

Patient Transfer and Emergency Medical Treatment and Labor Act (EMTALA)

PURPOSE:

- To identify guidelines for providing the appropriate setting for conducting medical screening examinations;
- To identify providers eligible to perform emergency medical screening examinations;
- To comply with the Emergency Medical Treatment and Labor Act (EMTALA), 42 U.S.C. 1395 and subsequent federal interpretive guidelines and state regulations.
- Departments that conduct medical screenings include: Emergency Departments of GMC, GSACH, GWV, GCMC, GLH and Geisinger Bloomsburg and Labor and Delivery Departments of GMC, GWV, GLH and Geisinger Bloomsburg campuses. Patients who present to the Emergency Department in labor at the GMC, GWV, GLH and Geisinger Bloomsburg campuses will be transferred to the Labor and Delivery Department at GMC, GWV, GLH and Geisinger Bloomsburg campuses for medical screening.

POLICY:

- Any person who comes to a facility requesting assistance for a potential emergency medical condition/emergency service will receive a medical screening performed by a qualified provider to determine whether an emergency medical condition exists
- Persons with emergency conditions will be treated and their condition stabilized without regard to ability to pay for services.
- EMTALA does not apply to inpatients.
- The triage process recognizes that triage and a medical screening are two separate processes.

DEFINITIONS:

- **Capability** means that an organization provides the requested medical services.
- **Comes to Hospital** refers to any individual requesting emergent examination and treatment arriving on any hospital property or premises. This includes sidewalks, driveways, parking lots and parking garages for the locations listed. This definition does not apply to admitted inpatients who will be handled pursuant to various treatment processes and protocols within the hospital.
- **Capacity** means that the organization has available space and resources to provide the medically necessary emergency care.
- **Emergency Medical Condition** (which is determined by a qualified medical provider after conducting a medical screening examination) is defined as a medical condition manifesting itself by acute symptoms or sufficient severity (including severe pain, psychiatric disturbances, and /or symptoms of substance abuse) such that the absence of medical attention could reasonably be expected to result in:
 - Placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;
 - Serious impairment to bodily functions; or
 - Serious dysfunction of any bodily organ or part; or
 - With respect to a pregnant woman who is having contractions:

- There is inadequate time to provide a safe transfer to another hospital before delivery; or
 - The transfer may pose a threat to the health or safety of the woman or the unborn child.
- **Emergency Medical Care Log** is in the Geisinger's electronic health record which is maintained on all individuals who present to the emergency department seeking medical care. The log shall be kept for five years and contain specific patient information including:
 - Patient identification
 - Medical record and encounter number
 - Patient type
 - Presentation time
 - Provider evaluation note
 - Discharge time
 - Disposition categorized as treated and released, admitted, discharged, transferred, elopement, left without being seen, or refusal of treatment (AMA)
- **Emergency Medical Treatment and Labor Act EMTALA** refers to Sections 1866 and 1867 of the Social Security Act, 42 U.S.C. and 1395dd, which obligates hospitals to provide medical screening, treatment and transfer of individuals with emergency medical conditions or women in labor. It is also referred to as the "anti-dumping" statute and COBRA (Consolidated, Omnibus Budget and Reconciliation Act).
- **Hospital** includes any facility that is defined by state license as such an entity and/or covered with a unique Medicare provider number.
- **Hospital Property or Premises** includes the entire main hospital campus, including the parking lot, sidewalk, driveway, and any parts of the hospital that are within 250 yards of the main buildings.
- **True Labor** as defined by a qualified medical provider means the process of childbirth beginning with the latent or early phase of labor and continuing through the delivery of the placenta.
- **Qualified Medical Provider** to perform a medical screening examination within Geisinger facilities are as follows:
 - Doctor of Medicine or Osteopathy
 - Certified midwife with staff privileges at Geisinger Health System campuses that include obstetrical care
 - Advanced practitioners as defined by the medical staff bylaws of the specific campuses of Geisinger Health System
- **Medical screening within off campus-provider based locations** – If a patient's condition is outside the scope of services available in the off-campus, provider based facility, personnel of that facility shall arrange patient transportation utilizing the Emergency Medical Service (EMS), private ambulance, or personal vehicle that is most appropriate based on the patient's condition. Pending such transportation, personnel should provide any medical assistance within the capabilities of the facility itself and the capacity of treating personnel.
- **Stable for Transfer:** A patient is stable for transfer if the treating physician attending to the patient has determined, within reasonable clinical probability, that the patient is expected to leave the hospital and be received at the second facility, with no deterioration to the patient's medical condition; and the treating physician reasonably believes the receiving facility has the capability to manage the patient's medical condition and any reasonably foreseeable complications of that condition.
- **Stabilize** refers to the provision of medical treatment necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during a transfer or discharge of the individual from a facility or in the case of a woman in labor, that the woman has delivered the child and the placenta.
- **Triage** is a sorting process to determine the order in which patients will be provided a medical screening examination by a qualified medical person. Triage is **not** the equivalent of a

