EMTALA Obligations Under The Final Rule Teleconference

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Speaker

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Moderator



Agenda Overview

- 1. Welcome and Introductions
- 2. EMTALA Update
 - CMS Process / Philosophy
 - Discussion of Final Rule
- 3. Legal Issues and Analysis
 - Implication of Final Rule
 - Open Issues
- 4. Practical Implications and Approaches
 - Practical Changes to Policies and Procedures
 - CMS Audit Experience
- 5. Questions and Answers





EMTALA Update

Leslie V. Norwalk, Esq.

Deputy Director, Centers for Medicare and Medicaid Services

Please refer to EMTALA Update presentation.

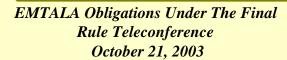
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Legal Analysis

Michael J. Philbrick, Esq. Honigman Miller Schwartz and Cohn, LLP







Application of EMTALA

Dedicated Emergency Department

- Determination focused on nature of services
- Objective and subjective criteria
- May include non-traditional "emergency rooms"
- Retroactiveness





Request for Medical Services

Dedicated Emergency Department

- Request exam and treatment for a medical condition
- Prudent layperson observer

□ Other Hospital Campus Location

- Request exam and treatment for what may be an emergency medical condition
- Prudent layperson observer



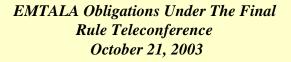


Prudent Layperson Observer Standard

□ Standard to determine if EMTALA triggered

□ No interpretation by hospital employees and volunteers

Applicability where person is able to request exam and treatment

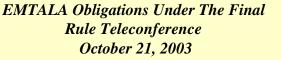






EMTALA Screening

- Performed by Qualified Medical Personnel
- Appropriate for any individual presenting in such manner
- **Extent necessary to determine** Emergency Medical Condition
- □ Subjective determination







Inpatient Clarification

□ Definition of inpatient

¤ EMTALA obligations end at admission

Not applicable to elective admissions





Outpatient Clarification

- Definition of outpatient
- □ Applicability of EMTALA
 - Request at dedicated emergency department
 - Before and after an encounter
 - Post screening obligations
- □ State laws and CoPs protect





On-Call Requirements

- Maintained in manner which best meets needs of persons receiving EMTALA services
 - Seems to prioritize emergency department
- **¤** Exemptions not a violation
- □ Reliance on Medical Staff Bylaws





Registration and Prior Authorization

- May follow reasonable registration procedures
 - Obtain information
 - Cannot delay screening or treatment
- May not seek authorization until after screening exam and stabilization procedures initiated
 - Must stabilize if authorization denied





Conditions of Participation

Provide protection to inpatients and outpatients

- Governing Body
- Emergency Services
- Discharge Planning
- Medical Staff
- Outpatient Services
- Quality Assessment and Performance Improvement

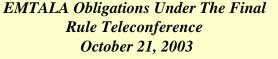




Practical Implications

Chris Sangalli

Director of Risk Management, Bronson Healthcare Group







EMTALA Policy Changes

□ Discussion of Compliance Policy changes

□ Please refer to Sample Compliance Policy





CMS Survey

□ Governing Board Policies

□ Contracts

Regulations







CMS Survey

□ Department Policies

¤ Educational Components

□ Physical Compliance

