

# 2007 Current Fiscal Year Report: Emergency Medical Treatment and Labor Act Technical Advisory Group

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<b>1. Department or Agency</b>	<b>2. Fiscal Year</b>
Department of Health and Human Services	2007
<b>3. Committee or Subcommittee</b>	<b>3b. GSA Committee No.</b>
Emergency Medical Treatment and Labor Act Technical Advisory Group	21490

<b>4. Is this New During Fiscal Year?</b>	<b>5. Current Charter</b>	<b>6. Expected Renewal Date</b>	<b>7. Expected Term Date</b>
No	11/27/2006		09/30/2007

<b>8a. Was Terminated During FiscalYear?</b>	<b>8b. Specific Termination Authority</b>	<b>8c. Actual Term Date</b>
Yes	30 months after the date of the first meeting	09/30/2007

<b>9. Agency Recommendation for Next FiscalYear</b>	<b>10a. Legislation Req to Terminate?</b>	<b>10b. Legislation Pending?</b>
Terminate	Yes	Enacted

**11. Establishment Authority** Statutory (Congress Created)

<b>12. Specific Establishment Authority</b>	<b>13. Effective Date</b>	<b>14. Committee Type</b>	<b>14c. Presidential?</b>
Section 945 of P.L. 108-173	12/08/2003	Continuing	No

**15. Description of Committee** Other Committee

**16a. Total Number of Reports** 2

<b>16b. Report Date</b>	<b>Report Title</b>
02/06/2007	Report Number 5
06/13/2007	Report Number Six

**Number of Committee Reports Listed:** 2

<b>17a. Open</b>	3	<b>17b. Closed</b>	16	<b>17c. Partially Closed</b>	0	<b>Other Activities</b>	0	<b>17d. Total</b>	19
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**Meetings and Dates**

	Purpose	Start	End
	EMTALA and its implementation	11/02/2006	11/03/2006
	Public Testimony on Issues Related to EMTALA	05/03/2007	05/04/2007
	Public Testimony	09/17/2007	09/18/2007
[Action Group Subcommittee]	To review Action Subcommittee initiatives	10/05/2006	10/05/2006
[Action Group Subcommittee]	To review Action Subcommittee initiatives	10/19/2006	10/19/2006
[Action Group Subcommittee]	To review Action Subcommittee initiatives	10/26/2006	10/26/2006
[Action Group Subcommittee]	To review Action Subcommittee initiatives	02/22/2007	02/22/2007
[Action Group Subcommittee]	To review Action Subcommittee initiatives	03/15/2007	03/15/2007
[Action Group Subcommittee]	To review Action Subcommittee initiatives	04/05/2007	04/05/2007
[Action Group Subcommittee]	To review Action Subcommittee initiatives	04/19/2007	04/19/2007
[Action Group Subcommittee]	To review Action Subcommittee initiatives	04/26/2007	04/26/2007
[Action Group Subcommittee]	To review Action Subcommittee initiatives	08/24/2007	08/24/2007
[Action Group Subcommittee]	To review Action Subcommittee initiatives	09/04/2007	09/04/2007
[Action Group Subcommittee]	To review Action Subcommittee initiatives	09/10/2007	09/10/2007
[Framework Subcommittee]	To review Framework Subcommittee initiatives	01/24/2007	01/24/2007
[Framework Subcommittee]	To review Framework Subcommittee initiatives	01/29/2007	01/29/2007
[Framework Subcommittee]	To review Framework Subcommittee initiatives	02/12/2007	02/12/2007
[Framework Subcommittee]	To review Framework Subcommittee initiatives	02/16/2007	02/16/2007
[On-Call Subcommittee]	To review On Call Subcommittee initiatives	09/11/2007	09/11/2007

**Number of Committee Meetings Listed: 19**

	Current FY	Next FY
<b>18a(1). Personnel Pmts to Non-Federal Members</b>	\$0.00	\$0.00
<b>18a(2). Personnel Pmts to Federal Members</b>	\$5,371.00	\$0.00
<b>18a(3). Personnel Pmts to Federal Staff</b>	\$40,920.00	\$0.00
<b>18a(4). Personnel Pmts to Non-Member Consultants</b>	\$0.00	\$0.00

<b>18b(1). Travel and Per Diem to Non-Federal Members</b>	\$36,720.00	\$0.00
<b>18b(2). Travel and Per Diem to Federal Members</b>	\$5,100.00	\$0.00
<b>18b(3). Travel and Per Diem to Federal Staff</b>	\$816.00	\$0.00
<b>18b(4). Travel and Per Diem to Non-member Consultants</b>	\$0.00	\$0.00
<b>18c. Other(rents,user charges, graphics, printing, mail, etc.)</b>	\$16,719.00	\$0.00
<b>18d. Total</b>	\$105,646.00	\$0.00
<b>19. Federal Staff Support Years (FTE)</b>	1.80	1.80

