

East Jefferson General Hospital
Metairie, LA 70006

Administrative Policy & Procedure

Policy No. LEG-3

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Effective Date: August 1, 1986

Approved by:


Gerald L. Parton, President & CEO

Title: **EVALUATING AND
TRANSFERRING EMERGENCY
PATIENTS (EMTALA)**

Reviewed: 8/94; 8/04; 8/05

Revised: 10/88; 6/90; 1/91; 4/94; 10/97;
2/2000; 7/15; 3/17; 10/19

I. POLICY:

East Jefferson General Hospital (Hospital), in concert with its Medical Staff, will provide Emergency Medical Screening examination and required treatment to individuals in compliance with applicable law.

- A. The Emergency Department, within its capability, will provide for an appropriate medical screening examination of any individual, regardless of payer class, who presents to the Hospital and requests (or has a request made on his or her behalf) either examination or treatment for a medical condition.
- B. The purpose of the medical screening examination is to determine whether the individual has an "*Emergency Medical Condition*" or is in "*Labor*" as defined below.
- C. The Hospital will post conspicuously in the Emergency Department a sign (in a form specified by the Secretary) specifying rights of individuals under the federal anti-dumping statute with respect to examination and treatment for emergency medical conditions and women in labor;
- D. The Hospital will post conspicuously (in a form specified by the Secretary) information indicating that it participates in the Medicaid program;
- E. The Hospital will report to the appropriate agency when there is reason to believe that a patient received in transport from another Hospital was in violation of law;
- F. The Hospital will retain for five (5) years:
 - 1. records relating to the transfer to or from the Hospital;
 - 2. list of physicians on-call to the Emergency Department;
 - 3. log containing names of all individuals who come to the Emergency Department seeking treatment, and whether or not treatment was refused by patient, provided in the Emergency Department and discharged, admitted, or stabilized and transferred.

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II. DEPARTMENTS AFFECTED:

Emergency Department, Labor and Delivery, Medical Staff, Patient Financial Services, Patient Access.

III. GUIDELINES AND GENERAL INFORMATION:

A. Definitions:

1. **Emergency Medical Condition** - ""means a medical condition, including "Labor" as defined below, manifesting itself by acute symptoms of sufficient severity (including severe pain, psychiatric disturbances, and/or symptoms of substance abuse) 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 woman, the health of the woman or her unborn child) in serious jeopardy;
 - b. Serious impairment to bodily functions; or
 - c. Serious dysfunction of any bodily organ or part.
2. **Labor** - is an emergency medical condition when a pregnant woman is having contractions; and
 - a. There is inadequate time to effect a safe transfer before delivery; or
 - b. The transfer may pose a threat to the health or safety of the woman or unborn child.
3. **Stabilize** - ""means, with respect to an emergency medical condition, to provide such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition or delivery is likely to result from or occur during the transfer of the individual from a facility.
4. **Stabilized** - ""means, with respect to an emergency medical condition, that no material deterioration of the condition, or in the case of labor, the woman has delivered child and placenta, is likely, within reasonable medical probability, to result from or occur during the transfer of the individual from a facility.
5. **Transfer** - ""means the movement (including the discharge) of a patient to outside the Hospital's facilities at the direction of any person employed by (or

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affiliated or associated, directly or indirectly, with) the Hospital, but does not include such a movement of a patient who:

- a. Has been declared dead, or
- b. Leaves the Hospital facility without the permission of any such person.

B. Procedures:

1. Emergency Room Evaluation and Treatment Procedures:

The Hospital Emergency Department shall:

- a. Provide an appropriate medical screening examination within the capability of the Emergency Department and any ancillary services available to the Emergency Department for any individual (whether or not a Medicare beneficiary) who presents at the Hospital and for whom a request is made on the individual's behalf for examination or treatment to determine if the individual has an Emergency Medical Condition or is in Labor.
- b. If the individual has an Emergency Medical Condition or is in Labor, the Hospital shall:
 1. Provide for any further medical examination or treatment that may be necessary to Stabilize the medical condition or to provide for treatment of the Labor within the capacity of staff and facilities available to the Emergency Department; or
 2. Provide for the Transfer of the individual to another facility in accordance with law.
- c. Emergency medical examination or treatment will not be delayed in order to inquire about the individual's method of payment or insurance status.

2. Transfer Procedures:

The Hospital will not Transfer (including discharge) a patient who has an Emergency Medical Condition or who is in Labor until the patient is Stabilized, unless:

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- a. The patient or legal representative, after being informed of the Hospital's obligations and the risk of Transfer, requests in writing that a Transfer be made. (See attachment #1, Informed Consent to Transfer without Physician Certification.)
- b. A physician certifies in writing and explains to the patient or legal representative that the expected benefits from medical treatment at another facility outweigh the risks to the patient's condition from effecting an appropriate Transfer and a written informed consent is given by or sought from the patient or representative. (See attachment #1, Informed Consent to Transfer, with Physician Certification.)
- c. The patient or legal representative, after being informed of the Hospital's obligation to provide the recommended examination/treatment, the benefits of the proposed treatment, and risks of refusal, refuses further examination or treatment. The Hospital shall take all reasonable steps to obtain the individual's informed written refusal. (See attachment #2, Refusal of Examination/Treatment.)
- d. The patient or legal representative, after being informed of the benefits of Transfer and risks of refusing, refuses to consent to the recommended Transfer. The Hospital shall take all reasonable steps to obtain the individual's informed written refusal. (See attachment #3, Transfer Refusal.)
- e. The Transfer is an appropriate Transfer when it meets the following criteria:
 1. The transferring Hospital shall provide treatment within its capacity to minimize the risks to the individual (and unborn child, if applicable);
 2. The receiving Hospital must have available space and qualified personnel for the treatment of the patient and must agree to accept Transfer and provide treatment;
 3. The transferring Hospital will provide the receiving facility with all medical records or copies of medical records relating to the patient's Emergency Medical Condition, evaluation, and treatment which are available at the time of Transfer or as soon thereafter when reasonably available along with the patient's consent and the physician's certification to Transfer and the

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name(s) and address(es) of any on-call physician(s) who refused or failed to appear within a reasonable time to provide necessary stabilizing treatment;

4. The Transfer must be accomplished through the use of qualified personnel and transportation equipment, including medically appropriate and necessary life support measures.

3. **Accepting Transfers:**

The Hospital will not refuse to accept an EMTALA emergency Transfer from other facilities if:

- a. The transferring facility is without the required specialized capability, space, or qualified personnel to provide the specialized treatment required by the patient; and
- b. East Jefferson General Hospital has the capability and capacity to support the required specialty services; and
 1. all requests must be coordinated through the Hospital's Transfer Center.
- c. The Hospital receives appropriate coordination and communication from the transferring facility in accordance with EMTALA guidelines and as outlined in Subsection B.2.e. (1-4) above.

- C. Refer to Emergency Department and Care Management Services Policies and Procedures for specific details.

IV. RESPONSIBILITY:

Questions concerning this Policy and recommended revisions shall be directed to the Vice-President of Legal Services or designee.

V. ATTACHMENTS:

- Attachment 1: Informed Consent to Transfer, with Physician Certification
- Attachment 2: Refusal of Examination/Treatment
- Attachment 3: Transfer Refusal

Reviewed and Approved by the Medical Executive Committee on 10/14/97; 11/13/19