Biden Administration Launches Reporting Tool for EMTALA Violations



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Last month, the Biden Administration launched an online tool designed to allow patients to report violations of a federal law that requires emergency room doctors to provide emergency medical care to patients. At issue is the Emergency Medical Treatment and Active Labor Act (EMTALA), which dictates to Medicare-participating hospitals that "all patients receive an appropriate medical screening examination, stabilizing treatment, and transfer, if necessary," regardless of ability to pay.

After the Supreme Court repealed Roe v. Wade, the Biden Administration argued that under the EMTALA, emergency room doctors must provide abortions to pregnant women if it is determined that that abortion constitutes a "stabilizing treatment" under the EMTALA. In January, the Fifth Circuit of the United States Court of Appeals determined that the EMTALA cannot be used to require emergency room doctors to perform abortions.

The Biden Administration has appealed the Fifth Circuit's ruling to the Supreme Court. Meanwhile, the Centers for Medicare and Medicaid Services (CMS) announced that it has launched as online tool to allow individuals to "more easily file an EMTALA complaint," and included a link to the tool on CMS's website. While CMS's announcement does not specifically mention abortion, and, according to CMS's release, is only intended to "educate the public and promote patient access to the emergency medical care which they are entitled to under federal law," the online reporting tool includes an option that allows a user to file a complaint if the individual was denied emergency abortion services.

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