medical screening examination and does not determine the presence or absence of an emergency medical condition.

- **Transfer** means the movement of a living patient to another facility at the direction of any person employed by the clinic or hospital, but does not include such a movement of an individual who has been declared dead or who leaves the facility against medical advice (AMA) or leaves without being seen (LWOBS).

PROCEDURE:

A hospital must provide for an appropriate medical screening examination within the capability of the hospital emergency department to any individual who comes to the emergency department and requests examination or treatment. The purpose of this screening examination is to “determine whether or not an emergency medical condition exists.” If an emergency medical condition exist, then further medical treatment must be provided to stabilize the patient or the patient must be transferred to another facility in accordance with the policy.

- **Requirements of a medical screening:**
 - The medical screening consists of an assessment and any ancillary testing or focused assessment based on the patient’s chief complaint necessary to determine the presence or absence of an emergency medical condition. This may be a brief history and physical examination or may require complex ancillary studies and procedures such as, but not limited to, lab tests, fetal monitoring, EKG tracing or radiology exam.
 - The medical screening is the process a provider must use to reach with reasonable clinical confidence whether a medical emergency does or does not exist.
 - The medical screening must provide evaluation and stabilizing treatment within the scope of the hospital or facility’s abilities and not consider a patient’s ability to pay for services.
 - The medical record will reflect the findings of the medical screening including results of any tests performed and analysis.
 - Disposition of the patient will be documented with any education provided and a follow-up plan of care if the disposition of discharge is appropriate.
- **Routine Business Registration:** The medical screening of a patient seeking emergency care cannot be delayed for financial inquiry including managed care authorization. However, routine registration may take place to facilitate the patient flow through the department.
- **Guidelines to observe when registering a patient:**
 - Do not interfere with the timeliness of the medical screening.
 - Do not call the managed care organization to obtain permission to do a medical screening.
 - Do not say or imply anything that may discourage the patient from seeking the medical screening.
 - Do not give the patient any information about advance beneficiary notice prior to the medical screening.
- **Patients who decide to leave prior to a disposition:** If a patient decides to leave prior to a medical screening, the following steps should be taken if at all possible:
 - Explain to the patient it is important to have the medical screening to rule out whether or not there is a medical condition that needs treatment.
 - Inform the patient of the risks of not having a medical screening.
 - Ask the patient to sign the AMA form acknowledging understanding the risks of leaving. It is recognized that at times the patient may refuse to sign this form. (See attachment, AMA form)
 - Document on the medical record the above information including refusal to sign AMA documentation.
- **Stabilization:**

- Each facility governed by this policy is responsible for treating and stabilizing, within its capacity and capability, any individual who presents him/herself to the facility with an emergency medical condition. A patient is considered stabilized when the treating physician has determined, with reasonable clinical confidence, that the patient's emergency medical condition has been resolved.
- ***Patient Transfers to Geisinger Facilities:***
 - The hospital will accept transfers from other facilities to provide the specialized services when the requesting facility does not have the capability to provide such specialized service and the hospital has the capability and capacity to provide the needed emergency care.
- ***Patient Transfers from Geisinger: Duties of the Geisinger Transferring Hospital:***
 - Physician will certify that the benefits of the transfer outweigh the risks which include written enumeration of the medical risks and benefits based on information at the time of transfer.
 - Obtain the patient's informed consent.
 - Arrange an appropriate transfer by providing treatment within the capacity of the hospital, arrange for acceptance by another facility, and transfer through qualified personnel and equipment.
 - Transfer the medical record and copies of pertinent radiographic and laboratory findings to the receiving facility.

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