

## When Does an EMS Delay Become Negligence?

In many emergency medical cases, the issue isn't just what treatment was provided — it's how long it took for care to begin.

Attorneys often assume that response time alone determines liability. The legal question is more complex.

The key issue is the standard of care.

Several factors are typically examined when evaluating an EMS delay:

1. **Response Time vs. Standard of Care:** Response time benchmarks (often 8 minutes for ALS in many systems) are commonly used for performance measurements. However, these benchmarks alone do not necessarily define negligence. The real question is whether the EMS system operated consistently with accepted practices, policies, and operational standards.

2. **Dispatch Delays:** Many delays occur before an ambulance even begins responding. Examples include call-taking errors, incorrect priority coding, delayed dispatch of available units, and failure to upgrade the call when additional information is received. These issues can significantly impact patient outcomes.

3. **System Failures:** Sometimes the problem is not an individual provider, but the system itself. Examples may include insufficient unit staffing, poor deployment planning, communications failures, and lack of available ALS resources.

In litigation, the focus often shifts from the individual EMT or paramedic to system design and operational decision-making. Examples of these three key issues and their effects on patient outcomes can be found in:

Hines v. District of Columbia (D.C. Court of Appeals, 1990)

Issue: Alleged negligent EMS response and delayed advanced life support.

City of El Paso v. Hernandez (Texas Court of Appeals, 2000)

Issue: Delay in ambulance dispatch and transport.

Charleston County EMS Wrongful Death Litigation (South Carolina)

Issue: On-scene delay in transporting a patient.

Understanding how emergency medical systems are structured — from dispatch to patient care — is critical when evaluating these cases. If you handle litigation involving EMS response, dispatch operations, or emergency medical standards, I'm always happy to discuss the operational issues involved.