



Medicaid – Definition of Emergency Medical Condition and Emergency Medical Services

Please note: The information in this document is a summary of state statutes and regulations defining “emergency medical condition” and/or “emergency medical services” within state Medicaid programs or Medicaid managed care programs. The omission of a definition on this chart does not mean the state Medicaid program does not define “emergency medical condition” or “emergency medical services” as these terms may be defined in other Medicaid documents, such as, but not limited to, the state plan, beneficiary guidelines, and provider handbooks. This document does not contain information related to coverage of emergency medical services for noncitizens. This document is meant to serve as an educational tool and does not constitute legal advice.

<p>Florida FSA sec. 409.901</p>	<p>Definitions</p> <p>(10) “Emergency medical condition” means:</p> <p>(a) A medical condition manifesting itself by acute symptoms of sufficient severity, which may include severe pain or other acute symptoms, such that the absence of immediate medical attention could reasonably be expected to result in any of the following:</p> <ol style="list-style-type: none">1. Serious jeopardy to the health of a patient, including a pregnant woman or a fetus.2. Serious impairment to bodily functions.3. Serious dysfunction of any bodily organ or part. <p>(b) With respect to a pregnant woman:</p> <ol style="list-style-type: none">1. That there is inadequate time to effect safe transfer to another hospital prior to delivery.2. That a transfer may pose a threat to the health and safety of the patient or fetus.3. That there is evidence of the onset and persistence of uterine contractions or rupture of the membranes. <p>(11) “Emergency services and care” means medical screening, examination, and evaluation by a physician, or, to the extent permitted by applicable laws, by other appropriate personnel under the supervision of a physician, to determine whether an emergency medical condition exists and, if it does, the care, treatment, or surgery for a covered service by a physician which is necessary to relieve or eliminate the emergency medical condition, within the service capability of a hospital.</p>
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<p>Hawaii Haw. Admin. Rules (HAR) § 17-1727-2</p>	<p>Medicaid Managed Care Definitions. “Emergency medical condition” means a medical condition that manifests 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: (1) 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; (2) Serious impairment to body functions; or (3) Serious dysfunction of any bodily organ or Part; (4) Serious harm to self or others due to an alcohol or drug abuse emergency; (5) Injury to self or bodily harm to others; or (6) With respect to a pregnant woman having contractions: (A) That there is adequate time to effect a safe transfer to another hospital before delivery; or (B) That transfer may pose a threat to the health or safety of the woman or her unborn child. An emergency medical condition shall not be defined or limited based on a list of diagnoses or symptoms. “Emergency services” means covered inpatient and outpatient services that are needed to evaluate or stabilize an emergency medical condition that is found to exist using a prudent layperson standard. "Prudent layperson" means one who possesses an average knowledge of health and medicine. "Prudent layperson standard" refers to the determination of a emergency medical condition based on the judgment of a prudent layperson.</p>
<p>Idaho IDAPA 16.03.09 16.03.10</p>	<p>23. Emergency Medical Condition. A medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, 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 the following: a. Placing the health of the individual, or, with respect to a pregnant woman, the health of the woman or unborn child, in serious jeopardy. b. Serious impairment to bodily functions. c. Serious dysfunction of any bodily organ or part.</p>
<p>Indiana I.C. 12-15-12-0.3</p>	<p>Medicaid Managed Care “Emergency medical condition” defined Sec. 0.3. As used in this chapter, “emergency medical condition” means a medical condition manifesting itself by acute symptoms, including severe pain, of sufficient severity that a prudent lay person with an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in: (1) serious jeopardy to the health of: (A) the individual; or (B) in the case of a pregnant woman, the woman or her unborn child; (2) serious impairment to bodily functions; or (3) serious dysfunction of any bodily organ or part. "Emergency services" defined Sec. 0.5. As used in this chapter, "emergency services" means covered inpatient and outpatient services that are: (1) furnished by a provider qualified to furnish emergency services; and (2) needed to evaluate or stabilize an emergency medical condition. <i>As added by P.L.223-2001, SEC.5.</i></p>

