



Emergency Medical Treatment and Labor Act (EMTALA)

Process Overview

EMTALA Pathways

EMTALA

EMTALA



Individual arrives via
Emergency Medical
Services



Individual comes to the
hospital or is within
250 yards of hospital
on hospital property



Transfer request from
another Hospital's
Emergency
Department*
*Not inpatient



NOT EMTALA

NOT EMTALA



Physicians'
Offices/Clinics
Direct Physician
Admission to
inpatient unit



Telephone Contact



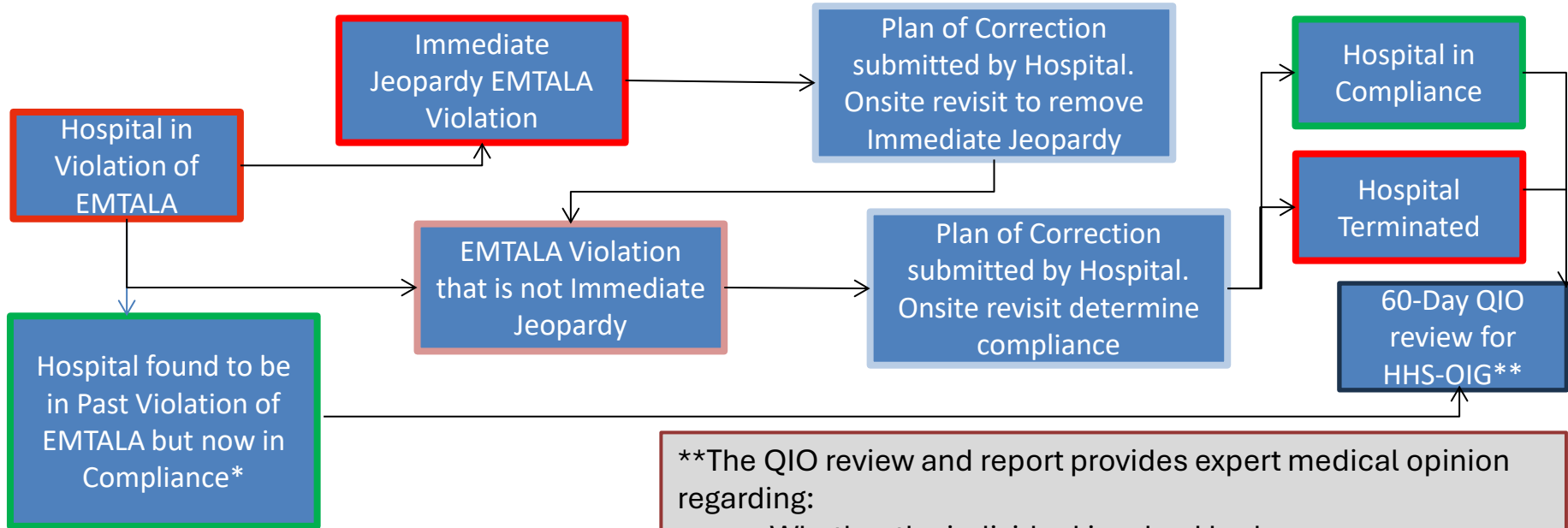
Any Non-Hospital
Healthcare Entity
(ASCs, Nursing
Homes, Urgent Care,
etc.)



EMTALA Ends When

- The individual is:
 - Screened by a physician or qualified medical personnel and does not have an emergency medical condition, or
 - Stabilized to resolve the emergency medical condition, even if ongoing care is needed for an underlying medical condition, or
 - Admitted to the hospital as an inpatient in good faith (not in observation status), or
 - Transferred safely to another hospital that assumes EMTALA obligation.
- Or any time the individual refuses care.

EMTALA Violation



* Past non-compliance is cited when an EMTALA violation is identified, even if it has been corrected by the time the State Survey Agency arrived

**The QIO review and report provides expert medical opinion regarding:

- Whether the individual involved had an emergency medical condition
- Whether the individual's emergency medical condition was stabilized
- Whether the individual was transferred appropriately
- Whether there were any medical utilization or quality of care issues involved in the case

Enforcement

By statute, the only sanction CMS can impose for an EMTALA violation is termination from the Medicare program.

The HHS Office of the Inspector General has the authority to impose civil monetary penalties (fines) against hospitals and/or physicians for violations of EMTALA.