

<p>Emergency Medical Treatment & Active Labor Act (EMTALA) Hospital Nursing Department</p> 	Number Nursing
	Effective Date March 1, 2010
	Origination Date 10/2008
	Last Review Date 11/09/15
	Next Review Date Annually
	Review Responsibility ER/Trauma supervisor
	Contact Director of Nursing

I. **PURPOSE:** The purpose of this policy is to identify requirements for the emergency medical screening. To identify providers eligible to perform the emergency medical screening. To comply with the Emergency Medical Treatment & Active Labor Act (EMTALA), 42 U.S.C § 1395 and subsequent federal interpretive guidelines and state regulations.

II. **POLICY:** It is the policy of Prairie Ridge Hospital and Health Services to comply with the Emergency Medical Treatment & Active Labor Act (EMTALA), 42 U.S.C § 1395 and subsequent federal interpretive guidelines and state regulations.

- Any patient presenting to the hospitals emergency department or presenting on hospital property (as defined in EMTALA), requesting examination care or treatment for a medical condition must be provided with an appropriate medical screening examination, within the capability of the hospital, by a provider to determine if he/she is suffering from an “emergency medical condition”. Persons with “emergency medical conditions” will be provided treatment until stable and when appropriate, transferred to another hospital in conformance with the requirements of this policy and applicable law.
- Persons with emergency conditions will be treated and their condition stabilized without regard to ability to pay for services.
- “Emergency medical conditions” is defined as “ A medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in –
 - a) placing the health of the individual (or, with respect to a pregnant women, the health of the woman or her unborn child) in serious jeopardy,
 - b) serious impairment of bodily functions, or
 - c) with respect to a pregnant woman who is having contractions,
 - i) that there is adequate time to effect a safe transfer to another hospital before delivery, or
 - ii) that the transfer may pose a threat to the health or safety of the woman or her unborn child.
- “Medical screening examination” means the process of determining, with responsible clinic confidence, whether or not an emergency medical condition exists based on a patient’s chief complaint or a woman in labor, and to be documented in the patient’s medical record.

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III. PROCEDURE(S):

General information:

Prairie Ridge Hospital and Health Services triages patients per written criteria and severity of chief complaint and provides medical screening exams.

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.

The medical screening exam consists of an assessment and any ancillary tests 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 heart tone monitoring, EKG or radiology procedures. The medical screening examination is the process a provider must use to reach with reasonable clinical confidence whether a medical emergency does or does not exist.

A woman in active labor who has an emergency medical condition may only be transferred if (1) the woman, after being informed of the facility's obligations and the risks of transfer, requests the transfer in writing or (2) the provider has signed a certification that, based upon the information available at the time of transfer, the medical benefits reasonable expected from the provision of care at the facility outweigh the increased risks to the patient and her unborn from effecting the transfer.

The medical screening must be performed by a provider with experience in emergency care. These professionals will function within the scope of their license and approval by the Prairie Ridge Hospital and Health Services Medical Staff Governing Board.

Documentation of the medical screening requirements:

- The medical record shall reflect the findings of the medical screening including results of any tests performed and analysis including the determination that a medical emergency does or does not exist.
- Disposition of the patient shall be documented with any patient education provided and a follow-up plan of care if discharge is appropriate.
- Emergency Room where the medical screening occurs shall maintain an Emergency Room Log which includes patient name, date of service, presenting complaint, provider name, and patient disposition. This log is not to contain patients seeking elective outpatient care.
- The Emergency Room Log shall be maintained for five years and will be monitored quarterly by the respective department where medical screening occurs.

EMTALA signage required:

Emergency Department will post signs (English and Spanish) in a place or places likely to be noticed by all individuals entering the department that includes;

- The rights of patients with emergency conditions and women in labor.

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Business office registration:

The medical screening of a patient seeking emergency care cannot be delayed for financial inquiry including managed care authorization. However, routine registration should take place to facilitate the patient flow through the department. Registration information should be taken to expedite patient flow through the department.

The guidelines to observe while registering the patient are:

- Do not interfere with the timeliness of the medical screen;
- Do not call the managed care organization for permission to do a medical screen;
- Do not say or imply anything to the patient that might discourage them from seeking the medical screen; and
- Do not give the patient any information about advance beneficiary notice prior to the medical screen.

Patient seeking emergency care decides to leave (AMA/LWBS):

If the patient waiting for medical screening decides to leave without examination the following steps should be taken if at possible:

- Explain to the patient it is important to have the medical screening to rule out whether or not they have a medical condition that needs treatment;
- Use an interpreter if the patient has limited English proficiency, or use an alternate means of communication;
- Inform the patient of the risks of not having the medical screening;
- Ask the patient to sign the AMA form acknowledging they understand the risks of leaving without the medical screening.
- If a patient or another acting on his/her behalf refuses to consent to the examination or treatment then,
 - 1) The patient's medical record must contain a description of the examination and/or treatment which was refused.
 - 2) The hospital must take all responsible steps to secure the refusal in writing and the document to be signed by the patient will include a recitation of the fact that the patient or other acting on his/her behalf has been informed "of the risks and benefits of examination or treatment".

Monitoring of EMTALA compliance:

- Any concern with compliance with these guidelines should be reported to Risk Management.
- Risk Manager or designee will conduct investigation of the alleged violation.
- If after investigation, it is found Prairie Ridge Hospital and Health Services has breached the EMTALA procedure, action plans to correct and prevent other occurrences will be documented, implemented and the practice monitored by the respective department.

Quality of care review:

- A quarterly report of ER transfers to include volume, transfer reasons and transfer denials is communicated to Quality Assurance and Medical Staff.

IV. DEFINITIONS:

V. COMPLIANCE: Failure to comply with this policy will result in disciplinary action.

VI. APPROVALS: Director of Nursing

Prairie Ridge Hospital and Health Services management reserves the right to interpret and/or change current policies and procedures as necessary. These policies and procedures are not a contract and should not be interpreted as creating a contract and/or contractual rights.