


 DEPARTMENT OF HEALTH & HUMAN SERVICES
Health Care Financing
Administration

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Region VII
Federal Office Building
601 East 12th Street
Kansas City, Missouri 64106

SURVEY AND CERTIFICATION REGIONAL LETTER NO. 00-10

SUBJECT: Hospital Owned and Operated Ambulance Participating in Emergency
Medical Services

REFER TO: SC-25-16

Recent information from our Central Office clarified the Health Care Financing Administration's (HCFA) policy regarding hospital owned ambulances that operate within the Emergency Medical System. The guidance applies to helicopter ambulance as well as ground ambulance.

The policy clarifies Appendix V, Interpretive Guidelines and Investigative Procedures for Responsibilities of Medicare Participating Hospitals in Emergency Cases, page V-24. The current *State Operations Manual* (SOM) reads as follows:

In some cases, local, State or regionally approved emergency medical systems (EMS), point-of-entry, and/or system protocols are in place. Compliance with EMS protocols with respect to the transport of emergent patients is usually deemed to indicate compliance with §1867; however a copy of the protocol should be obtained and reviewed at the time of the survey.

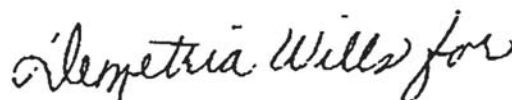
The interpretive guidelines make no mention of hospital owned and operated ambulances participating in the EMS; therefore, HCFA is issuing guidance to address hospital-owned ambulance that operates within the EMS.

Central Office staff clarified that a hospital-owned ambulance is not a hospital-owned and ~~operated~~ ambulance, as referenced in 42 CFR 489.24(b), if the home hospital lacks the authority to determine the destination of the emergency patient, because that function is controlled by the EMS.

Under this interpretation, the individual in the hospital-owned ambulance has not "come to the emergency department" and the home hospital does not incur an Emergency Medical Treatment and Labor Act (EMTALA) obligation to that individual. If an individual is transported by an ambulance **owned and operated** by a hospital, the patient has "come to the hospital emergency department" for the purposes of EMTALA and the hospital has incurred an EMTALA obligation as to that patient.

These interpretative guidelines will be added to the SOM, Appendix V, the next time they are revised.

Please direct questions related to this information to Joyce Danner or Kathy Pozek of this office at telephone (816) 426-2011.



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