



California
Department of
Health Services

SANDRA SHEWRY
Director

State of California—Health and Human Services Agency
Department of Health Services



ARNOLD SCHWARZENEGGER
Governor

June 20, 2005

AFL 05-29

TO: GENERAL ACUTE CARE HOSPITALS

**FROM: DEPARTMENT OF HEALTH SERVICES
LICENSING AND CERTIFICATION PROGRAM**

**SUBJECT: INTERACTION OF THE EMERGENCY MEDICAL TREATMENT AND
LABOR ACT (EMTALA) AND THE BORN-ALIVE INFANTS
PROTECTION ACT OF 2002**

On April 22, 2005, the Centers for Medicare and Medicaid Services (CMS) released Survey and Certification (S&C) Memorandum 05-26, "Interaction of the Emergency Medical Treatment and Labor Act (EMTALA) and the Born-Alive Infants Protection Act of 2002." The S&C provides information regarding the Born-Alive Infants Protection Act of 2002, which adds to the United States Code, a definition of the term "individual" to include every infant who is born alive. The S&C also clarifies that EMTALA provides certain rights of "any individual" who comes to an emergency department and "any individual" who comes to a hospital. Appropriate medical screening must be provided to any individual with an emergency medical condition that comes to an emergency department, and either stabilizing treatment or an appropriate transfer for an individual that comes to a hospital.

The purpose of this All Facility Letter is to provide general acute care hospitals with the necessary information to remain in compliance with Federal EMTALA requirements. Please review S&C 05-26 and the attachment enclosed with this letter.

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If you have any questions, please contact CMS, Region IX, Division of Survey and Certification at (415) 744-3696 for clarification regarding the federal requirements.

Sincerely,

**Original Signed by
Brenda G. Klutz**

Brenda G. Klutz
Deputy Director

Enclosure

cc: District Office Managers
District Office Administrators