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Compliance and Privacy Officer



EMTALA: EMERGENCY MEDICAL TREATMENT & ACTIVE LABOR ACT

TONHC EMTALA Training – 02.18.2020

Act as if what you do makes a
difference. It does.

- William James

AGENDA

History & Application

Requirements

Process



EMTALA

HISTORY & APPLICATION

History

- In 1986 Congress passed EMTALA to eliminate the practice of "patient dumping," i.e., refusal to treat people because of an inability to pay or insufficient insurance coverage.
- It also made it unlawful to transfer or discharge emergency patients based on anticipated high diagnostic and treatment costs.
- EMTALA also outlines how hospitals treat persons presenting with a possible or perceived medical emergency and/or who may be in active labor.

* Reference: 42 U.S.C. § 1395dd

Application

- Per the Center for Medicaid/Medicare Services (CMS) any hospital with a dedicated Emergency Department (ED) must comply
- Physicians: emergency, treating or on-call
 - Advanced practice providers (Nurse Practitioners or Physician Assistants) can provide a medical screening provided it is within the scope of services
- At TONHC EMTALA only applies to the Sells Hospital campus
- EMTALA is not covered under the Federal Torts Claim Act





EMTALA

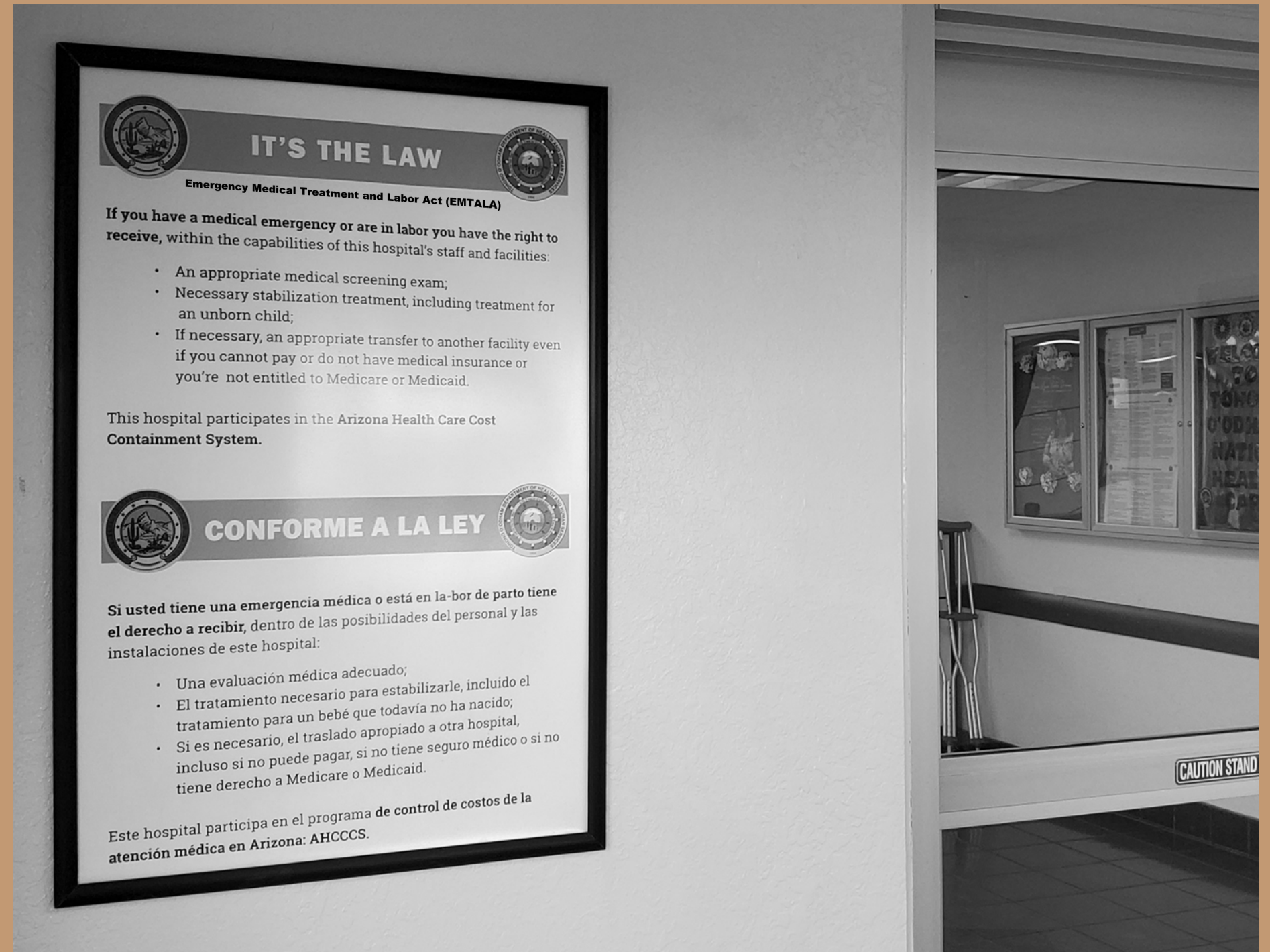
REQUIREMENTS

Hospital Obligations

- Medical Screening Exam (MSE) by a qualified Provider to determine if an Emergency Medical Condition (EMC) truly exists
- Stabilizing treatment
- Appropriate transfer
- Record keeping
- Emergency Room (ER) Log
- Policy
- EMTALA still applies to LTAC (Long Term Acute Care) dispositions
- If no EMC exists, no EMTALA obligation



- EMTALA Notice must be posted in the front of each hospital entrance
- Notice must indicate whether the hospital participates in the State Medicaid program (AHCCCS)



