

EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT (EMTALA)

Objectives:

Upon the completion of this section, the employee will be able to:

1. State the purpose of the EMTALA legislation
2. Discuss the expanded scope of EMTALA and how the changes impact areas of the hospital
3. Discuss medical screening and transfer requirements related to EMTALA
4. Identify potential violations of EMTALA regulations and their impact

Instructions to the Employee:

Please read the following section, then answer the study questions at the end of the section.

EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT (EMTALA)

I. INTRODUCTION

- A. The Emergency Medical Treatment and Active Labor Act (EMTALA) is a statute under the larger umbrella of the Consolidated Omnibus Budget Reconciliation Act (COBRA). EMTALA is designed to enhance access by all persons to emergency services and prohibit discrimination in the provision of emergency services to persons presenting with similar types of conditions regardless of financial or insurance status. EMTALA is also referred to as the antidumping law.
- B. The current definition of EMTALA includes patients anywhere on the campus. Expansion of the definition includes the **outpatient clinics, emergency department, labor and delivery, psychiatric emergency department and any port of entry to the hospital or grounds.**
- C. There are many components to EMTALA and compliance with all portions is mandatory for any hospital receiving Medicare reimbursement. Any institution that fails to comply with the regulations imposed by EMTALA may be subject to monetary penalties and risks termination of its Medicare provider status.

II. BASIC EMTALA REQUIREMENTS

- A. Although there are many components of the EMTALA law, some basic requirements include: providing a medical screening examination to all patients seeking examination or treatment for a medical condition, providing stabilizing treatment to those patients with emergency medical conditions and maintaining logs of all patients that present for care and transfers in and out of the facility.
- B. A central log must be kept in each area that receives walk in or emergency patients. If a patient presents for medical care, the log must include the patient's name and whether the person was transferred and where the patient was transferred to.
- C. The Medical Center must provide a medical screening examination to all patients who request examination or treatment for a medical condition regardless of ability to pay. This also applies to patients who present at clinics requesting services. This examination must be the same for each individual presenting with the same complaint. The screening examination may include a physical assessment, consultation from an on-call specialist, laboratory or radiological tests or any means of determining whether an emergency medical condition exists. The medical screening examination cannot be delayed while determining the patient's ability to pay or insurance coverage.
- D. If the facility is unable to provide a medical screening examination, then the patient must be appropriately transferred to an area such as the emergency department.

III. TRANSFERS

- A. EMTALA also applies to emergency patients who are transferred into or out of Harbor-UCLA Medical Center. Caring for patients transferred into the facility requires knowledge of previous treatment. Adequate documentation and information must be received from the hospital sending the patient. EMTALA requires notification of the receiving hospital and copies of the patient's chart, X-rays, EKGs, laboratory work and any other necessary information to be sent with the patient. Requests from other hospitals to transfer a patient should always be accepted when the patient is requiring higher level of care.
- B. Patients who are transferred out of Harbor-UCLA must be sent with all documents listed above that would aid the receiving facility. In addition to the above mentioned information, the patient must be informed of the risks and benefits of transfer. The benefits of transfer should outweigh the possible risks. Consent to transfer must be evident. The patient must be stabilized prior to transfer. All transferred patients must be transferred with equipment and personnel appropriate for the medical condition for which the transfer is initiated. The appropriate mode of transport is required as well as

qualified personnel to accompany the patient.

- C. All transfer patients must have evidence of EMTALA requirements documented in both the sending and receiving hospitals. Any failure of a hospital to comply constitutes a violation and the hospital noting the failure is mandated to report the violation within 72 hours. Failures to report a violation can also result in a fine.

IV. VIOLATIONS

- A. Alleged violations of EMTALA regulations are investigated by the Center for Medicare & Medicaid Services (CSM). Hospitals and physicians that are found to be in violation of EMTALA can be fined up to \$50,000 for each violation and the hospital's Medicare participation agreement can be terminated. The fines can be both personal and institutional. All violations are public record and can be used in malpractice suits.
- B. EMTALA violations can be devastating to a facility. The way to avoid citations is to comply with the regulations. In order to comply with EMTALA, staff members must be informed of the regulations and the penalties.

PLEASE COMPLETE THE STUDY QUESTIONS ON THE NEXT PAGE

**EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT (EMTALA)
Study Questions**

Select the best answer to each question. **DO NOT** write in the manual

1. EMTALA is designed to:
 - a. Cover only patients who have no medical insurance coverage
 - b. Frustrate hospitals into eliminating their Medicare provider status
 - c. Enhance access by all persons to emergency services regardless of financial or insurance status
 - d. Minimize the workload on the county hospitals by mandating patients be seen wherever they present

2. EMTALA applies to the following areas:
 - a. Only clinic patients
 - b. Only private hospitals
 - c. Only emergency departments
 - d. Clinics, emergency department, labor and delivery, psychiatric emergency department

3. According to EMTALA, a medical screening examination must be completed for the following patients **EXCEPT**:
 - a. Any patient admitted for same day surgery
 - b. Any patient presenting to the emergency department
 - c. Any patient presenting to labor and delivery in active labor
 - d. Any patient walking in to a clinic asking to be seen for a medical condition

4. Potential penalties for violations to EMTALA include:
 - a. Loss of license
 - b. Reduction in number of staff hired
 - c. Tickets from law enforcement to individuals involved
 - d. Monetary fines and termination of Medicare participation status

CHECK YOUR ANSWERS TO THE STUDY QUESTIONS

Answers to Study Questions

1. c 2. d 3. a 4. d

If you answered all of the questions correctly, go on to the next section. If you missed one or more, read content again and repeat the study guide questions.

**EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT (EMTALA)
Bibliography**

Acceptance of ED-to-ED transfer requests for patients with an emergency medical condition. In: *Hospital Medical Administration Policy and Procedure Manual*. Torrance, CA: Harbor-UCLA Medical Center; 2004. Policy 308C.

Emergency transfer of patients from other acute care facilities. In: *Hospital and Medical Administration Policy and Procedure Manual*. Torrance, CA: Harbor-UCLA Medical Center; 2002. Policy 308B.

Emergency transfer of patients to other acute care facilities. In: *Hospital and Medical Administration Policy and Procedure Manual*. Torrance, CA: Harbor-UCLA Medical Center; 2005. Policy 308A.

Lipton MS, Tremaine DW. *California Healthcare Association: A Guide to Patient Anti-Dumping Laws*. 4th ed. Sacramento, CA: California Healthcare Association; 2003.

Luckman J. *Saunders's Manual of Nursing Care: COBRA and EMTALA*. Philadelphia, PA: WB Saunders; 1997: 1788-1790.

**YOU HAVE COMPLETED
THE MANDATED SECTION.**

Please complete the take home exam at this time.

Please refer to the table on page iii of this manual or consult your immediate supervisor if you have questions about which sections of Reorientation you must complete.