**SCENARIO:** An employer sends an injured worker to the occupational health clinic for care. The worker arrives at the hospital and walks into the emergency room (ER) instead, where they are treated. The employer ends up paying unanticipated emergency department (ED) fees.

**BACKGROUND:** An ER is very likely operating under the provisions of the Emergency Medical Treatment and Active Labor Act (EMTALA), which applies to all hospitals that participate in Medicare [1]. Basically, this 1986 legislation requires an ER to accept and treat every patient who "comes to the emergency department," regardless of their ability to pay. Amendments in 2000 and 2003 broadened the definition of "coming to the ED" by expanding the physical area of the hospital in which EMTALA requirements would apply. The absolute language of the law, coupled with the threat of citations or fines, makes ER staff very sensitive about their procedures.

**HEADS-UP:** In some hospitals, even calling to alert ER staff that a worker might arrive in their facility and should be directed to the occupational health clinic may not prevent the above scenario. To ensure referral to an occupational health clinic, an employer and clinic staff may want to develop written instructions (including directions/map) to be given to injured workers who are being referred to help them get to the clinic.

1 - FAQ on EMTALA - www.emtala.com/faq.html