**20a. How does the Committee accomplish its purpose?**

The Emergency Medical Treatment and Labor Act Technical Advisory Group (EMTALA TAG) shall review EMTALA regulations; provide advice and recommendations to the Secretary of the Department of Health and Human Services and the Administrator of the Centers for Medicare and Medicaid Services regarding EMTALA regulations and their application to hospitals and physicians; solicit comments and recommendations from hospitals, physicians and the public regarding the implementation of these regulations; and may disseminate information regarding the application of these regulations to hospitals, physicians and the public.

**20b. How does the Committee balance its membership?**

The Emergency Medical Treatment and Labor Act Technical Advisory Group will consist of 19 members including the Administrator of the Centers for Medicare and Medicaid Services (CMS) and the Inspector General of the

Department of Health and Human Services (HHS), who are knowledgeable of the issues related to the committee's function and, in addition, The Secretary shall appoint the type of individuals specified in each of the following categories: Four (4) shall be selected from representatives of hospitals, including at least one public hospital having experience with the application of EMTALA and at least 2 of which have not been cited for EMTALA violations; seven (7) 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 (2) representatives of patients; two (2) staff persons involved in EMTALA investigations from different CMS regional offices; one (1) from a State survey agency involved in EMTALA investigations and one (1) representative from a Quality Improvement Organization, both of whom are from areas different from the two CMS regional staff members. All members must have technical expertise that will enable them to participate fully in the work of the EMTALA TAG. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, HIV status, disability, and cultural, religious or socioeconomic status.

**20c. How frequent and relevant are the Committee Meetings?**

Meetings shall be held at least twice a year. If the Chair is selected from among the non-Federal members, the Chair will call a meeting with the advance approval of a Government official who shall also approve the agenda and be present at all meetings. If the Chair is a Federal member, the

Federal member will call the meetings, approve the agenda and serve as the Government official at the meetings. The committee meetings are relevant to provide advice and recommendations on EMTALA issues the Secretary Department of Health and Human Services and to the Administrator Centers for Medicare & Medicaid Services.

**20d. Why can't the advice or information this committee provides be obtained elsewhere?**

The Medicare Prescription Drug Improvement and Modernization Act of 2003 (MMA) Section 945 P.L. 108-173 directs the Secretary of HHS to establish a Technical Advisory Group to review issues related to the Emergency Medical Treatment and Labor Act (EMTALA) and its implementation.

**20e. Why is it necessary to close and/or partially closed committee meetings?**

Meetings are not closed. All meetings shall be open to the public except as determined otherwise by the Secretary or other official to whom the authority has been delegated. Notices of meetings are given to the public in the Federal Register, and there will be records of the meeting proceedings kept, as required by applicable laws and departmental regulations. In the event that a portion of a meeting is closed to the public, a report will be prepared that contains at a minimum a list of members and their business addresses, the Panel's function, dates and places of meetings, and a summary of Panel activities and recommendations made during the fiscal year. A copy of the report will be provided to the Department Committee Management Officer.

**21. Remarks**

Section 945 of P.L. 108-173 states that the committee is to terminate 30 months after the date of its first meeting, which was held March 30-31, 2005

### Designated Federal Officer

Eric F Ruiz Designated Federal Officer,FACA;  
Health Insurance Specialist-Division of Acute Care  
HAPG CMM

Committee Members	Start	End	Occupation	Member Designation
Aristeiguieta, Cesar	03/30/2005	10/01/2007	Director, California Emergency Medical Services Authority Landrum- Chester OB-Gyn Associates 222 E	Representative Member
Biddle, James	03/30/2005	10/01/2007	Ridge Road Suite 216 McAllen TX 75246-1907	Representative Member
Conley, Azzie	03/30/2005	10/01/2007	North Carolina Licensure and Certification Section	Special Government Employee (SGE) Member
Guioa, Dodjie	05/01/2006	10/01/2007	EMTALA TAG Regional Coordinator	Regular Government Employee (RGE) Member
Jaffe, Rory	09/14/2005	10/01/2007	Executive Director, Clinical Services, Office of the President, UC Davis Health System	Representative Member
Jones, Warren	03/30/2005	10/01/2007	Office of the Vice Chancellor, Jackson, Mississippi Professor of Clinical Neurosurgery Department of Neurological Surgery UCI	Representative Member
Kusske, John	03/30/2005	10/01/2007	Medical Center Bldg 3 Rt 81 Rm 313, 01 The City Drive So Orange CA 92868	Representative Member