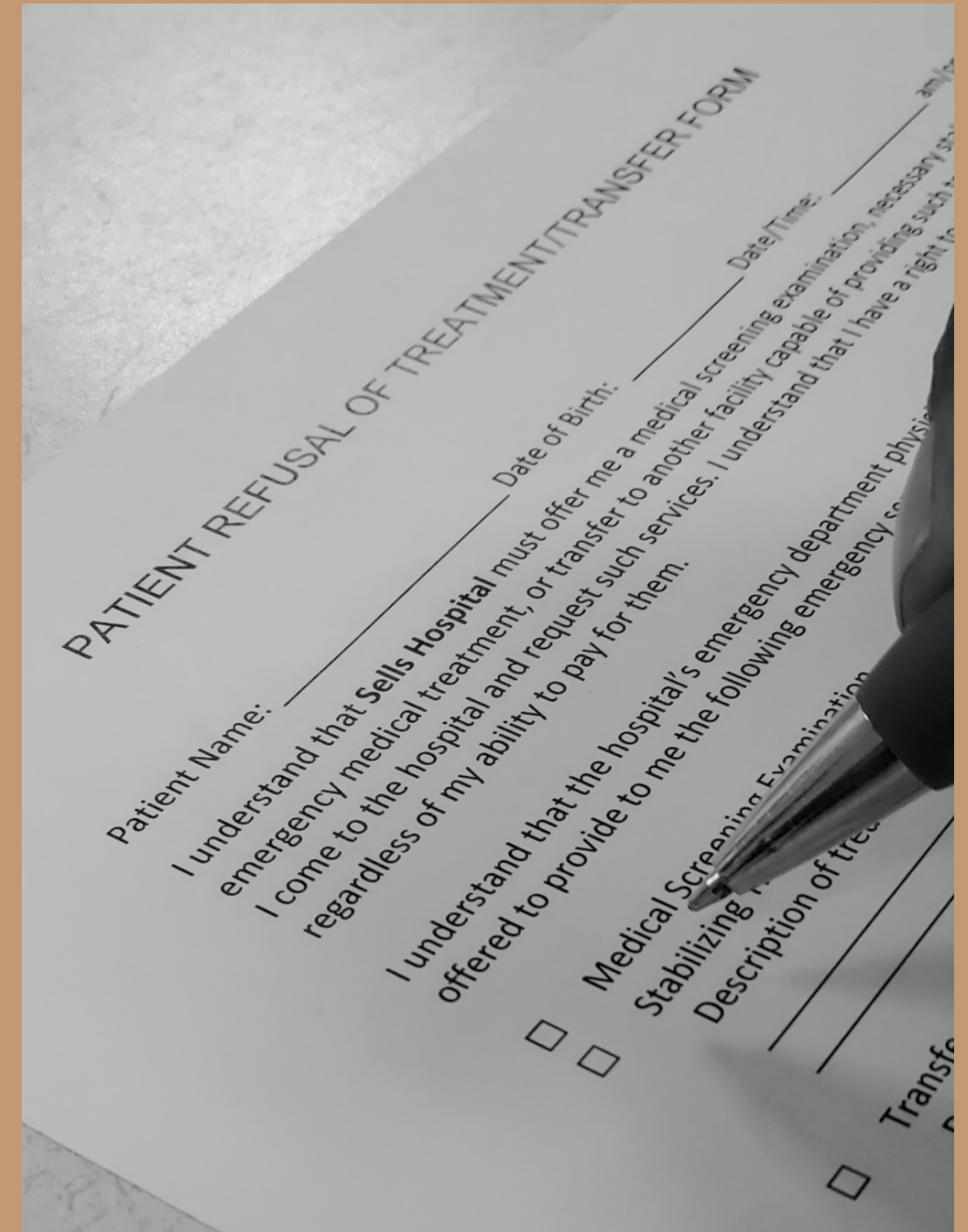


EMTALA

PROCESS

Procedure

- Stabilizing treatment under an EMTALA obligation continues until the EMC is resolved, transferred or admitted
- Treatment within the Hospital's capabilities
- Care provided by qualified medical personnel
- *Informed* refusal of consent to treatment
 - Must explain the consequences and risks involved
- Document any such refusal on the Refusal Of Treatment Form



PROCESS

Transfer & Record Keeping

- Unstable transfer:
 - MD must certify benefit to transfer outweighs risk to transfer
 - Pt. May make written request only after being informed of obligations under EMTALA and risks of transfer
- Physician certification
- Must be appropriate
- Duty to accept from receiving facility
- Duty to report EMTALA violations
- Whistleblower protections
- ER log, On-call / Duty Physician list

TOLSON O'DODHAM NATION
Out of Hospital Transfer
Record

TRANSFERRED FROM: _____
RECEIVING PHYSICIAN: _____
DATE: _____
MODE OF TRANSFER: _____
CRITERIA FOR TRANSFER (DIAGNOSIS, Risks, and Benefits for Transfer): _____
PREPARATION FOR TRANSFER OF PATIENT: _____
PERSONNEL ESCORTING PATIENT: _____
ALERT: Suspicion of RMSF (Rocky Mountain Spotted Fever) is endemic on the Tolson O'dodham. Doxycycline Treatment Started: _____
YES _____ NO _____



Penalties

May be subject to termination of its Medicare provider agreement (exclusion from Medicare participation)

- Civil monetary penalties:
 - A participating hospital that is found to negligently violate a requirement of EMTALA is subject to a civil monetary penalty of up to \$50,000 for each violation of the statute
