The “20 Commandments” of COBRA/EMTALA
(Version 2.1)*

1. THOU SHALL: Log in every patient who presents, together with diagnosis and disposition;

2. THOU SHALL: Provide a medical screening examination [by physician, preferably], beyond triage, in the hospital to every person presenting to the hospital (including hospital-owned ambulances);

3. THOU SHALT NOT: delay the medical screening examination to secure verification or authorization from third party payor, nor attempt to influence the patient by drawing payor status issues to the patient’s attention prior to screening;

4. THOU SHALL: Provide necessary testing, including on-call services, to exclude the presence of a life-threatening emergency medical condition;

5. THOU SHALL: Provide stabilization, such that the patient is not likely to deteriorate from or during transport or discharge;

6. THOU SHALL: Provide on-call coverage schedule for all medical specialties represented on the medical staff, and maintain the list of the individuals on-call for five years;

7. THOU SHALL: Require on-call specialists respond in timely manner and provide stabilizing care and/or definitive treatment in the hospital;

8. THOU SHALL: Transfer COBRA patients for only services or care not available at your facility;

9. THOU SHALL: Treat OB patients with contractions as unstable patients under the law;

10. THOU SHALL: Obtain and document advance acceptance from the receiving hospital;

11. THOU SHALL: Provide medically appropriate vehicles, personnel, and life support equipment for all COBRA transfers;

12. THOU SHALL: Provide a physician certification with clearly stated risks and benefits of transfer for all COBRA transfers;

13. THOU SHALL: Provide medical records, labs, reports and consultation records to accompany the patient on all COBRA transfers;

14. THOU SHALL: Include the name of any on-call physician who refused to respond or failed to make a timely response in the transfer records of any COBRA patient transferred as a result of that refusal or lack of timely response;

15. THOU SHALL: Obtain written refusal of services by a patient or responsible party that refuses exam, treatment, or transfer that documents the specific risks of refusal associated with the individual case, or document the reasonable efforts by the hospital to obtain written refusal;

16. THOU SHALL: Obtain written consent to transfer from the patient or responsible party, or document the reasonable justification for not obtaining the written consent;
17. **THOU SHALL:** Document in the medical record sufficient specific date and information to substantiate the appropriate nature of the actions taken in the individual case;

18. **THOU SHALL:** Obtain discharge vital signs or vital signs at the time of transfer;

19. **THOU SHALL:** Post COBRA signs in all entries, waiting areas, registration and care areas;

20. **THOU SHALL:** Report any possible violations of COBRA by another facility within 72 hours of receipt of the patient.

*Source unknown*