

PROTOCOL FOR: EMTALA: Transfer to Another Facility

PURPOSE: To assure that the patient requiring or requesting a transfer for further medical care is transferred appropriately.

EMTALA OBLIGATION: Hospitals are responsible for treating and stabilizing, within their capacity and capability, any patient presenting to the Emergency Department and requesting treatment. The hospital must provide care until the condition ceases to be an emergency or until the patient is properly transferred to another facility.

TRANSFER REQUIREMENTS: Four (4) requirements for an appropriate transfer to another facility include:

1. The transferring facility must provide treatment to the patient that will minimize the risks of his/her transfer to another facility.
2. The transferring hospital must obtain consent from the receiving hospital in order to transfer the patient. The receiving facility must have both the capability and capacity to treat the patient. The transferring facility must document this communication including the date and time of the request and the name of the person accepting the transfer.
3. The patient's Emergency Department records must accompany him/her at the time of the transfer. If any part of the ED record (i.e. lab reports) is not available at the time of the transfer, it can be sent/faxed later to the receiving facility. The transfer should not be delayed.
4. The physician at the transferring facility has the responsibility to determine the appropriate mode of transfer, type of equipment required and attendants needed for the transfer. It is the transferring hospital that is ultimately responsible for ensuring that the transfer is effected appropriately.

PROCEDURE:

1. Once the medical screening examination has been completed and it has been determined that an emergency medical condition exists, JDH must provide stabilizing treatment within its capability and capacity. All patients with similar medical conditions are to be treated consistently.
 - a. Capability - refers to both the level of care the staff is able to deliver and the equipment, space,

PROTOCOL FOR: EMTALA: Transfer to Another Facility

supplies and specialized services the facility provides.

- b. Capacity - refers to whatever the facility customarily does to accommodate the patient in excess of its occupancy limits.
2. Stabilization of the patient must be carried out to the fullest ability of the transferring hospital **prior** to any patient transfer. EMTALA defines stabilization as: providing necessary treatment of the medical condition to assure, within reasonable medical possibility that no material deterioration of the condition is likely to result from or occur during the transfer.
3. The patient is deemed stabilized when the treating physician or qualified medical personnel attending to the individual in the ED has determined within reasonable clinical confidence, the medical emergent condition has been stabilized.
4. JDH must obtain permission from the receiving facility before transferring the patient and must document this communication including date and time of the transfer request and the name of the person accepting the transfer. JDH Medical/Nursing staff will be responsible for arranging the appropriate transfer service, ensuring proper staff, equipment, supplies, etc. accompany patient during the transfer.
5. A copy of the "**Consent to Transfer Form**" (HCH-1307) outlining the specific risks of the transfer as well as the anticipated benefits from the appropriate care at the receiving facility should be included. In addition, JDH must send the ED records related to the emergent condition with the patient at the time of transfer. Any part of the ED record that is not available at that time can to be sent or faxed later.

NOTE:

1. **A hospital may not transfer an individual with an unstabilized, emergent medical condition unless:**
 - a. The physician has signed a certification stating that the medical benefits reasonably expected from the appropriate treatment at another facility outweigh the increased risks
 - Or
 - b. The patient (or the patient's representative) requests the transfer after being informed of the

PROTOCOL FOR: EMTALA: Transfer to Another Facility

hospital's EMTALA obligation and risk of transfer. The request must be in writing with the reasons for transfer clearly documented as well as the patient's awareness of the risks and benefits of the transfer.

2. **Patient refusal to transfer:** JDH has met its requirement after a patient has been informed of his/her risks and benefits of a transfer and the patient refuses to consent to the transfer. The refusal needs to be clearly documented in the ED record. In addition, the staff must make every reasonable attempt to obtain the patient's or his/her representative's signed informed consent of the transfer refusal and it should be part of the patient's ED records.
3. **Disagreement Related to Acceptance of / Transfers Out:** If the JDH ED physician has questions regarding any patient transfer that cannot be resolved by discussion between that physician and ED charge RN, these questions will be referred to the ED Medical Director or the JDH Administrator on call.

ASSOCIATED PROTOCOLS:

ED Admin. Protocol: EMTALA: Acceptance of Appropriate Transfers
ED Admin. Protocol: EMTALA: Central Log
ED Admin. Protocol: EMTALA: Medical Screening Exam
ED Admin. Protocol: EMTALA: Stabilization Treatment
ED Admin. Protocol: EMTALA: Signage

REFERENCES:

CMS Pub. 100-7, State Operations Manual, Appendix V, "Responsibilities of Medicare Participating Hospitals in Emergency Cases".

Social Security Act Sect. 1867, Emergency Medical Treatment and Labor Act (EMTALA)

Code of Federal Regulations, Title 42, Sect. 482.55, Condition of Participation: Emergency services.

Code of Federal Regulations, Title 42, Sect. 489.20, Basic Commitments

Code of Federal Regulations, Title 42, Sect. 489.24 Special responsibilities of Medicare hospitals in emergency cases.

APPROVAL: Emergency Department Standards Committee
Emergency Department Manager and Medical Director

EFFECTIVE DATE: 3/06

REVIEWED DATES: 9/08