DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services

Administrator
Washington, DC 20201

MAY 0 9 2012

Mr. Charles N. Kahn III
Federation of American Hospitals
President and Chief Executive Officer
750 9th Street, NW
Suite 600
Washington, DC 20001-4524

Dear Mr. Kahn:

Recent news accounts have suggested that aggressive debt collection activities may have occurred in some hospitals. http://www.nytimes.com/2012/04/25/business/debt-collector-is-faulted-for-tough-tactics-in-hospitals.html?pagewanted=all. One specific allegation involved an effort to collect money from patients in emergency departments before they were examined by a physician or received necessary treatment. We believe such actions are not beneficial to the well-being of patients, whose health needs must be the primary consideration.

We are taking this opportunity to remind your members that the Emergency Medical Treatment and Labor Act (EMTALA) ensures certain basic protections for patients. As you know, EMTALA requires Medicare-participating hospitals with emergency departments to provide an appropriate medical screening examination and, if necessary, stabilizing treatment or a transfer to a medical facility that can provide such treatment to all individuals who come to the emergency department seeking such care, regardless of ability to pay.

We would have serious concerns with the legality of any hospital policy or procedure that may discourage individuals from seeking emergency care, such as demanding that emergency department patients pay before receiving treatment. Our priority must be to ensure that hospitals do not delay screening exams or stabilizing treatments for patients in order to inquire about an individual's method of payment or insurance status.

The consequences of not complying with EMTALA can be serious, including termination from participation in Medicare and Medicaid unless the deficiencies are corrected in a timely manner. We are always available to work with you or your members to address any questions or problems, and we look forward to continuing to partner with you to ensure that patients receive the best possible care in a dignified and compassionate manner. We encourage you to share the importance of this issue with your members.

Sincerely,

Marilyn Tavenner

Marilyn Tavenner
Acting Administrator