<p>Iowa Iowa Administrative Code 441.79.1(13) (k- n)</p> <p>I.A.C. 441-88.1 Medicaid managed care</p>	<p>Principles governing reimbursement of providers of medical and health services. K. Copayment charges are not applicable for emergency services. Emergency services are defined as services provided in a hospital, clinic, office, or other facility that is equipped to furnish the required care, after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain), that the absence of immediate medical attention could reasonably be expected to result in:</p> <ol style="list-style-type: none"> (1) Placing the patient’s health in serious jeopardy, (2) Serious impairment to bodily functions, or (3) Serious dysfunction of any bodily organ or part. <p>l. Copayment charges are not applicable for services rendered by a health maintenance organization in which the member is enrolled.</p> <p>m. No provider of service participating in the Medicaid program may deny care or services to a person eligible for care or services under the program because of the person’s inability to pay a copayment. However, this rule does not change the fact that a member is liable for the charges and it does not preclude the provider from attempting to collect them.</p> <p>n. The member shall pay a \$3 copayment for each visit to a hospital emergency room for treatment that does not meet the criteria for an emergency service as defined in paragraph 79.1(13)“k.” This \$3 copayment shall not apply if the visit to the emergency room results in a hospital admission.</p> <p>Medicaid Managed Care <i>"Emergency care"</i> shall mean those medical services rendered for an emergent medical condition or protection of the public health. <i>"Emergent medical condition"</i> shall mean 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 it to result in:</p> <ol style="list-style-type: none"> 1. Placing the health of the person (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, 2. Serious impairment to bodily functions, or 3. Serious dysfunction of any bodily organ or part. <p>The determination of whether an emergent medical condition exists shall be decided by a medical professional and shall be based on the patient’s medical condition, including presenting symptoms and medical history (as related to severe pain) prior to treatment. In cases where the above criteria are satisfied, no prior authorization procedures are allowed.</p>
<p>Maine 10-144 CMR Ch. 101, Ch. VI, § 1</p>	<p>Section 1. Primary care case management 1.03-5 Emergency Medical Condition means a medical condition, manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent lay person, who possesses an average knowledge of health and medicine could reasonably expect that the absence of immediate medical attention could reasonably be expected to result in the following: (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; or (ii) serious impairment of bodily functions, or serious dysfunction of any bodily organ or part.</p>

<p>Maryland COMAR 10.09.36.01</p> <p>COMAR 10.09.11.02</p>	<p>.01 Definitions. These terms apply to medical assistance providers. (5) “Emergency services” means those services which are provided in hospital emergency facilities after the onset of a medical condition manifesting itself by symptoms of sufficient severity that the absence of immediate medical attention could reasonably be expected by a prudent layperson, possessing an average knowledge of health and medicine, to result in: (a) Placing health in jeopardy; (b) Serious impairment to bodily functions; (c) Serious dysfunction of any bodily organ or part; or (d) Development or continuance of severe pain.</p> <p>.02 Definitions (Maryland Children’s Health Program) (12) Emergency Medical Condition. (a) “Emergency medical condition” means a condition manifesting itself by acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably be expected to result in placing the patient’s health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. (b) “Emergency medical condition” includes labor and delivery. (c) “Emergency medical condition” does not include services related to an organ transplant procedure.</p>
<p>Montana Mont.Admin.R. 37.86.5102</p>	<p>Medicaid Managed Care Definitions (5) “Emergency medical condition” means 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: (a) 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; (b) serious impairment to bodily functions; or (c) serious dysfunction of any bodily organ or part.</p>
<p>Nebraska Neb. Admin. R. & Regs. Tit. 471, Ch. 10, § 001</p> <p>Neb. Admin. R. & Regs. Tit. 482, Ch. 1, § 002</p>	<p>001 Standards for Participation: Emergency Medical Condition: A medical or behavioral condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including but not limited to, severe pain, that a prudent lay person possessing an average knowledge of medicine and health could reasonably expect the absence of immediate medical attention to result in (a) placing the health of the person (or with respect to a pregnant woman, the health of the woman and her unborn child) afflicted with such condition in serious jeopardy or, in the case of a behavioral condition, placing the health of such persons or others in serious jeopardy, (b) serious impairment to such person’s bodily functions, (c) serious impairment of any bodily organ or part of such person, or (d) serious disfigurement of such person.</p> <p>Medicaid Managed Care Definitions Emergency Medical Condition means a medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, (including severe pain) that a prudent layperson, who possesses an average knowledge of medicine and health, could reasonably expect the absence of immediate medical attention to result in: 1. 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; 2. Serious impairment to bodily functions; or 3. Serious dysfunction of any bodily organ or part.</p>

