

## **INSTRUCTOR'S GUIDE REGULATORY MANDATES**

### **BACKGROUND:**

Regulatory mandates, such as HIPAA and EMTALA, are commonly referenced as they relate to every day emergency care. HIPAA, the Health Insurance Portability and Accountability Act of 1996, was developed to help alleviate potential threats to patient confidentiality via electronic health care transactions. With its implementation, it changed not only electronic health care transactions, but the way we share patient information with each other, patients and their families. The emergency department is a hard place to achieve both privacy and confidentiality with hallways beds and boarding becoming more common. HIPAA violations carry a stiff monetary penalty for each offense and can often be avoided with good situational awareness.

The Emergency Medical Treatment and Active Labor Act (EMTALA) enacted in 1986, as a part of the COBRA (Consolidated Omnibus Reconciliation Act), has had far reaching effects - legislating the guarantee of nondiscriminatory access to emergency medical care. Since then, emergency department visits have increased, in addition to the amount of uncompensated care. EMTALA has helped push Emergency Medicine to the forefront of medical care in this country as a person's entry into the health care system and often serving as the country's healthcare "safety net." As the providers of the vast majority of emergency care, it is important to understand the premise and guidelines of EMTALA, as they are key in the practice of EM.

### **PURPOSE & GOALS:**

Regulatory mandates, such as HIPAA and EMTALA, are important for any emergency physician to know and understand, as they both carry with them federal mandates and penalties. This module was developed to train residents in the understanding and application of HIPAA and EMTALA. In completing this module, learners will have the opportunity to practice applying these laws to common EM cases, so they may incorporate these lessons into their practice.

### **EDUCATIONAL OBJECTIVES:**

After completion of the module, the learner will be able to:

- Define HIPAA and EMTALA.
- Understand the importance of patient confidentiality and privacy.
- Describe the effect of EMTALA on the practice of Emergency Medicine.
- Apply HIPAA and EMTALA to different examples of issues that arise in the Emergency Department.
- Recognize the repercussions of violating HIPAA or EMTALA.

### **RESOURCE FILES:**

1. **Regulatory Mandates** Didactic (filename: [regulatory.mandates.cts.pptx](#))

- This didactic provides a definition of and highlights the key points of HIPAA and EMTALA, and discusses the penalties of violating each law.
  - Estimated time: 20 minutes
2. **Regulatory Mandates Cases** (filename: [regulatory.mandates.cases.pdf](#))
    - This document contains a series of 6 cases for discussion within small groups, which illustrate and contextualize the concepts taught in the didactic session, with a focus on HIPAA and EMTALA violations and their nuances.
    - Estimated time: 15 minutes
  3. **Regulatory Mandates Cases Answers** (filename: [regulatory.mandates.case.answers.pdf](#))
    - This document contains answers to the Regulatory Mandates Cases, to be used during the report out and discussion of responses by the small groups.
    - Estimated time: 15 minutes
  4. **Summary Handout** (filename: [regulatory.mandates.summary.handout.pdf](#))
    - This document provides a summary of the teaching points for the module

**TOTAL MODULE DURATION:** 60 minutes

**REQUIRED RESOURCES:**

- A computer able to run PowerPoint

**DESCRIPTION OF MODULE:**

Intended Audience

- Emergency medicine residents at any level of seniority

Pre-reading

- EMTALA Fact Sheet. (2009). ACEP.org. [online] Available at: <https://www.acep.org/life-as-a-physician/ethics-legal/emtala/emtala-fact-sheet/#sm.0001k7is7419ujduuu2gdoenk5g53> [Accessed 20 Jan. 2019]
- Moskop JC, Marco CA, Larkin GL, Geiderman JM, Derse AR. [From Hippocrates to HIPAA: privacy and confidentiality in emergency medicine--Part I: conceptual, moral, and legal foundations](#). Ann Emerg Med. 2005 Jan;45(1):53-9. Review. PubMed PMID: 15635311.
- Moskop JC, Marco CA, Larkin GL, Geiderman JM, Derse AR. [From Hippocrates to HIPAA: privacy and confidentiality in emergency medicine--Part II: Challenges in the emergency department](#). Ann Emerg Med. 2005 Jan;45(1):60-7. Review. PubMed PMID: 15635312.
- Zibulewsky J. (2001). The Emergency Medical Treatment and Active Labor Act (EMTALA): what it is and what it means for physicians. *Proceedings (Baylor University Medical Center)*, 14(4), 339-46.

Recommended Implementation/Timeline

- Pre-module

- Prior to taking the module, the pre-reading should be made available to the learners to familiarize themselves with the content.
- During the module
  - **Regulatory Mandates** didactic presented by a senior resident or faculty member (20 minutes)
  - Participants divided into groups (5 minutes)
  - **Regulatory Mandates Cases** are distributed to groups (5 minutes)
  - Each group reviews the cases and writes provisional answers to the embedded questions (15 minutes)
  - Using **Regulatory Mandates Case Answers**, EM faculty member facilitates report-out and discussion of responses to each of the case questions (15 minutes)

### CONCLUSIONS:

This module was designed to fulfill several purposes. The first is to introduce the learner to common regulatory mandates in EM – HIPAA and EMTALA. The second is to discuss how the laws apply to the practice of Emergency Medicine. Lastly, the learner is given the opportunity to practice applying the law to sample cases in a small group format.

We believe that after finishing the module, the learner will have a greater understanding of regulatory mandates, their importance within emergency medicine, and be able to incorporate some of the ideas within their own practice.

### REFERENCES:

1. Emergency Medical Treatment and Labor Act (EMTALA), Centers for Medicare and Medicaid Services, <http://www.cms.gov/Regulations-and-Guidance/Legislation/EMTALA/index.html>
2. EMTALA Fact Sheet. (2009). ACEP.org. [online] Available at: <https://www.acep.org/life-as-a-physician/ethics-legal/emtala/emtala-fact-sheet/#sm.0001k7is7419ujduuu2gdoenk5g53> [Accessed 20 Jan. 2019]
3. HIPAA for Professionals. (2015). HHS.gov. [online] Available at: <https://www.hhs.gov/hipaa/for-professionals/index.html> [Accessed 30 Jan. 2019].
4. HIPAA Summary. (2015). HHS.gov. [online] Available at: <http://www.hhs.gov/ocr/privacy/hipaa/understanding/summary/> [Accessed 30 Jan. 2019].