Although enacted more than 30 years ago, the Emergency Medical Treatment and Labor Act (“EMTALA”) remains aggressively enforced and important for Medicare-participating hospitals to consider as they implement telemedicine services in the emergency department (“ED”) setting.

In order to achieve these mandates for a wider variety of patients, many hospitals and EDs have implemented telemedicine services for conditions such as strokes, myocardial infarction, neonatal resuscitation, radiology services, dermatology conditions, and more. Indeed, some critical access hospitals that have difficulty recruiting an adequate physician workforce use telemedicine to provide the entire range of emergency services in conjunction with on-site mid-level providers.

As hospitals expand emergency telemedicine services, it is important to implement policies and safeguards to ensure ongoing EMTALA compliance.

THREE KEY TAKEAWAYS

1. Many hospital emergency departments have introduced telemedicine services for stroke, myocardial infarction, neonatal resuscitation, and other conditions.
2. Entities providing telemedicine services must adhere to EMTALA requirements.
3. Police pertaining to physician licensing, on-call lists, liability, backup plans, and similar matters should be implemented to meet compliance obligations.

Aside, as long as certain steps are taken, hospitals looking to expand access to emergency services by implementing telemedicine platforms may do so while maintaining compliance with EMTALA and its various mandates.