

EMS National Emergency

October 27, 2009

Dear EMS Colleagues,

Many of you have heard of the declaration of a public health emergency made by President Obama, and some of you have expressed concern regarding the possible consequence this will have for EMS.

The President's declaration puts in motion the federal government's ability to grant "EMTALA waivers" to hospitals unable to manage patient surges in situations such as an influenza pandemic.

EMTALA is the Emergency Medical Treatment and Active Labor Act, a federal statute that requires hospitals with a dedicated emergency department to provide patients with appropriate screening and medical care or transfer to care. The waivers that now appear imminent would allow hospitals to:

- " Direct or relocate individuals who come to the ED to an alternative off-campus site for the medical screening exam.
- " Effect transfers of patients with unstable emergency medical conditions normally prohibited under EMTALA, as long as the transfer is necessitated by the circumstances of the declared emergency.

EMS agency managers and medical directors should be in contact with their local hospital and emergency department administrators, and should arrange to be notified if and when that hospital receives an EMTALA waiver. Transport and transfer arrangements will ideally be worked out in advance to avoid foreseeable problems, to include an increase in transport volume.

A helpful document from the Centers for Medicare & Medicaid Services (CMS) can be found at www.nasemso.org/documents/SCLetter09_52.pdf. Additional information should be forthcoming from the US Department of Health and Human Services and the Centers for Medicare and Medicaid Services.

The Department of Health will continue to share information about the waivers as we learn more from the federal government. For further information, contact the Department of Health's EMS Bureau Chief Kyle Thornton at 505-476-8200 or kylel.thornton@state.nm.us.

Sincerely,

**Alfredo Vigil, MD
Secretary**