

Emergency Medical Treatment and Labor Act (EMTALA)

Educational packet for Physicians and Allied Health Practitioners

The purpose of EMTALA is to ensure patient access to Emergency services regardless of ability to pay. In addition, the hospital or Emergency Services must provide stabilizing treatments for all emergent situations. Lastly, no patient will be refused based on gender, race, or ethnicity.

All patients have the same rights to medical care or care during labor regardless of the ability to pay or access to insurance.

EMTALA requires that no patient may be turned away when requesting care at an emergency department and that every patient must have a medical screening exam (MSE) to determine if they have an emergency medical condition (EMC).

An EMC is any medical condition with such acute symptoms (including severe pain) that, if not given immediate medical attention, would likely:

- Place the person's health in serious jeopardy.
- Seriously impair the person's bodily functions
- Cause serious dysfunction in the person's bodily organs or parts.
- Pregnancy is an EMC when the woman is having contractions and there is not enough time to safely transfer her before delivery or transferring the woman could pose a threat to the safety and health of the patient or unborn child.

Transfers:

- The EMC patient is only to be transferred to another facility for care when the hospital to which the person presents lacks the resources and the capabilities to stabilize the EMC.
- In these situations, the physician who transfers the patient must certify that the benefits of transfer outweigh the risks of transfer.
- A receiving hospital with specialized capabilities or facilities that are not available at the transferring hospital (including, but not limited to burn units, shock-trauma units, neonatal intensive care units, dedicated behavioral health units, or regional referral centers in rural areas) must accept an appropriate transfer of an individual with an EMC who requires specialized capabilities or facilities if the hospital has the capacity to treat the individual.