506 · Decided April 8, 2026

SUMMARY

The Louisiana Court of Appeal, Third Circuit, held that Jason Allen’s claims against Lafayette General Medical Center were governed by the Louisiana Medical Malpractice Act rather than the Emergency Medical Treatment and Active Labor Act. Because Allen had not first submitted his claims to a medical review panel, the court affirmed the trial court’s judgment sustaining the exception of prematurity. The court also concluded that the hospital had stabilized Allen’s emergency medical condition before discharge.

CASE DETAILS

COURT	Louisiana Court of Appeal, Third Circuit
WRITING FOR THE COURT	Ledricka J. Thierry; Shannon J. Gremillion; Sharon Darville Wilson
JURISDICTION	Louisiana Court of Appeal, Third Circuit
DECIDED	April 8, 2026
DOCKET	25-506
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed the district court's judgment sustaining the defendant hospital's dilatory exception of prematurity and dismissing the claims because they had not first been submitted to a Louisiana Medical Malpractice Act medical review panel.
STANDARD OF REVIEW	De novo review applies because whether the claims sound under EMTALA, the Louisiana Medical Malpractice Act, or both presents a question of law.
PRECEDENTIAL VALUE	unknown
PARTIES	Jason Allen v. Lafayette General Medical Center, Inc. d/b/a Ochsner Lafayette General Medical Center

TOPICS

- health law
- civil procedure
- statutory interpretation
- standard of review
- appellate procedure

PRACTICE AREAS

health law

medical malpractice

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether Allen's claims alleging that Lafayette General failed to stabilize him before discharge were EMTALA claims that could proceed without prior review by a medical review panel.
2. Whether Allen's claims sounded in medical malpractice under the Louisiana Medical Malpractice Act and therefore were premature because no medical review panel had reviewed them.
3. Whether the trial court properly considered evidence beyond the petition when ruling on the exception of prematurity.

HOLDINGS

1. Allen's claims did not sound in EMTALA because the evidence showed that Lafayette General admitted him in good faith, treated him as an inpatient, and stabilized his emergency medical condition before discharge.
2. Allen's claims alleged medical malpractice governed by the Louisiana Medical Malpractice Act.
3. Because Lafayette General was a qualified health-care provider and Allen did not submit his claims to a medical review panel before filing suit, the claims were premature and the trial court properly sustained the exception of prematurity.
4. When evidence is admitted at the hearing on an exception of prematurity, the court decides the exception based on the evidence presented rather than solely on the petition's allegations.

KEY QUOTATIONS

"We hold that they are and that Plaintiff was required to submit his claims to a medical review panel prior to filing this instant action." (1)

"EMTALA requires only that a hospital stabilize an individual's emergency medical condition; it does not require a hospital to cure the condition." (7)

"We hold that Allen's claims allege medical malpractice." (9)

FACTUAL BACKGROUND

Allen was injured in a January 18, 2023 motor-vehicle collision and was transported to Lafayette General, where he received imaging, testing, and treatment for approximately three days. He was admitted, treated for his injuries, and discharged after his hemopneumothorax showed resolution, his rib fractures were deemed non-operative, and his planned wrist surgery was arranged for the following week; his discharge was delayed by one day after a decrease in oxygen saturation. After returning home, Allen was transported to Terrebonne General, where he underwent additional procedures, and he later sued Lafayette General alleging that it failed to stabilize his emergency medical condition under EMTALA.

PROCEDURAL HISTORY

Allen sued Lafayette General alleging, among other things, that the hospital violated EMTALA by failing to stabilize him before discharge. Lafayette General introduced evidence of its qualified-health-care-provider status and Allen's medical records, then filed an exception of prematurity. The Fifteenth Judicial District Court for Lafayette Parish sustained the exception and dismissed Allen's claims, and the Louisiana Court of Appeal, Third Circuit, affirmed.

DISPOSITION

affirmed

CASES CITED

- Aziz v. Burnell, 21-130, 21-188 (La.App. 3 Cir. 11/3/21), 330 So.3d 695
- LaCoste v. Pendleton Methodist Hosp., L.L.C., 07-8, 07-16, p. 5 (La. 9/5/07), 966 So.2d 519, 523, 525
- Patterson v. Claiborne Operator Group, L.L.C., 55,264 (La.App. 2 Cir. 11/15/23), 374 So.3d 299
- Spradlin v. Acadia-St. Landry Med. Found., 98-1977 (La. 2/29/00), 758 So.2d 116
- Bryan v. Rectors & Visitors of the Univ. of Va., 95 F.3d 349 (4th Cir. 1996)
- Bryant v. Adventist Health Sys./West, 289 F.3d 1162 (9th Cir. 2002)
- Thornton v. Sw. Detroit Hosp., 895 F.2d 1131 (6th Cir. 1990)
- Duffus v. MaineHealth, 791 F. Supp.3d 61 (D. Me. 2025)
- Moses v. Providence Hosp. & Med. Ctrs., Inc., 561 F.3d 573 (6th Cir. 2009)
- Thornhill v. Jackson Par. Hosp., 184 F. Supp.3d 392, 401 (W.D. La. 2016)
- Dollard v. Allen, 260 F. Supp. 2d 1127, 1135 (D. Wyo. 2003)
- Green v. Touro Infirmary, 992 F.2d 537, 539 (5th Cir. 1993)
- Coleman v. Deno, 01-1517 (La. 1/25/02), 813 So.2d 303, 315, 317