

# NC Family to Family Health Information Center

*"A beacon for families of children with special  
health care needs."*

NC Family to Family Health Information Center  
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Fact Sheet

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## Emergency Medical Treatment and Active Labor Act (EMTALA)

**The Emergency Medical Treatment and Active Labor Act (EMTALA)** was included in the COBRA legislation of 1986. This was enacted to prevent discrimination of some hospitals transferring, discharging or refusing to treat indigent patients coming to the emergency department because of the high cost associated with diagnosing and treating these patients with emergency medical conditions including active labor (or childbirth). While the Act applies to all Medicare participating hospitals, it protects anyone coming to a hospital seeking emergency medical services, not just Medicare patients. EMTALA imposes strict penalties including fines and exclusion from the Medicare program for violations of the Act. There are three primary requirements on Medicare participating hospitals that provide emergency medical services:

- The hospital must provide an appropriate medical screening exam to anyone coming to the Emergency Department seeking medical care.
- For anyone that comes to the hospital and the hospital determines that the individual has an emergency medical condition, the hospital must treat and stabilize the emergency medical condition, or the hospital must transfer the individual and
- A hospital must not transfer an individual with an emergency medical condition that has not been stabilized unless several conditions are met that includes effecting an appropriate transfer.

### For More Information

For more information visit: [www.emtala.com](http://www.emtala.com)

Source: EM Topics Fact Sheet EMTALA online at: [www.aem.org/emtala/watch.php](http://www.aem.org/emtala/watch.php)

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