

DATE: September 2, 1998
TO: Hospitals
FROM: Judy Fryback, Director
Bureau of Quality Assurance

BQA 98-038

HOSP 14

New Hospital Interpretive Guidelines and State Operations Manual Revisions

Attached is a copy of the new Hospital Interpretive Guidelines and State Operations Manual Revisions from the Health Care Financing Administration for EMTALA (the Emergency Medical Treatment and Labor Act which is also known as “the anti-dumping regulations”).

Briefly, EMTALA applies to hospitals that participate in the Medicare program and offer emergency services. The law applies to all patients who come to the hospital seeking emergency care, not just those who are Medicare beneficiaries. The law requires hospitals to do three basic things: 1) the hospital must provide an appropriate medical screening examination to determine if the patient really has a medical emergency; 2) if an emergency condition exists, the hospital must provide, within its capability, whatever treatment is necessary to stabilize the emergency condition; and 3) the hospital may not transfer a patient in an unstabilized emergency condition to another facility unless the patient requests the transfer, or a physician certifies that the benefits of the transfer outweigh the risks.

“Section 3400, Background” updates instructions and policy interpretation for conducting a complaint investigation under the auspices of 42 CFR 489.20 and 489.24 based on recent recommendations by the State survey agencies, HCFA regional offices, and the Department of Health and Human Services (HHS), Office of Inspector General (OIG). “Appendix V, Interpretive Guidelines and Investigative Procedures for Responsibilities of Medicare Participating Hospitals in Emergency Cases” updates interpretive guidelines based on recent recommendations by the State survey agencies, DCFA regional offices, the Department of Health and Human Services (HHS), and the Office of the Inspector General (OIG).

The new Guidelines and revisions will be implemented and effective as of July 14, 1998. HCFA Publications are also obtainable via the HCFA Internet site at:

<http://www.hcfa.gov/pubforms/pubforms.htm>

Please share this information with the appropriate staff and direct any questions that you may have to Beth Stellberg, Chief, Health Services Section at (608) 266-3878.

Attachment