 - A physician who is responsible for the examination, treatment, or transfer of a patient and who negligently violates a requirement of EMTALA is subject to a civil monetary penalty of up to \$50,000 for each violation of the statute

WebMD

EMTALA VIOLATIONS	
Federal inspectors most often cited hospitals for failing to provide these services to emergency room patients from March 2008 to March 2018:	
Medical screening	1,353
Appropriate transfer	701
Emergency room log	607
Stabilizing treatment	546
Posting signs	352
Source: Centers for Medicare & Medicaid Services.	

Agreement Checklist

☒ EMTALA — Federal Law; Hospital Emergency Rooms can not turn anyone away

☒ EMTALA is EVERYONE's responsibility!

Anyone crossing the cattle guard at the main gate at Sells Hospital for any reason is on hospital property. If care is needed, a medical screening exam is promised and carried out.

☒ As A TONHC Employee, abide by all laws

☒ Understand that any person will be directed/taken to the ED if they:

☒ State, suspect, or appear to be having a medical emergency

☒ Think they are in active labor

☒ Are found unconscious/unresponsive or otherwise incapacitated

☒ NO ONE SHALL BE TURNED AWAY — \$50,000.00 fine

We make a LIVING by what we get but
we make a LIFE from what we give.

- Winston Churchill

QUESTIONS?

Please complete the form labeled EMTALA Agreement Checklist. Keep a copy for your records and please submit the original document to your direct supervisor.

CONTACT



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