**Emtala: Key Points**

* “Emergency Medical Treatment and Active Labor Act”
* Applies to all hospitals
* Governs when and how a patient may be
  + Refused treatment or transferred from one hospital to another when they are unstable.
* Any patient that arrives to the ED must get a medical screening exam to rule out emergency medical condition.
  + Medical Screening Exam must be done by qualified medical personnel.
* Pregnant women in active labor must be admitted and treated until delivery is complete, including placenta.
* Transfers
  + Pt. must be treated at transferring hospital and stabilized
  + Pt. must receive treatment at receiving facility: medical benefits outweigh medical risk of transfer
  + Physician must write the benefits of transferring
  + Facility has accepted the transfer and is able to treat the patient.
  + Pt. must have copies of medical record from transferring hospitals
  + The transfer will be equipped with the correct qualified personnel and equipment. Transferring hospital is responsible for this to occur.
  + Pt. entitled to request transfer but the above must be met.
* Refusal of treatment by patient
  + Medical exam and treatment must be explained to pt.
  + Risks and benefits of exam/treatment must be explained
  + Must document what exam or treatment was refused
  + Must secure refusal in writing with the risk and benefits of the exam/treatment
* Payments
  + Hospitals may inquire about medical insurance but it cannot delay a medical screening exam or treatment.
* EMTALA applies to at locations on the hospital campus and within the 250 yard sphere
* EMTALA applies to all patients whether or not eligible for Medicare benefits
* Obligations
  + Most of the obligations are imposed on the transferring hospital.
  + Receiving Hospitals are obligated to accept transfers for most cases if they have the specialty and resources that the transferring hospital does not have.
* Penalties
  + Up to $50,000
* Triage and Medical Screening Exam must be done early to avoid EMTALA violations