



Kim Stanger

Partner
208.383.3913
Boise
kcstanger@hollandhart.com

EMTALA: Guide for Exams, Treatment and Transfers

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The Emergency Medical Treatment and Active Labor Act (“EMTALA”) generally requires hospitals to provide emergency care to patients who come to the hospital; violations may result in penalties of \$53,000 to \$105,000; private lawsuits; and/or termination of the hospital's Medicare provider agreement. To help hospitals and providers comply, Holland & Hart has published its EMTALA Guide, which is available here: [EMTALA: Guide for Exams, Treatment and Transfers](#).

Among other things, the Guide addresses:

- Which entities are covered by EMTALA?
- When and where is EMTALA triggered?
- EMTALA and urgent care centers.
- Ambulances and diversions.
- When and what is required for an appropriate medical screening exam (“MSE”)?
- Who can perform MSEs?
- How to determine if a patient is stabilized.
- What is required for an appropriate transfer?
- When must another facility receive transfers?
- Documenting refusal of treatment or transfers.
- Reporting EMTALA violations.

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