<p>New Jersey 10:74-1.4</p>	<p>Medicaid Managed Care “Emergency medical condition” means 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 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; serious impairment to bodily functions; or serious dysfunction of any bodily organ or part.</p>
<p>10:74-9.1</p>	<p>“Emergency services” means those services that are furnished by a provider who is qualified to furnish such services and are needed to evaluate or stabilize an emergency medical condition</p> <p>1. The managed care entity shall be liable for payment for the following emergency services provided to an enrollee:</p> <ul style="list-style-type: none"> i. If the medical screening examination leads to a clinical determination by the examining physician that an actual emergency medical condition exists, the managed care entity shall pay for both the services involved in the screening examination and the services required to stabilize the patient. ii. All emergency services which are medically necessary until the clinical emergency is stabilized. This includes all treatment that is necessary to assure, within reasonable medical probability, that material deterioration of the patient’s condition is not likely to result from, or occur during, discharge of the patient or transfer of the patient to another facility. If there is a disagreement between a hospital and the contractor concerning whether the patient is stable enough for discharge or transfer, or whether the medical benefits of an unstabilized transfer outweigh the risks, the judgment of the attending physician(s) actually caring for the member at the treating facility shall prevail and be binding upon the contractor. The contractor may establish arrangements with hospitals whereby the contractor may send one of its own physicians with appropriate ER privileges to assume the attending physician’s responsibilities to stabilize, treat, or transfer the patient. iii. If the medical screening examination leads to a clinical determination by the examining physician that an actual emergency medical condition does not exist, but the enrollee had acute symptoms of sufficient severity at the time of presentation to warrant emergency attention under the prudent layperson standard, the MCE shall pay for all services involved in the medical screening examination. iv. If the enrollee’s PCP or other plan representative instructs the enrollee to seek emergency care in-network or out-of-network, whether or not the patient meets the prudent layperson standard. <p>2. The managed care entity shall not retroactively deny a claim for an emergency medical screening examination because the condition, which appeared to be an emergency medical condition under the prudent layperson standard, was subsequently determined to be non-emergency in nature.</p> <p>(g) Prior authorization for medical screenings and urgent care shall not be required. This provision shall apply to out-of-network as well as in-network providers. The hospital emergency room physician may determine the necessity to contact the PCP or the contractor for information about a patient who presents with an urgent condition. The PCP shall be called if the patient is to be admitted.</p> <p>(h) The contractor’s agreement with the hospital must require the hospital to notify the contractor of a hospital admission through the emergency room within 24 to 72 hours of the admission.</p> <p>(i) The contractor’s agreement with the hospital must require the hospital to notify the contractor of all of its members who present in the emergency room for non-emergent care who have been medically screened but not admitted as an inpatient within 24 to 72 hours of the rendered service. The contractor and the hospitals will negotiate how this notification shall occur.</p> <p>(j) The contractor shall not limit what constitutes an emergency medical condition based on lists of diagnoses or symptoms.</p> <p>(k) Women who arrive at any emergency room in active labor shall be considered as an emergency situation and the contractor shall reimburse providers of care accordingly.</p> <p>(l) Non-contracted hospitals providing emergency services to Medicaid or NJ FamilyCare members enrolled in the managed care program shall accept, as payment in full, the amounts that the non-contracted hospitals would receive from Medicaid for the emergency services and/or any related hospitalization as if the beneficiary were enrolled in FFS Medicaid</p>