Levinson, Daniel	03/30/2005	10/01/2007	Office of the Inspector General, HHS	Regular Government Employee (RGE) Member
Nelson, Julie	03/30/2005	10/01/2007	Coopersmith Gordon Schermer Owens & Nelson P.L.C. 2800 N Central Ave Suite 1000 Phoenix Arizona 85004-1007	Representative Member
Nepola, James	03/30/2005	10/01/2007	Orthopedic Trauma Surgeon Chief Department of Emergency Medicine St. Elizabeth's Medical Center 736 Cambridge Street Boston MA 02135-2997	Representative Member
Pearlmutter, Mark	03/30/2005	10/01/2007	Surgeon and Physician 1300 N 12th Street Suite 512 Phoenix AZ 85006	Representative Member
Perry, Richard	03/30/2005	10/01/2007	Assistant Professor of Medicine University of Chicago Pritzker College of Medicine Parkside Center 1875 Dempster Park Ridge IL 60068	Representative Member
Rosenberg, Michael	03/30/2005	10/01/2007	Senior Vice President & General Counsel	Representative Member
Seifert, Rachel	08/01/2007	10/01/2007		

Siegel, David	03/30/2005	10/01/2007	Senior Physician Consultant and Clinical Coordinator EMPATH Consulting Group 1430 Regatta Blvd Richmond CA 94804 Florida Medical Quality Assurance Inc 4350 West Cypress St Suite 900 Tampa FL 33607	Special Government Employee (SGE) Member
Thorward, Sul	01/12/2006	10/01/2007	Psychiatrist	Representative Member
Tuggle, David	03/30/2005	10/01/2007	Pediatric Surgeon/Vice Chair Department of Surgery University of Oklahoma College of Medicine 940 NE 13th Street Room 2403 Oklahoma City OK 73104	Representative Member
Weems, Kerry	08/01/2007	10/01/2007	Administrator, CMS	Regular Government Employee (RGE) Member
Yeh, Charlotte	03/30/2005	10/01/2007	Regional Administrator CMS Region 1 JFK Federal Building Room 2325 Boston MA 02043	Regular Government Employee (RGE) Member
Guioa, Dodjie [Action Group Subcommittee]	05/01/2006	10/01/2007	CMS-EMTALA TAG Regional Coordinator	Regular Government Employee (RGE) Member
Guioa, Dodjie [Action Group Subcommittee]	05/01/2006	10/01/2007	CMS-EMTALA TAG Regional Coordinator	Regular Government Employee (RGE) Member
Jaffe, Rory [Action Group Subcommittee]	09/14/2005	10/01/2007	Exec Director, Clinical Services, UC Davis Health System	Representative Member



Jaffe, Rory [Action Group Subcommittee]	09/14/2005	10/01/2007	Exec Director, Clinical Services, Representative UC Davis Health System Member
Nelson, Julie [Action Group Subcommittee]	03/30/2005	10/01/2007	Coopersmith Gordon Representative Schermer Owens Member & Nelson
Nelson, Julie [Action Group Subcommittee]	03/30/2005	10/01/2007	Coopersmith Gordon Representative Schermer Owens Member & Nelson
Pearlmutter, Mark [Action Group Subcommittee]	03/30/2005	10/01/2007	Chief Department of Emergency Medicine St. Elizabeth's Representative Member
Pearlmutter, Mark [Action Group Subcommittee]	03/30/2005	10/01/2007	Chief Department of Emergency Medicine St. Elizabeth's Representative Member
Perry, Richard [Action Group Subcommittee]	03/30/2005	10/01/2007	Surgeon and Physician Representative Member
Perry, Richard [Action Group Subcommittee]	03/30/2005	10/01/2007	Surgeon and Physician Representative Member
Rosenberg, Michael [Action Group Subcommittee]	03/30/2005	10/01/2007	Assistant Professor of Medicine University of Chicago Pritzker College of Medicine Representative Member
Rosenberg, Michael [Action Group Subcommittee]	03/30/2005	10/01/2007	Assistant Professor of Medicine University of Chicago Pritzker College of Medicine Representative Member
Thorward, Sul [Action Group Subcommittee]	01/12/2006	10/01/2007	Psychiatrist Representative Member
Thorward, Sul [Action Group Subcommittee]	01/12/2006	10/01/2007	Psychiatrist Representative Member
Biddle, James [Framework Subcommittee]	03/30/2005	10/01/2007	OB/GYN Landrum-Chester Representative OB-Gyn Member Associates
Biddle, James [Framework Subcommittee]	03/30/2005	10/01/2007	OB/GYN Landrum-Chester Representative OB-Gyn Member Associates
Jones, Warren [Framework Subcommittee]	03/30/2005	10/01/2007	Office of the Vice Chancellor Representative Member
Jones, Warren [Framework Subcommittee]	03/30/2005	10/01/2007	Office of the Vice Chancellor Representative Member

