

October 30, 2001

The Honorable W.J. (Billy) Tauzin
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Tauzin:

The Energy and Commerce Committee may soon have an opportunity to consider an amendment offered by Representative John Shadegg (R-AZ) that would set forth several essential Emergency Medical Treatment and Active Labor Act (EMTALA) reforms. We understand that Representative Shadegg is working to incorporate the amendment into the Chairman's mark for consideration by the full Committee. The medical organizations listed below strongly support this amendment and urge your favorable consideration of the language when it is brought before the Committee.

The proposed EMTALA amendment would address several of the EMTALA problems that physicians and hospitals in communities across the nation are experiencing. Specifically, the amendment would:

- Establish an EMTALA Task Force to review existing EMTALA regulations
- Require the Secretary to notify providers, physicians and hospitals when an EMTALA investigation is closed
- Require peer review prior to terminating a provider from Medicare for an EMTALA violation

The Office of the Inspector General (OIG) identified many of these problems in a report issued in January of this year, in which it also recommended that an EMTALA Task Force be formed to address these problems. The General Accounting Office report in June (*EMTALA Implementation and Enforcement Issues*) echoed similar concerns about EMTALA. Likewise, Secretary Thompson acknowledged the confusion surrounding EMTALA and the need for appropriate remedies during a July Congressional hearing on regulatory reform.

We urge your support for the EMTALA amendment when it is brought before the Committee.

Sincerely,

American Academy of Child and Adolescent Psychiatry
American Academy of Dermatology Association
American Academy of Facial Plastic and Reconstructive Surgery
American Academy of Family Physicians
American Academy of Neurology

American Academy of Ophthalmology
American Academy of Otolaryngic Allergy
American Academy of Otolaryngology – Head and Neck Surgery
American Academy of Pediatrics
American Association of Neurological Surgeons
American Association of Orthopaedic Surgeons
American College of Cardiology
American College of Chest Physicians
American College of Emergency Physicians
American College of Obstetricians and Gynecologists
American College Osteopathic Emergency Physicians
American College of Osteopathic Surgeons
American College of Physicians-American Society of Internal Medicine
American College of Radiology
American College of Surgeons
American Geriatrics Society
American Medical Association
American Osteopathic Association
American Psychiatric Association
American Society of Anesthesiologists
American Society of Cataract and Refractive Surgery
American Society of Clinical Pathologists
American Society of General Surgeons
American Society of Plastic Surgeons
American Thoracic Society
American Urological Association
Association of American Medical Colleges
Congress of Neurological Surgeons
Medical Group Management Association
National Association for Medical Direction of Respiratory Care
Society of Cardiovascular and Interventional Radiology
Society Critical Care Medicine
Society of Thoracic Surgeons