

TIPS FOR COMPLETING THE EMTALA PHYSICIAN REVIEW WORKSHEET

The Physician Reviewer component of the EMTALA review process is a key element of the Centers for Medicare & Medicaid Services (CMS) and the Office of Inspector General (OIG) EMTALA enforcement activities. The clinical answers that you provide on the peer review worksheet are instrumental in guiding CMS' and OIG's actions in any EMTALA cases. This tip sheet has been developed to assist you in completing the worksheet as thoroughly as possible, so that CMS and OIG can use your responses most effectively.

Worksheet Areas

Section I: This is usually completed by the QIO, although the Regional Office may complete it as part of the referral for physician review. Either the 5 – day or 60 – day review box must be checked. Other data fields should be completed as completely as possible.

Section II: We emphasize the importance of providing your clinical perspective when you answer the questions.

- Your clinical rationale and any clarifying clinical details, evidence from the record, etc. to substantiate your determinations are crucial in assisting CMS/OIG's EMTALA investigation. Therefore, please ensure that you answer EACH question as completely as possible.
- Please do NOT skip any questions - answer N/A if the question is not pertinent to the case under review.

In addition, it is CMS' and the OIG's responsibility to determine if an EMTALA violation has occurred, NOT the QIO's or the physician reviewer's.

- Therefore, it is imperative that you refrain from making ANY statements about whether or not a violation has occurred.
- The physician review worksheet should document only your clinical assessment and supporting commentary.

Medical Screening Examination: Question 1 has two parts - whether or not a medical screening examination (MSE) was appropriate for the individual's medical complaints and symptoms; and if it was sufficient to determine if an emergency medical condition (EMC) existed. An MSE could be appropriate, but not sufficient if it is not complete enough according to accepted standards of practice.

- Please be sure to provide your clinical rationale with your response to every question.
- Your clinical details are critical in assisting CMS/OIG in understanding your clinical perspective on the case under review.

Emergency Medical Condition: An EMC for an acute medical condition or a pregnant woman having contractions is addressed in this section.

- Do not skip any questions- each question needs to be answered with yes/no or N/A.

Stabilizing Treatment: This section is designed to facilitate your understanding of what "stabilization" means under EMTALA.

- It is important to focus on the explanation of "stability" in the Note to Physician Reviewer and definition in question 4 so that you can respond to the questions in this subsection as accurately as possible.
- Your clinical perspective on stability *as defined by the EMTALA law* is critical, and your clinical rationale is crucial in this section, so please explain in detail.
- Questions 5a and 5b in this section focus further on what services were available at the facility, and whether or not they were used appropriately.

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- These two parts are separate so that your response can help CMS/OIG determine if services were available, and if so, why they might not have been used prior to transferring a patient.
- This additional level of detail is key in providing necessary clinical guidance to CMS/OIG, so please be as specific as possible.

Appropriate Transfers: It is recognized that not all cases involve patients who are transferred to another facility; however, you need to answer every question in this section, regardless of whether or not the patient was transferred.

- For those patients who were **not** transferred, you now have the option of indicating this in your response.
- Since an appropriate transfer involves adequate documentation of the reason for the transfer, who requested it and agreement by the receiving facility, you now have specific questions to answer that address these areas.
- Again, your clinical rationale for any of your yes/no answers is crucial, so please respond in detail.

Responsibilities of Receiving Hospitals with Specialized Capabilities: This area again focuses on transfer, and the question in this section is designed to elicit whether the reviewer found any evidence that a hospital inappropriately refused to accept a transfer.

Delay in Treatment: This question is designed to determine whether there were inappropriate delays, in terms of the patient's medical condition, in providing the MSE and/or stabilizing treatment.

Quality: This question has not changed. Please provide the clinical rationale for your answer.

Summary of Findings: This question has not changed. Please summarize your clinical findings, including the clinical rationale for your answer. Again, remember:

- It is imperative that you **refrain** from making ANY statements about whether or not you believe an EMTALA violation has occurred.