Yeh, Charlotte [Framework Subcommittee]	03/30/2005	10/01/2007	CMS Boston Regional Administrator	Regular Government Employee (RGE) Member
Yeh, Charlotte [Framework Subcommittee]	03/30/2005	10/01/2007	CMS Boston Regional Administrator	Regular Government Employee (RGE) Member
Aristeiguieta, Cesar [On-Call Subcommittee]	03/30/2005	10/01/2007	Director, California Emergency Medical Services Authority	Representative Member
Aristeiguieta, Cesar [On-Call Subcommittee]	03/30/2005	10/01/2007	Director, California Emergency Medical Services Authority	Representative Member
Kusske, John [On-Call Subcommittee]	03/30/2005	10/01/2007	Professor of Clinical Neurosurgery - UCI Medical Center	Representative Member
Kusske, John [On-Call Subcommittee]	03/30/2005	10/01/2007	Professor of Clinical Neurosurgery - UCI Medical Center	Representative Member
Nepola, James [On-Call Subcommittee]	03/30/2005	10/01/2007	Orthopedic Trauma Surgeon	Representative Member
Nepola, James [On-Call Subcommittee]	03/30/2005	10/01/2007	Orthopedic Trauma Surgeon	Representative Member
Seifert, Rachel [On-Call Subcommittee]	08/01/2007	10/01/2007	Senior VP of Community Health Systems	Representative Member
Seifert, Rachel [On-Call Subcommittee]	08/01/2007	10/01/2007	Senior VP of Community Health Systems	Representative Member
Thorward, Sul [On-Call Subcommittee]	01/12/2006	10/01/2007	Psychiatrist	Representative Member
Thorward, Sul [On-Call Subcommittee]	01/12/2006	10/01/2007	Psychiatrist	Representative Member
Tuggle, David [On-Call Subcommittee]	03/30/2005	10/01/2007	Pediatric Surgeon/Vice Chair Dept of Surgery University of Oklahoma College of Medicine	Representative Member

Tuggle, David  
[On-Call Subcommittee]

03/30/2005 10/01/2007

Pediatric  
Surgeon/Vice  
Chair Dept of  
Surgery  
University of  
Oklahoma  
College of  
Medicine

Representative  
Member

**Number of Committee Members Listed: 51**

### **Narrative Description**

The committee supports the agency's mission and strategic plan by providing recommendations on how to improve implementation of EMTALA requirements.

### **What are the most significant program outcomes associated with this committee?**

Checked if  
Applies

Improvements to health or safety	<input checked="" type="checkbox"/>
Trust in government	<input type="checkbox"/>
Major policy changes	<input type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input type="checkbox"/>
Increased customer satisfaction	<input type="checkbox"/>
Implementation of laws or regulatory requirements	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

### **Outcome Comments**

NA

### **What are the cost savings associated with this committee?**

Checked if Applies

None	<input checked="" type="checkbox"/>
Unable to Determine	<input type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>
\$500,001 - \$1,000,000	<input type="checkbox"/>

\$1,000,001 - \$5,000,000  
\$5,000,001 - \$10,000,000  
Over \$10,000,000  
Cost Savings Other

☐  
☐  
☐  
☐

### **Cost Savings Comments**

NA

**What is the approximate Number of recommendations produced by this committee for the life of the committee?**

48

### **Number of Recommendations Comments**

while some preliminary recommendations have been developed the full set of recommendations will not be available until after the committee completes its work

**What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?**

12%

### **% of Recommendations Fully Implemented Comments**

Those recommendation implemented were included in Inpatient Prospective Payment System rules or Survey and Certification letters. Implementation of remainder of recommendations to be decided by the Secretary following completion of committee's work

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

0%

### **% of Recommendations Partially Implemented Comments**

Implementation of recommendations to be decided by the Secretary following completion of committee's work

**Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes ☐ No ☐ Not Applicable ☒

### **Agency Feedback Comments**

NA

**What other actions has the agency taken as a result of the committee's advice or recommendation?**

Checked if Applies

Reorganized Priorities	<input type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Action Comments**

NA

**Is the Committee engaged in the review of applications for grants?**

No

**Grant Review Comments**

NA

**How is access provided to the information for the Committee's documentation?**

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input checked="" type="checkbox"/>
Online Committee Web Site	<input checked="" type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Access Comments**

N/A