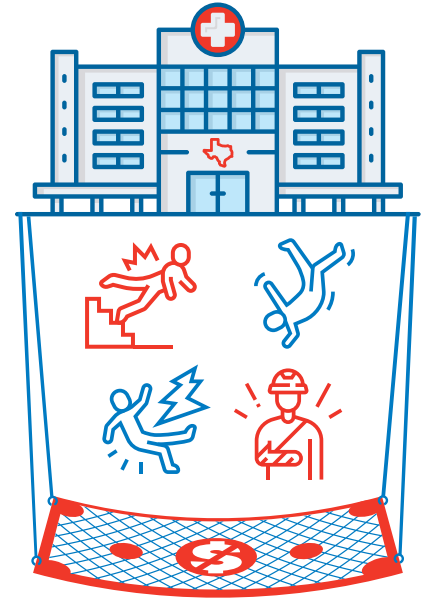


Hospitals are the 24/7 safety net for their communities, and emergency departments often serve as their front doors. The federal Emergency Medical Treatment and Labor Act (EMTALA) requires hospitals to conduct an appropriate medical screening examination for anyone who comes to the emergency department (ED) and requests examination or treatment.

Hospitals are required to treat and stabilize when an emergency medical condition is present, regardless of ability to pay. EMTALA applies to all Medicare-participating hospitals with dedicated EDs, and to every single patient – not just Medicare beneficiaries. Texas has analogous provisions in Chapter 241 of the Health & Safety Code, in Chapter 133 of the Administrative Code and throughout the Insurance Code.

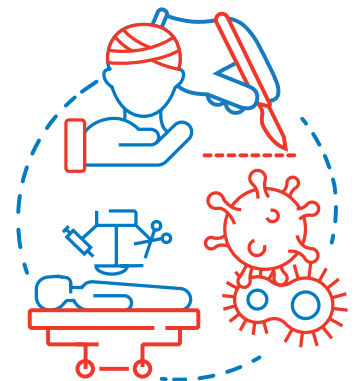
EMTALA does not apply to ambulatory surgical centers, physicians' offices, long-term care facilities or urgent care facilities.

When EMTALA was passed into federal law, there was no funding mechanism accompanying its requirements.



Under EMTALA:

- A hospital's ability to transfer a patient to another hospital is restricted unless the patient is stabilized. If the person is not stabilized, they may only be transferred if the person requests the transfer or if the medical benefits of the transfer outweigh the risks. Hospitals may transfer patients, as appropriate, to facilities with specialized capabilities. **However, the receiving hospital may refuse the transfer if they do not have the capacity to provide necessary care and treatment.**
- A hospital's EMTALA obligation does not end until the examining physician or qualified medical professional has decided and attested that:
 - ❑ No emergency medical condition exists;
 - ❑ An emergency medical condition exists and the patient is appropriately transferred to another facility; or
 - ❑ An emergency medical condition exists and the patient is admitted to the hospital for further stabilizing treatment.



Civil monetary penalties may be imposed against hospitals or physicians for EMTALA violations.