

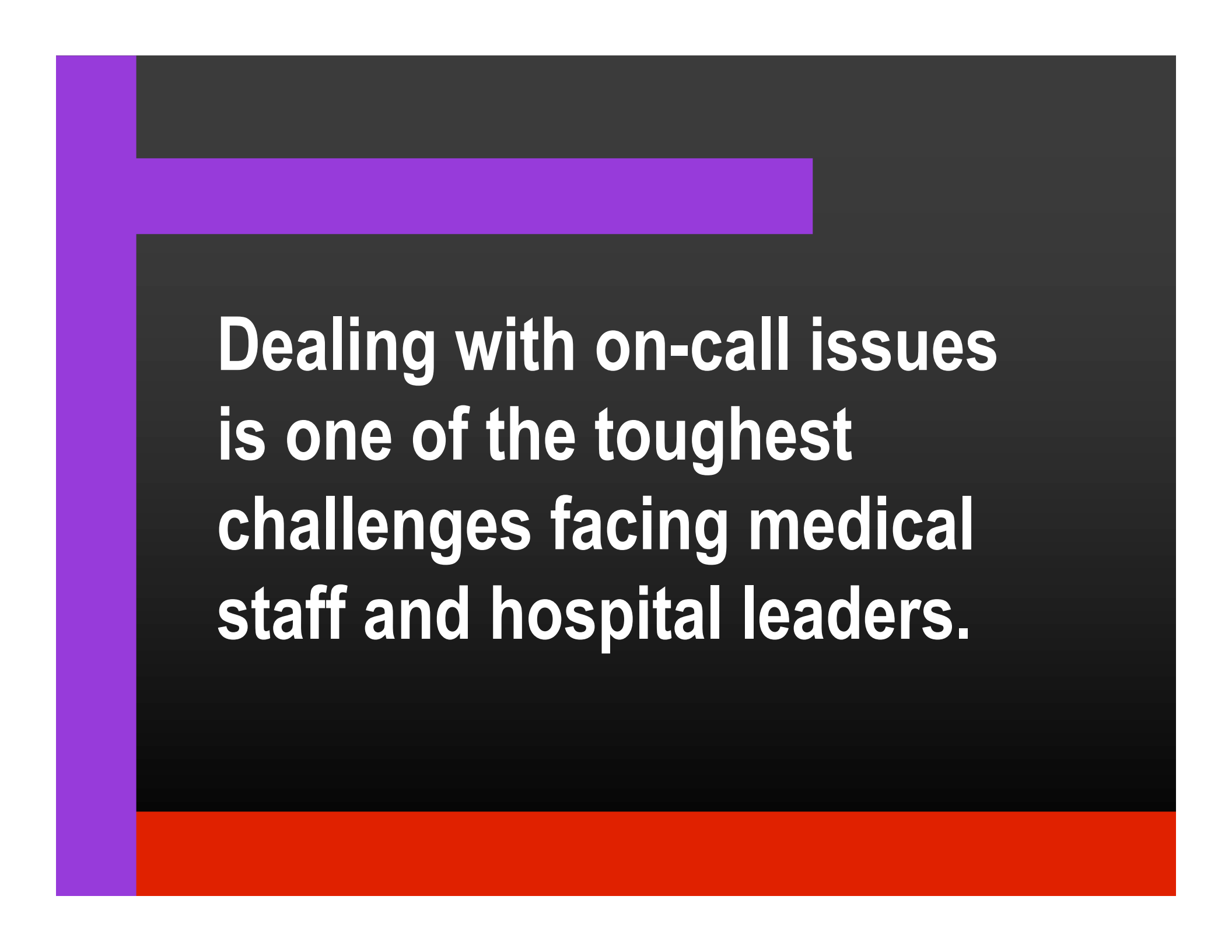
Uninsured Audioconference: EMTALA Anti-Dumping Update

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On-Call Problems & Solutions





**Dealing with on-call issues
is one of the toughest
challenges facing medical
staff and hospital leaders.**

Tension created by:

- **Burden of call obligations**
- **Direct obligation on hospitals and derivative obligation on physicians**
- **Ambiguity in law**

Burden of Call:

- **Increasing number of ED visits;**
- **Decreasing number of EDs;**
- **Increasing number of uninsured patients;**
- **Decreasing reimbursement;**
- **Increasing malpractice premiums.**

EMTALA imposes a direct obligation on hospitals and derivative obligation on physicians. Hospitals must...

- Perform medical screening examinations;**
- Provide stabilizing treatment;**
- Have reasonable on-call schedule;**
- Accept appropriate requests for transfer.**

EMTALA imposes a derivative obligation on physicians.

Physicians, if on call, must:

- **timely respond to ED, and**
- **sign certification for transfer.**

Ambiguity in the law exists because EMTALA does not define, in advance, how hospitals or physicians can meet their obligations.



Limited number of specialists

Category-jumping

Selective privileging

Issue

**Limited number of
specialists.**

Rule

There is no three-physician rule.

Rule

Hospital must have on-call schedule that meets the needs of its patients.

Rule

CMS will apply “all relevant factors” test in deciding compliance.

Rule

Relevant factors include:

- **Number of physicians**
- **Other demands on physicians**
- **Need for service**

Solution

Bylaws and policies should reflect duty to provide on-call coverage.

Solution

Define number of days each physician required to take call.

Solution

**Don't forget hospital obligation
and mission to community.**

Issue

Category-jumping.

Rule

**Allowing physician to escape
call by transferring to Courtesy
Staff is risky.**

Rule

Senior Active exception is not prohibited, but it cannot adversely affect patient care.

Solution

Revise staff categories so on-call responsibility can be shared by Active, Senior Active and Courtesy Staff members.

Solution

Remember to be fair and equitable.

Issue

Selective privileging.

Rule

Hospitals should ensure that on-call physicians are granted the privileges they need.

Rule

Specialists are probably more competent than ED physician to stabilize patient for transfer.

Solution

Decision to allow resignation of core privileges should consider overall effect on department.

Solution

Credentialing Policy should outline process for resignation of limited privileges.