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BORDEN, J., concurring. I agree with and join the well reasoned majority opinion. I write separately only to state that, if we were writing on a clean slate, it would be difficult for me to characterize the term “emergency medical condition,” as used in 42 U.S.C. § 1396b (v) (3), as “plain and unambiguous,” particularly as applied to the facts of this case. I also recognize, however, as does the majority opinion, that under our decision in *Webster Bank v. Oakley*, 265 Conn. 539, 554–55, 830 A.2d 139 (2003), cert. denied, 541 U.S. 903, 124 S. Ct. 1603, 158 L. Ed. 2d 244 (2004), principles of comity and consistency counsel that we follow the lead of the United States Court of Appeals for the Second Circuit in *Greenery Rehabilitation Group, Inc. v. Hammon*, 150 F.3d 226, 233 (2d Cir. 1998), in its interpretation of this federal statute and its definition of “emergency medical condition” as used in 42 U.S.C. § 1396b (v) (3). Applying that definition to the facts of the present case, as well as for the other persuasive reasons stated by the majority, I agree that the judgment of the Appellate Court must be reversed.