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<p>New Mexico N.M. Admin Code 8.305.1</p>	<p>Medicaid Managed Care General provisions (1) Emergency: An emergency condition is a medical or behavioral health 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 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, serious impairment to body function or serious dysfunction of any bodily organ or part.</p>
<p>New York McKinney's Social Services Law § 364-j</p>	<p>Medicaid Managed Care (q) "Emergency medical condition". A medical or behavioral condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of medicine and health, could reasonably expect the absence of immediate medical attention to result in: (i) placing the health of the person afflicted with such condition in serious jeopardy, or in the case of a behavioral condition placing the health of the person or others in serious jeopardy; or (ii) serious impairment to such person's bodily functions; or (iii) serious dysfunction of any bodily organ or part of such person; or (iv) serious disfigurement of such person.</p>
<p>North Dakota NDAC 75-02-02-03.2</p>	<p>Definitions. 6. "Medical emergency" means a medical condition of recent onset and severity, including severe pain, that would lead a prudent layperson acting reasonably and possessing an average knowledge of health and medicine to believe that the absence of immediate medical attention could reasonably be expected to result in serious impairment to bodily function, serious dysfunction of any bodily organ or part, or would place the person's health, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy.</p>
<p>Ohio OAC 5101:3-2-21.1</p>	<p>Consumer co-payments for non-emergency emergency department services (1) "Emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent lay person, as defined in paragraph (B)(2) of this rule, could reasonably expect the absence of immediate medical attention to result in any of the following: placing the health of the individual (or, with respect to a pregnant woman, the health of her unborn child) in serious jeopardy; serious impairment to bodily functions; or serious dysfunction of any bodily organ or part. (2) "Prudent lay person" means a person with an average knowledge of health and medicine to determine, within reason, that emergency services are necessary. (3) "Non-emergency emergency department service" means an emergency department service that does not meet the definition of emergency medical condition, as defined in paragraph (B)(1) of this rule.</p>
<p>Oregon - 410-141-0000 Definitions</p>	<p>(45) 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 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, serious impairment to bodily functions or serious dysfunction of any bodily organ or part. An "emergency medical condition" is determined based on the presenting symptoms (not the final diagnosis) as perceived by a prudent layperson (rather than a health care professional) and includes cases in which the absence of immediate medical attention would not in fact have had the adverse results described in the previous sentence. (46) Emergency Services -- covered services furnished by a provider that is qualified to furnish these services and that are needed to evaluate or stabilize an emergency medical condition. Emergency services include all inpatient and outpatient treatment that may be necessary to assure within reasonable medical probability that no material deterioration of the patient's condition is likely to result from, or occur during, discharge of the Division member or transfer of the Division member to another facility.</p>
<p>Pennsylvania 55 Pa. Code § 1221.2</p>	<p>§ 1221.2. Definitions. (Part III. Medical Assistance Manual Chapter 1221. Clinic and Emergency Room Services) <i>Emergency medical care</i>--medical care rendered in response to the sudden onset of a medical condition requiring medical, not 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. 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) <i>Severe symptoms have to occur</i>--The symptoms must be sufficiently severe to cause a person to seek immediate medical aid. Some symptoms or conditions indicating medical emergency care are listed in Appendix A. (included this below)</p>

AMA Advocacy Resource Center

Pennsylvania
(cont'd)
55 Pa. Code §
1221.2

(ii) *Severe symptoms must occur suddenly and unexpectedly*--Subacute 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.

