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# CMS Manual System

## Pub. 100-07 State Operations Provider Certification

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Department of Health &  
Human Services (DHHS)  
Centers for Medicare &  
Medicaid Services (CMS)

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Transmittal

Date:

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**SUBJECT: Revisions to State Operations Manual (SOM) Appendix V, Emergency Medical Treatment and Labor Act (EMTALA) Interpretive Guidelines.**

**I. SUMMARY OF CHANGES: Appendix V, Survey Protocol, Regulations and Interpretive Guidelines for the Emergency Medical Treatment and Labor Act (EMTALA) was updated to include information previously released via Survey and Certification memoranda issued to State Survey Agency Directors from April 22, 2005 through December 7, 2007. In addition, several regulatory citations have been revised to conform to the current regulatory text.**

- **Appendix V, Tag numbers A-400 – A-411 have been revised throughout the appendix to reflect the Hospital survey Tag numbers now in use, A-2401 – A-2411. Additionally, a “C” Tag number has been added in each instance, to reflect the Critical Access Hospital survey Tag numbers now in use, C-2401 – C-2411.**
- **Appendix V, Tag A-404 (now A-2404/C-2404), concerning 42CFR 489.20(r)(2) and 489.24(j), was revised to clarify the interpretive guidance regarding the EMTALA on-call physician regulatory requirements, particularly in the context of remote consultation utilizing telecommunications media.**
- **Appendix V, Tag A-406 (now A2406/C-2406), concerning 42 CFR 489.24(a), was revised to incorporate amended regulatory text and clarify interpretive guidance concerning the EMTALA medical screening examination (MSE) regulatory requirements.**
  - **The amended definition of “labor” found at 42 CFR 489.24(b) is now reflected in the discussion of the MSE and women in labor.**
  - **The guidance discussion of the MSE process has been clarified.**
  - **Discussion of the interaction of EMTALA requirements with the definition of an “individual” and “person” under 1 USC 8(a) has been added to the guidance.**
  - **Discussion of the practice of “parking” individuals who arrive via Emergency Medical Services (EMS) has been added.**
  - **The amended regulatory text found at 42 CFR 489.24(a)(2) has been incorporated and the guidance was revised to reflect the current statutory and regulatory provisions concerning waiver of EMTALA requirements during a national emergency.**

- Appendix V, Tag A-407 (now A-2407/C-2407), concerning 42 CFR 489.24(d), has been revised to correct the regulatory definitions of “stabilized” and “transfer” quoted in the interpretive guidance.
- Appendix V, Tag A-411 (now A-2411/C-2411), concerning 42 CFR 489.24(f), has been revised to incorporate amended regulatory text and to update the guidance regarding the EMTALA responsibilities of recipient hospitals with specialized capabilities or facilities.

**NEW/REVISED MATERIAL - EFFECTIVE DATE\*: Upon Issuance**  
**IMPLEMENTATION DATE: Upon Issuance**

*Disclaimer for manual changes only: The revision date and transmittal number apply to the red italicized material only. Any other material was previously published and remains unchanged.*

**II. CHANGES IN MANUAL INSTRUCTIONS: (N/A if manual not updated.)**  
**(R = REVISED, N = NEW, D = DELETED) – (Only One Per Row.)**

<b>R/N/D</b>	<b>CHAPTER/SECTION/SUBSECTION/TITLE</b>
<b>R</b>	<b>Tag A-400 changed to A-2400/C-2400</b>
<b>R</b>	<b>Tag A-401 changed to A-2401/C-2401</b>
<b>R</b>	<b>Tag A-402 changed to A-2402/C-2402</b>
<b>R</b>	<b>Tag A-403 changed to A-2403/C-2403</b>
<b>R</b>	<b>Tag A-404 changed to A-2404/C-2404; interpretive guidance revised</b>
<b>R</b>	<b>Tag A-405 changed to A-2405/C-2405</b>
<b>R</b>	<b>Tag A-406 changed to A-2406/C-2406; regulatory text for §489.24(a)(2) revised; interpretive guidance revised</b>
<b>R</b>	<b>Tag A-407 changed to A-2407/C-2407; interpretive guidance citation of regulatory definitions from §489.24(b) revised</b>
<b>R</b>	<b>Tag A-408 changed to A-2408/C-2408</b>
<b>R</b>	<b>Tag A-409 changed to A-2409/C-2409</b>
<b>R</b>	<b>Tag A-410 changed to A-2410/C-2410</b>
<b>R</b>	<b>Tag A-411 changed to A-2411/C-2411; regulatory text for §489.24(f) revised; interpretive guidance revised</b>

**III. FUNDING:** No additional funding will be provided by CMS; contractor activities are to be carried out within their FY 2008 operating budgets.

**IV. ATTACHMENTS:**

	<b>Business Requirements</b>
<b>X</b>	<b>Manual Instruction</b>
	<b>Confidential Requirements</b>
	<b>One-Time Notification</b>
	<b>Recurring Update Notification</b>

**\*Unless otherwise specified, the effective date is the date of service.**

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