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Memorandum

DATE: _____

TO: _____

FROM: Paul D. Holtom, M.D.
Chief of Staff/President, Attending Staff Association

SUBJECT: EMTALA Regulations

CMS has cited the LAC+USC Healthcare Network for recent violations of EMTALA. EMTALA is Emergency Medical Treatment and Active Labor Act, a Federal law enacted in 1986 to counteract “dumping” of patients. As part of the plan of correction for these citations and to prevent future violations, I am sending you the “EMTALA Quick Reference Guide” provided by the AMA and also the DHS policy, “Intra-County Health Facility Transfer Procedure” that is based in part on EMTALA.

Each attending physician must clearly understand some important implications of EMTALA.

- EMTALA applies not just to a physician working in the emergency department but also to any physician who sees patients in (or takes call duty for) any other department of the hospital including a clinic.
- Failure of an attending physician to perform and document an appropriate medical screening examination and to stabilize a patient’s condition before transfer or disposition or refusal to accept a request for transfer of a patient for a higher level of care are violations of EMTALA.
- Violations of EMTALA may lead CMS to bar the hospital from participation in Medicare/Medi-Cal for an extended period of time if the practices leading to the violations are not appropriately corrected.
- If you are the attending physician whose decision results in a finding of a violation of EMTALA, *you personally may be fined up to \$50,000 per violation*. This would be a civil penalty not covered by malpractice insurance. Further, you may be barred from participation in Medicare/Medi-Cal.

Given the importance of understanding EMTALA, I am asking you to sign and return this memo to the Medical Staff Office, Clinic Tower, Room 2B300. It will be retained in your file in the Medical Staff Office.

Attachment

I received, read and understand the AMA’s EMTALA Quick Reference Guide and the DHS policy on patient transfers.

Signature

Date