

Updated CMS Guidance for EMTALA and Setting-Specific Infection Control Policies

March 31, 2020

The Centers for Medicare & Medicaid Services (CMS) has issued several memos that provide guidance and responses to frequently asked questions regarding waivers and flexibilities allowed during the COVID-19 emergency, including:

- **Emergency Medical Treatment and Labor Act (EMTALA) Requirements and Implications Related to Coronavirus Disease 2019 (COVID-19):** CMS revised its guidance on EMTALA to include additional information to clarify expectations on triage and the medical screening processes – including at alternate screening locations – as well as the establishment of drive through testing sites.
- **Guidance for Infection Control and Prevention of COVID-19 in Hospitals, Psychiatric Hospitals, and Critical Access Hospitals (CAHs) - FAQs, Considerations for Patient Triage, Placement, Limits to Visitation and Availability of 1135 waivers:** CMS revised its guidance to address questions on policies intended to minimize transmission of COVID-19, including questions related to when exposed or healthcare personnel can return to work. The guidance also revises information on measures hospitals can take to mitigate transmission of COVID-19 and increase surge capacity in the inpatient and outpatient settings, visitation policies, and organ donation policies.
- **Guidance for Infection Control and Prevention of COVID-19 in dialysis facilities:** CMS revised its guidance on mitigating transmission of COVID-19 in dialysis facilities to reflect new 1135 waivers and respond to questions on the establishment of Special Purpose Renal Dialysis Facilities which can serve dialysis patients under emergency circumstances.
- **Guidance for Infection Control and Prevention of COVID-19 in Outpatient Settings - FAQs and Considerations:** CMS issued new guidance for a number of outpatient settings – specifically, ambulatory surgical centers (ASCs), community mental health centers (CMHCs), comprehensive outpatient rehabilitation facilities (CORFs), outpatient physical therapy or speech pathology services (OPTs), rural health clinics (RHCs) and federally qualified health centers (FQHCs) – to provide recommendation to mitigate transmission including screening, restricting visitors, cleaning and disinfection, and possible closures.