EMTALA Complaint Against Hospital

EMTALA (Emergency Medical Treatment and Labor Act)

In this exercise, an allegation is reported to the State Agency.

The complainant says that she is the mother of the injured party. She says her son broke his arm on Sunday. She took her son to the emergency room (ER). The ER refused to see them because they are uninsured. She then took her son, who was complaining about the pain in his arm, to the emergency room of another hospital, which was 30 miles away. Afterwards, the mother sends an email to the state agency to report the event.

The intake worker locates the hospital in the ACTS tree and opens a new intake. The SA suspects an EMTALA situation and requests RO approval.

1 Open a new intake

- Open **ACTS.**
- Activate the **HOSP OPEN** selection set.
- Expand your training letter.
- Right-click any hospital and select **New Intake**.

Make note of the hospital facility you select here. We will use it again in a later scenario

For EMTALA complaints, Intake Type is always **Complaint** and Priority is always **IJ**.

2 Enter basic intake information

In the Intake tab, supply the following:

- For Intake Type select **01 Complaint**.
- For Intake Subtype select **A Federal COPs…**
- For Received by select **1 E-Mail**.
- In the Responsible Parties area, click **Add R.O.** and select the RO version of yourself (Trainee #), then click **OK**.

3 Add Complainant

- On the Complainants tab, enter a **Last Name** and **First Name** for the complainant, and click **Find/Add**. If the name you entered is not found, click **OK**.
- In Enter New Complainant Search, click **New**.
- Add address and phone number and click **OK** to add your complainant to the Directory.
- In the Complainant row, type **Mother** in the Relationship field and deselect **Anonymous**.

4 Complete required fields

- For the Alleged Event Information Date field, enter **yesterday's date**.
- For Source, select **06-Family**.
- For Priority, select **A - IJ**.
- For Investigate within, enter **5**.

Do ***not*** use the Calculate button to calculate the Investigation Due By date. If the investigation is approved, ACTS enters the date 5 working days after the date of RO approval, i.e., 5 working days after the EMTALA RO Response Date on the EMTALA tab, as the Investigation Due By date. If you manually change the Due By date to a date more than 5 working days later than the EMTALA RO Response Date, the system assumes you plan to grant an extension and issues an overridable message when you leave the Intake tab, and also the Allegations and EMTALA tabs.

- Scroll down and add the note, "**This looks like an EMTALA allegation.**"

5 Add Allegation and Request RO Approval for an Investigation

In the real world, you would contact the mother and gather as much information as possible. This information, and reports collected from the hospital, can be added as attachments.

- Click the **EMTALA** tab.
- Click **Yes to All** to override the edit messages on the dates.
- Select the checkbox for **Create EMTALA Allegation**.

- Select the checkbox for **EMTALA Request for RO Approval**.
    - This activates the Date field so you can enter a request date.
    - Changes the complaint/incident intake Status to 2 - Pending RO Approval - if the existing Status is 1.
    - Sends an EMTALA RO Approval Requested action item message to the responsible RO staff member(s). If Status is already greater than 2, it stays the same, but an action item message is sent. If no responsible RO party has been specified for the intake, the action item message is broadcast to every RO user in the current region.
- Enter **the current date** across from Request for RO Approval.
- In the EMTALA Allegations section, select **04 Recipient Hospital Responsibilities** and **06 Treatment**.

This automatically adds two EMTALA allegations on the Allegations tab: one with Subcategory = 04, another with Subcategory = 06.

- Select the **Allegations** tab, and then click the **Details** button for each of the allegations and enter text describing the issue.
- Click **OK** to close the intake and **OK** to confirm.
- Click **Yes to All** to override the Investigation Due By field edit.
- Close ACTS.

> This state has configured ASPEN to generate emails for action items. The Responsible RO user receives an email about the complaint and opens ACTS to evaluate. Based on a review of the information in the intake, the RO approves the investigation.

6 RO Approves the intake

- Open **ACTS RO**.
- Click the **Status** tab and locate the intake under **2 - Pending RO Approval | IJ**. Right-click the intake, and select **Modify Intake**.

-or-

- On the Facilities tab in the My Action Items node, double-click the appropriate **EMTALA RO Approval Requested** message to open the intake.
- Click the **EMTALA** tab to review the information.
- Click **Yes to All** to override the message about the due date.