Appendix A:

Allergy Reactions, Acute (Except Allergy Tests)	Glaucoma, Severe
Appendicitis, Acute	Headache, Severe
Asthma, Acute	Heart Attack, Suspected
Breathing Difficulties or Shortness of Breath	Hemorrhage
Bronchitis, Severe	Hysteria
Bursitis, Severe Onset	Insulin Shock (Overdose)
Chest Pain, Severe	Kidney Stones
Choking	Maternity Complications, such as Suspected Miscarriage
Colitis	Pain, Sudden or Severe Onset
Coma	Pleurisy
Convulsions and/or Seizures	Pneumonitis
Cystitis	Poisoning (including overdose)
Dermatitis or Hives (Resulting from Internal or Unknown Causes)	Pyelitis
Diabetic Coma	Pyelonephritis (Shock)
Diarrhea, Severe	Spasms, Cerebral or Cardiac
Drug Reaction	Spontaneous Pneumothorax
Earache, Severe	Stomach Pains, Severe
Epistaxis (nosebleed)	Strangulated Hernia
Fainting	Stroke
Fecal Impaction, Severe	Sunstroke
Food Poisoning	Swollen Ring Finger
Frost Bite	Tachycardia
Gall Bladder, Acute Attack	Thrombosis and/or Phlebitis
Gastritis	Unconsciousness
Gastro-intestinal Conditions Acute	Urinary Retention, Acute
	Vision loss, Sudden Onset
	Vomiting, Severe

<p>Tennessee Tenn. Comp. R. & Regs. 1200-13-13-.01</p>	<p>TennCare Medicaid Managed Care Definitions (41)Emergency medical condition, including emergency mental health and substance abuse emergency treatment services, shall mean the sudden and unexpected onset of a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to potentially result in: (a) Placing the person's (or with respect to a pregnant woman, her unborn child's) health in serious jeopardy; or (b) Serious impairment to bodily functions; or (c) Serious dysfunction of any bodily organ or part. For Medicaid enrollees only, copayments are not required for emergency services.</p>
<p>Texas 1 TAC § 353.2 1 TAC § 354.2401</p>	<p>Medicaid Managed Care § 353.2. Definitions (26) Emergency Medical Condition--A medical condition manifesting itself by acute symptoms of recent onset and 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 care could result in: (A) placing the patient's health in serious jeopardy; (B) serious impairment to bodily functions; (C) serious dysfunction of any bodily organ or part; (D) serious disfigurement; or (E) serious jeopardy to the health of a pregnant woman or her unborn child. § 354.2401. Definitions (Medicaid Recipient Utilization Review and Control) (7) Emergency medical condition--A medical condition (including emergency labor and delivery) 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 care could result in: (A) placing the patient's health in serious jeopardy; (B) serious impairment to bodily functions; (C) serious dysfunction of any bodily organ or part; (D) serious disfigurement; or (E) in the case of a pregnant woman, serious jeopardy to the health of the fetus.</p>
<p>Utah U.A.C. R414-1</p>	<p>R414-1. Utah Medicaid Program (10) “Emergency medical condition” means a medical condition showing acute symptoms of sufficient severity that the absence of immediate medical attention could reasonably be expected to result in: (a) placing the patient's health in serious jeopardy; (b) serious impairment to bodily functions; (c) serious dysfunction of any bodily organ or part; or (d) death.</p>
<p>Virginia 12 VAC 30-120-360</p>	<p>Medallion II Medicaid Managed Care Definitions. “<i>Emergency medical condition</i>” means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) 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 the following: 1. 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,</p>

12 VAC 30-120-260	<ol style="list-style-type: none">2. Serious impairment to bodily functions, or3. Serious dysfunction of any bodily organ or part. <p>Medallion Medicaid Managed Care Definitions.</p> <p><i>“Emergency medical condition”</i> means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) 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 the following:</p> <ol style="list-style-type: none">1. 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;2. Serious impairment to bodily functions; or3. Serious dysfunction of any bodily organ or part.
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