A Basic Overview of the Patient Transfer Law and “250 Yard Rule”

Objectives:
At the completion of this module, staff will be able to:

- Understand the key elements of EMTALA in relation to patient transfer.
- Understand the process required to comply with EMTALA transfer mandates.
- Understand the penalties for non-compliance with EMTALA.
- Understand the actions necessary to comply with EMTALA’s “250 Yard” Rule.
EMTALA – The Emergency Medical Treatment and Active Labor Act (sometimes referred to as COBRA), is a federal law that generally applies to the transfer of a patient from one acute care facility to another.
The primary intentions of this law are as follows:

- To ensure that all patients seeking emergency medical care, regardless of ability to pay, are provided with a medical screening exam and stabilizing treatment, if applicable.
- To prevent the “dumping” or inappropriate transfer of patients from one facility to another.
A transfer is defined as the movement of an individual outside a hospital’s facilities.

**EMTALA**

Generally applies to patients who may be considered to be unstable. For compliance purposes, any patient transferred from one acute care facility to another may be unstable.

Click [hotwords](#) to view definitions.
The EMTALA law states:

That stabilizing treatment and a medical screening exam must be provided within the capabilities of the staff and the facility. On-call physicians and ancillary services are considered within the hospital’s capabilities.
Background

Review Question

Under the EMTALA Law, all patients are to be provided with a medical screening exam and stabilizing treatment prior to transferring to another facility.

True

False
Transferring Out of Facility

Situations that would fall under the EMTALA Law:

• Patients who need to be transferred to another facility because we do not provide those services at Lakeland. This would include burn victims, high-risk mothers-to-be, infants needing ventilator support, severe neurological conditions, etc.

• These patients may be transferred either by ambulance or by air transport.
• Ambulances can not be diverted to another facility unless they have been authorized to be on diversionary status.

• If a patient asks to be transported to a specific hospital by the ambulance, the request must first be authorized by the physician at the closest hospital location. This physician will determine if the patient is stable enough and the requested hospital will have services to provide care.
Transferring Patients Out

The following criteria must be met when transferring a patient to another facility:

• The transferring hospital makes reasonable efforts to stabilize the patient utilizing resources customarily available to the healthcare facility.

• The physician determines and documents that the medical benefits of treatment at the receiving hospital outweigh the risks to the patient’s medical condition associated with the transfer.
The transferring physician must:

- personally contact the accepting physician and document his/her acceptance in the medical record.
- document the Risks and Benefits of Transfer.
- A Patient Request/Refusal/Consent to Transfer must be documented prior to the transfer in the patient’s chart. A refusal to be transferred must also be documented.
Transferring Patients Out cont.

The transferring hospital must:

• contact the receiving hospital to determine if they have available space and qualified personnel for the treatment of the patient. The receiving hospital must agree to accept the patient in transfer.

• send to the receiving hospital a copy of the medical record.

• ensure that the completed EMTALA transfer form is on the medical record before transferring the patient.
The transfer must be facilitated by the transferring hospital and carried out by qualified personnel and transportation equipment as required. This includes the use of necessary and medically appropriate life support measures during the transfer, as may be applicable.
Transferring Patients Out

Review Question

Before transferring a patient to another facility, the accepting hospital must agree to take the patient.

True

False
The “250 Yard” Rule

Hospitals have an obligation to provide care for anyone that is discovered injured or becomes injured while on or within 250 yards of the main building and campus.
The following are examples of when the “250 Yard” Rule would come into play:

- You find an unconscious person lying on the facility lawn while on your way to work.
- A child is injured while rollerblading on the sidewalk around the hospital facility.
- A visitor falls in the parking lot.
How should you respond to someone injured on or near the hospital?

• Assist the individual within the scope of your knowledge, by giving basic first aid or CPR if applicable.

• Summon help by yelling for assistance. Go to the nearest in-house phone and call 1111.

• The operator will contact 911 and the Emergency Department to assist.
Penalties

Penalties for non-compliance with this federal law may include:

- Regulatory citations.
- Monetary penalties for facilities and professional staff.
- Loss of Medicare/Medicaid funding.
To maintain compliance with this law, be sure to:

- Perform and document a medical exam on all patients prior to transferring them to another facility.
- Never divert patients or ambulances to another facility without following the EMTALA guidelines.
- Inform the Corporate Compliance Officer, Chris Kuhlmann, of any transfers that do not follow the guidelines mentioned in this training module.
• In summary, the EMTALA Law is a federal law that generally applies to the transfer of a patient from one acute care facility to another.

• The primary intentions of the law are to ensure that all patients seeking medical care are provided with a medical screening exam, stabilizing treatment prior to transfer and to also prevent the “dumping” of inappropriate transfer patients from one facility to another.

• The physician determines and documents that the medical benefits of treatment at the receiving hospital outweigh the risks to the patient’s medical condition associated with the transfer.
• The receiving hospital must be contacted to ensure that they have available space and qualified personnel for the treatment of the patient. They must agree to accept the patient.

• The physician is responsible for personally contacting the accepting physician and documenting his/her acceptance in the medical record. The physician must also document the Risks and Benefits of transfer, along with a refusal to be transferred, if applicable.
If you are done viewing the eLearning you can now take the exam.
(Located on the left side of screen.)
EMTALA – The Emergency Medical Treatment and Active Labor Act refers to a federal “antidumping law contained in the Consolidated Omnibus Budget Reconciliation Act (COBRA) and was enacted by Congress on April 7, 1986.
Your answer is correct! All patients (regardless of their ability to pay) should receive a medical screening exam and stabilizing treatment prior to transfer to another facility.
Your answer is incorrect! All patients (regardless of their ability to pay) should receive a medical screening exam and stabilizing treatment prior to transfer.
Your answer is correct! The receiving hospital must agree to accept the patient in transfer.
Your answer is incorrect! The receiving hospital must agree to accept the patient in transfer.