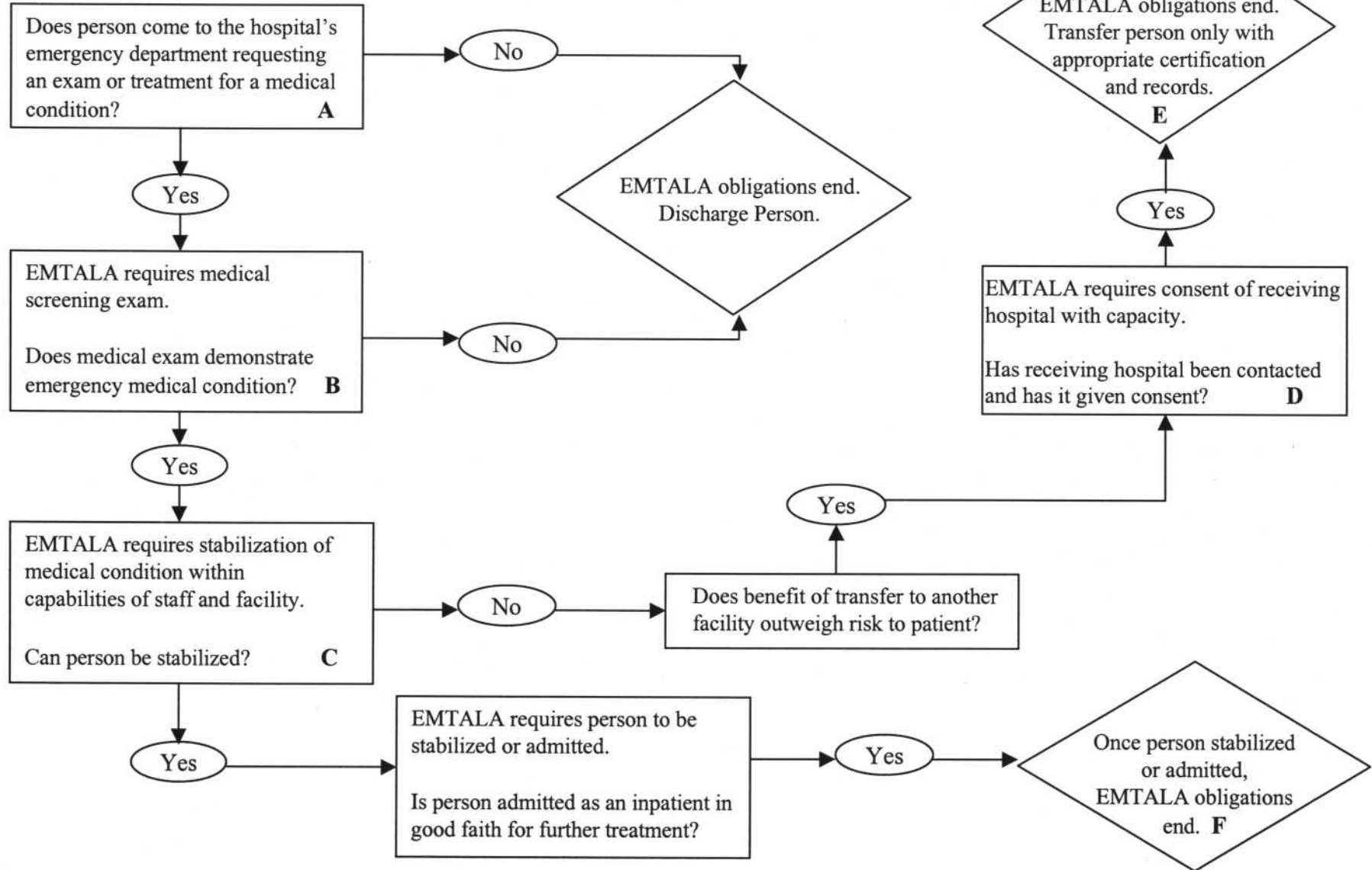




HONIGMAN

EMTALA DECISION TREE



A

A person **comes to the hospital emergency department** in the following ways:

1. Person presents to dedicated emergency department seeking an exam or treatment.

A **dedicated emergency department** is any department or facility of the hospital that is:

- a facility licensed by the State as an emergency department;
 - a facility held out to the public as a place that provides care for emergency medical conditions on an urgent basis without requiring a previously scheduled appointment; or
 - a department or facility that provides at least one-third of its entire outpatient visits for the treatment of emergency medical conditions on an urgent basis without requiring a previously scheduled appointment.
2. Person presents on hospital property seeking an exam or treatment for what may be an emergency medical condition.
 3. Person is in ambulance owned and operated by hospital for purposes of examination and treatment for a medical condition at hospital's dedicated emergency department.
 4. Person is in nonhospital-owned ambulance on hospital property for examination and treatment for a medical condition at hospital's dedicated emergency department.

B

Screening examination must be appropriate, within the capability of the hospital's emergency department, to determine whether an emergency medical condition exists and performed by qualified medical personnel.

Emergency medical condition means a medical condition manifesting itself by acute symptoms of severity such that the absence of immediate medical attention could reasonably be expected to result in:

- placing the health of the individual in serious jeopardy;
- serious impairment to bodily functions;
- serious dysfunction of any bodily organ or part; or
- with respect to a pregnant woman having contractions, that there is inadequate time to effect a safe transfer before delivery or that the transfer may pose a threat to the health or safety of the woman or unborn child.

C

To stabilize means to provide medical treatment of the condition necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual.

D

Transfer to another medical facility is appropriate where:

- transferring hospital provides medical treatment within its capacity to minimize risk to person's health;
- the receiving facility has space and qualified personnel and has agreed to accept transfer of the person and to provide appropriate medical treatment;
- transferring hospital sends all medical records related to the emergency condition; and
- the transfer is effected through qualified personnel and transportation equipment as necessary.

A participating hospital that has specialized capabilities or facilities may not refuse to accept an appropriate transfer of an individual who requires such specialized capabilities or facilities if the receiving hospital has the capacity to treat such individual.

E

Transfer is appropriate only if:

- the person requests the transfer after being informed of the hospital's obligations and the risk of transfer;
- physician certifies that the medical benefits expected from the treatment at another facility outweigh the risks to the person; or
- a qualified medical person certifies that the medical benefits expected from the treatment at another facility outweigh the risks to the person after consultation with a physician.

F

If hospital admits person as inpatient in good faith for further treatment and/or stabilization, EMTALA obligations end.