7 Approve Investigation

- For Type of Emergency, click **04 Trauma**.
- For EMTALA RO Response, select **01 Approved**.

The current date is entered by default as the EMTALA RO Response Date.

ACTS sends the EMTALA Response from RO action item to the responsible SA when applicable.

ACTS also enters the date 5 working days from today as the Investigation Due By date on the Intake tab.

Note: After an EMTALA RO Response is entered, SA users cannot modify information on the EMTALA tab, nor can they add or delete EMTALA allegations. However, both SA and RO users can enter allegation findings and text.

- Complete the Signature section at the bottom of the tab by entering a name for Regional Administrator/Designee.
- Click **OK** to close the intake and **OK** to confirm.
- Close ACTS RO.

The SA receives an email and an action item indicating that the RO has approved the investigation. The SA opens ACTS and schedules the survey.

8 Schedule the survey

- Open **ACTS**.

EMTALA complaints/incidents that have been reviewed by the RO are listed under the Pending Review/Assignment node on the Status tab in the Tree view. An "E" appears on icons for EMTALA complaints/incidents.

- Right-click the intake, then select **Modify Intake**.
- Select the **Investigation** tab.
- Click **New** to create a new survey shell.
- Enter survey **Start** and **Exit** dates using **the current date**.
- Select a **Federal** regulation set.
- In the Team Roster section, click **Update**, then select the SA version of yourself and click **OK** to add yourself to the team.
- The Type of Survey is **A – Complaint Investig.**, and Extent(s) is **D – Other**.
- Click **OK** to close the survey; choose **Yes** to link it to the intake.

9 Conduct investigation

- With the survey selected, select **Citation Manager**.
- In the Regulations sections, locate an Emergency Services regulation set (e.g. **0092, 0200**).
- Click and drag the regulation into the **Citations** pane.

- Click **OK** in Citation Properties.
- Click **Reg** to read the regulation text.
- Highlight the regulation text, then click and drag into the notes section, or enter some findings.
- Click **OK** to close Citations.
- Click **Done** to close Citation Manager.

10 SA completes investigation

- Generate a CMS-2567, if appropriate.
  - On the Investigation tab, with the survey selected, click **Survey Forms**.
  - Select **CMS 2567** and click **OK**.
  - Click **OK** to the customization options.
  - Review the CMS-2567 and click **File | Close**.
  - Click **Cancel** to close the Select Forms to print window.
- Enter findings on the **Allegations** tab.
  - Click the **Allegations** tab and click **Yes** to override any edits.
  - Highlight each allegation, and click **Link Deficiencies**.
  - Select the checkbox for the regulation.
  - Click **Yes** to append tag text to allegation findings.
  - Click **OK**.
  - Highlight each allegation (one at a time) and select **Modify**.
  - For Findings, select **Substantiated**, then select **A Federal deficiencies related…**
  - Click **OK.**

11 Send appropriate correspondence to the complainant(s), provider, and others as needed.

- Click the **Notices** button and click **New**.
- In the Form Letters section, select **RLHL Complainant Letter**.
- In the Distributions section, double-click **Complainant**, so Letter appears in the Action column.
- Click **Preview**.
- Review the letter, then click **Save & Exit**.
- Click **Close** to exit the Notices History window.
- Go to the **Investigation** Tab.
- For Investigation Completed, enter **the current date**.
- On the **Actions/Close** or **Investigation** tab, select the **Forwarded to RO/MSA** checkbox.
- Click **OK** to override the validation checks.

The current date is entered by default. ACTS sends a Forwarded to RO action item to the responsible RO staff member(s), except for licensure-only and Medicaid-only providers (a message informs you of this).

- Click **OK** to close, then **OK** again to save the intake.

- Close ACTS.

The RO receives an email about the Forwarded to RO Action Item.

The RO reviews the findings and confirms the violations.

12 RO reviews findings

- Open **ACTS RO**.
- Open the intake from tree view (Status is 6 – Forwarded to RO/CO) or by double-clicking the action item.
- Go to the **Allegations** tab.
- To review the findings, click **Find Txt** for each allegation.

13 RO confirms violation

- Go to the **EMTALA** tab.
- For RO Determination, select **01 EMTALA Violation**.
- For RO Confirmed Violation, enter **the current date**.
- Select the checkbox for the **23 day Termination Track**.

A default date is entered when you select the checkbox. You can change the date.

- Click **OK** to close the intake, and **OK** to Save & Exit.