

**CMS Publishes Notice Announcing the Establishment of the Emergency  
Medical Treatment And Labor Act Technical Advisory Group (EMTALA TAG)  
and Soliciting Nominations for Membership (Q's & A's)**

**Q.** Under what authority is CMS establishing the EMTALA TAG?

A. Section 945 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (P.L. 108-173) requires the establishment of the EMTALA TAG. In establishing this TAG, CMS must meet the requirements of section 945 as well as those of the Federal Advisory Committee Act (FACA) passed on October 6, 1972 (Pub L. 92-463).

**Q.** What are the major requirements of FACA?

A. FACA requires, among other things, the execution of a Charter governing the scope and function of the EMTALA TAG and the publication of Federal Register notices announcing the establishment of the EMTALA TAG to the public, the solicitation of nominations for membership and the announcement of all meeting dates and locations.

**Q.** When was the EMTALA TAG Charter signed?

A. The Charter to establish the EMTALA TAG was signed by the Secretary on May 11, 2004. (Note: Section 945 requires the EMTALA TAG Charter to terminate 30 months after the date of the EMTALA TAG's first meeting.)

**Q.** What is the general function of the EMTALA TAG?

A. The EMTALA TAG shall advise the Secretary and the Administrator of CMS concerning issues related to EMTALA regulations and implementation. General responsibilities of the EMTALA TAG include, but are not limited to, the following: (1) the TAG shall review EMTALA regulations; (2) the TAG may provide advice and recommendations to the Secretary concerning these regulations and their application to hospitals and physicians; (3) the TAG shall solicit comments and recommendations from hospitals, physicians, and the public regarding implementation of such regulations; and (4) the TAG may disseminate information concerning the application of these regulations to hospitals, physicians, and the public.

**Q.** What is the composition of the EMTALA TAG?

A. The EMTALA TAG shall consist of 19 members, including the Administrator of the Centers for Medicare & Medicaid Services and the Inspector General of the Department of Health and Human Services or their designees. Members appointed by the Secretary shall include: Four representatives of hospitals, including at least one public hospital representative having experience with the application of EMTALA and at least two representatives from hospitals that have not been cited for EMTALA violations; seven practicing physicians drawn from the fields of emergency medicine, cardiology or cardio-thoracic surgery, orthopedic surgery, neurosurgery, pediatrics or a pediatric subspecialty, obstetrics-gynecology, and psychiatry, with not more than one physician from any particular field; two representatives of patients; two staff involved in EMTALA investigations from different CMS regional offices; one

representative from a state survey agency involved in EMTALA investigations; and one representative from a Quality Improvement Organization, both from areas different from that of the two CMS regional staff members.

**Q.** How are nominations for membership to be received?

A. The Federal Register notice presents detailed instructions for the submission of nominations for consideration for membership on the EMTALA TAG and provides the public 45 days from date of publication to submit such nominations. Self-nominations may be accepted only for regional office, state survey and QIO representatives. The Secretary will consider qualified individuals nominated by organizations representing providers and patients for selecting practicing physicians, patient, and hospital representatives.

**Q.** When is the EMTALA TAG expected to conduct the first meeting?

A. The first meeting is not anticipated before late fall 2004. All meetings will be opened to the public.