

CMS Issues EMTALA Guidance for COVID-19

Medicare participating hospitals may not refuse to screen or treat patients with suspected or confirmed COVID-19.

The Emergency Medical Treatment and Labor Act (EMTALA) requires that hospitals with a dedicated emergency department conduct a medical screening exam for any patient presenting to the ED, whether it's a COVID-19 patient or not, regardless of the patient's ability to pay. If the patient is experiencing an emergency medical condition, the hospital must provide necessary stabilizing treatment and/or effect an appropriate transfer of the patient.

On March 30, 2020, CMS issued a [memorandum](#) describing EMTALA requirements in our present COVID-19 public health emergency (PHE) declaration. The memo provides additional interpretation of the EMTALA rules in regard to drive through testing sites, triage processes, use of telehealth and the medical screening exam. Under an EMTALA waiver, hospitals may direct or relocate individuals who come to the ED to an alternative off-campus site.

See the links below for more information:

<https://www.cms.gov/medicareprovider-enrollment-and-certificationsurvey/certificationgeninfo/policy-and-emergency-medical-treatment-and-labor-act-emtala-requirements-and-implications-related-coronavirus> This is CMS' website for EMTALA requirements and implications related to COVID-19

<https://www.cms.gov/files/document/gso-20-15-hospital-cah-emtala-revised.pdf> This is CMS' memo providing interpretation of EMTALA regulations in this COVID-19 environment.