

Center for Medicaid and State Operations/Survey & Certification Group

Ref: S&C-08-15

DATE: March 21, 2008

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: Hospitals – Revised State Operations Manual Appendix V - EMTALA

Memorandum Summary

- **EMTALA SOM Update:** The attached advance copy of the Emergency Medical Treatment and Labor Act (EMTALA) Appendix V to Publication 100-07, the State Operations Manual (SOM) incorporates guidance provided in Survey and Certification memoranda issued since the last SOM update. The revised Appendix V also contains some technical corrections. The Tag numbers contained in the Appendix also have been revised, to correspond to the Tag numbers reflected in the December, 2007 ASPEN release.
- **ASPEN Additions:** Some of the updated regulatory text found in Appendix V has already been incorporated into ASPEN. The remaining revised guidance will be reflected in the next ASPEN release.

The EMTALA Appendix V found currently in the on-line SOM requires revision to reflect changes in regulatory text as well as interpretive guidance issued by the Centers for Medicare and Medicaid Services (CMS) via the following Survey and Certification memoranda:

- S&C-05-26, April 22, 2005, Interaction of EMTALA and the Born-Alive Infants Protection Act of 2002
- S&C-06-21, July 13, 2006, EMTALA – “Parking” of Emergency Medical Service Patients in Hospitals
- S&C-06-32, September 29, 2006, Revisions to Special Responsibilities of Hospitals under EMTALA
- S&C-07-20, April 27, 2007, EMTALA Issues Related to Emergency Transport Services
- S&C-07-23, June 22, 2007, EMTALA On-Call Requirements and Remote Consultation Utilizing Telecommunications Media
- S&C-08-25, December 7, 2007 (revised December 14, 2007), Waiver of EMTALA Sanctions in Hospitals Located in Areas Covered by a Public Health Emergency Declaration

In addition, some technical corrections were implemented. The Tag numbers in the Appendix are being updated to reflect the latest ASPEN release. Please note that there are now separate Tag numbers for Hospitals (“A” prefix) and Critical Access Hospitals (“C” prefix).

Attachment A is an advance copy of revised Appendix V. The final version will be released as a Publications Manual transmittal later this year and may differ slightly from this advance copy.

The EMTALA Technical Advisory Group (TAG) has made numerous recommendations for further revisions to Appendix V. These recommendations are currently under review within CMS. Any revisions of the EMTALA interpretive guidelines resulting from CMS acceptance of specific TAG recommendations will be incorporated into Appendix V and communicated via a future survey and certification memorandum.

Effective Date: Immediately. Please ensure that all appropriate staff are fully informed within 30 days of the date of this memorandum.

Training: The information contained in this letter should be shared with all survey and certification staff, their managers, and the State/RO training coordinators.

If you have additional questions or concerns, please contact Marilyn Dahl at 410-786-8665 or via email at Marilyn.Dahl@cms.hhs.gov.

/s/

Thomas E. Hamilton

cc: Survey and Certification Regional Office Management

Attachment: (2)