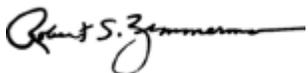


	MEDICAL ASSISTANCE BULLETIN COMMONWEALTH OF PENNSYLVANIA * DEPARTMENT OF PUBLIC WELFARE		
	NUMBER: 99-98-06, 1101-98-01, 1141-98-01, 1150-98-01, 1121-98-01	ISSUE DATE: July 1, 1998	EFFECTIVE DATE: July 1, 1998
SUBJECT: Regulation Changes Regarding "Emergency Medical Condition"		BY:  Robert S. Zimmerman, Jr., M.P.H. Deputy Secretary for Medical Assistance Programs	

PURPOSE:

The purpose of this bulletin is to:

1. add a new definition of "emergency medical condition" and "emergency medical care";
2. revise the Medical Assistance definition of "emergency admission";
3. to delete the definitions of "emergency situation" and emergency accident care"; and
4. to delete Appendix A of 55 Pa. Code, Chapter 1221, relating to Clinic and Emergency Room Services.

SCOPE:

This bulletin applies to all providers enrolled in the Medical Assistance Program, as well as both voluntary and mandatory managed care organizations under contract with the Department.

BACKGROUND:

On August 5, 1997, President Clinton signed the Balanced Budget Act of 1997 (BBA), which included a revised definition of "emergency medical condition." To be consistent with BBA, the Department, in consultation with the Pennsylvania Chapter of the American College of Emergency Physicians and the Hospital and Healthservices Association of Pennsylvania, is deleting the current § 1101.21 definition of an "emergency situation" and replacing it with the definition of "emergency medical condition." Effective July 1, 1998, § 1101.21, relating to definitions, will include the following definition of "emergency medical condition":

Emergency Medical Condition – A medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

- i. placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy,
- ii. serious impairment to bodily functions, or
- iii. serious dysfunction of any bodily organ or part.

The Department is replacing the definition of "emergency situation" in § 1141.2 with a definition of "emergency medical care"; deleting the definition of "emergency accident care" and modifying the definition of "emergency medical care" in § 1121.2; and revising the definition of "emergency admission" in § 1150.2. In addition, the Department is revising the section on "Non-

emergency use of the emergency room” under “Noncompensable services” in §§ 1141.59 and 1221.59.

Because of the unlimited numbers of medical conditions that could constitute an emergency situation, the list of symptoms and diagnoses in Appendix A to Chapter 1221 has become unintentionally restrictive. As a result, the Department is deleting Appendix A and all references to Appendix A throughout the regulations.

POLICY:

Effective July 1, 1998, Chapter 1101 – General Provisions, Chapter 1141 – Physicians’ Services, Chapter 1150 – Medical Assistance Program Payment Policies, and Chapter 1221 – Clinic and Emergency Room Services are revised as follows:

CHAPTER 1101. GENERAL PROVISIONS.

§ 1101.21. Definitions.

EMERGENCY MEDICAL CONDITION – A medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in –

- i. **placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy,**
- ii. **serious impairment to bodily functions, or**
- iii. **serious dysfunction of any bodily organ or part.**

CHAPTER 1141. PHYSICIANS’ SERVICES

§1141.2. Definitions

EMERGENCY MEDICAL CARE – Medical care rendered in response to an emergency medical condition as defined in § 1101.21 of this title.

~~**EMERGENCY SITUATION – A condition in which immediate medical care is necessary to prevent the death or serious impairment of health of the individual.**~~

§ 1141.59 Noncompensable services

Payment will not be made for the following physician’s services:

17. **Non-emergency use of the emergency room. Services that do not meet the definition of emergency medical care of this chapter are not reimbursable unless the recipient declares that he/she does not have access to a primary care physician or an outpatient clinic to receive non-emergency care. The hospital emergency room staff and/or the emergency room physician must document in the patient’s medical record the declaration of no access to primary care.**

CHAPTER 1150. MEDICAL ASSISTANCE PROGRAM PAYMENT POLICIES.

§ 1150.2 Definitions.

EMERGENCY ADMISSION – An admission to a hospital for ~~a condition in which immediate medical care is necessary to prevent death, serious impairment or significant deterioration of the health of the patient~~ the purpose of rendering Medical care in response to an emergency medical condition as defined in § 1101.21 of this title.

CHAPTER 1221. CLINIC AND EMERGENCY ROOM SERVICES.

§ 1221.2 Definitions.

~~EMERGENCY ACCIDENT CARE~~ – ~~The initial examination and treatment performed in connection with and within 72 hours following an injury. Examples of emergency accident care include but is not limited to the following: removal of foreign body in the eye, treatment of abrasions, contusions, acute sprains or strains, nose bleeds caused by trauma, insect bites or stings, choking on food, drink or foreign body, resuscitation of drowning or smoke inhalation victims, or treatment of concussion, or poisoning chemical or drug.~~

EMERGENCY MEDICAL CARE – Medical care rendered in response to the sudden onset of a medical condition requiring medical, nor surgical, intervention to sustain the life of the person or to prevent damage to the person's health and which the recipient secures immediately after the onset, or as soon thereafter as the care can be made available, but in no case later than 72 hours after the onset ~~an emergency Medical condition as defined in § 1101.21 of this title. In order to determine whether a medical emergency existed and, therefore, whether benefits for outpatient services in connection with the treatment of the condition are payable on an emergency basis, the following criteria shall be applied:~~

- ~~i. Severe symptoms have to occur. The symptoms must be sufficiently severe to cause a person to seek immediate medical aid. Some symptoms or conditions indicating medical emergency are listed in Appendix A.~~
- ~~ii. Severe symptoms must occur suddenly and unexpectedly. Sub acute symptoms of a chronic condition would not qualify as a medical emergency. However, chronic symptoms that suddenly become severe enough to require immediate intervention would qualify.~~

§ 1221.59. Noncompensable services and items.

Payment will not be made to clinics or emergency rooms for the following services or items:

(9) Non-emergency use of the emergency room. Services to ~~patients who do not exhibit symptoms or have a diagnosis that is listed in Appendix A~~ **that do not meet the definition of emergency medical care of this chapter** are not reimbursable unless the recipient declares that he/she does not have access to a primary care physician or an outpatient clinic to ~~treat nonemergency situations~~ **receive nonemergency care**. The hospital emergency room staff and/or the emergency room physician must document in the patient's medical record the declaration of no access to primary care.

ATTACHMENTS:

- Appendix A - Medical Emergency Care Symptoms (Now Obsolete)
- Notice of Rule Change Regarding Emergency Definition

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

Call the appropriate toll-free number of your provider type.

Visit the Office of Medical Assistance Programs website at www.dpw.state.pa.us/omap.