

DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR MEDICARE & MEDICAID SERVICES

PRINTED: 01/04/2017
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 150064		X2) MULTIPLE CONSTRUCTION A. BUILDING 00 B. WING		X3) DATE SURVEY COMPLETED 08/22/2016	
NAME OF PROVIDER OR SUPPLIER FAYETTE REGIONAL HEALTH SYSTEM				STREET ADDRESS, CITY, STATE, ZIP CODE 1941 VIRGINIA AVE CONNERSVILLE, IN 47331			
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)		ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)		(X5) COMPLETION DATE	
S 0000 Bldg. 00	<p>This visit was for investigation of one State hospital complaint.</p> <p>Complaint Number: IN00207828 Substantiated; State deficiency related to allegations is cited. Unrelated deficiency cited.</p> <p>Facility Number: 005059</p> <p>Date of Survey: 08-22-16</p> <p>QA: 8/26/16 jlh</p>		S 0000				
S 0754 Bldg. 00	<p>410 IAC 15-1.5-4 MEDICAL RECORD SERVICES 410 IAC 15-1.5-4(f)(5)</p> <p>(f) All inpatient records, except those in subsections (g), shall document and contain, but not be limited to, the following:</p> <p>(5) Evidence of appropriate informed consent for procedures and treatments for which it is required as specified by the informed consent policy developed by the medical staff and governing board, and consistent with federal and state law.</p> <p>Based on document review & interview the facility failed to ensure that facility policy/procedure was followed for</p>		S 0754	<p>Document / Process Revision:</p> <p>1. Review the current policy and</p>		10/31/2016	

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

Any deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (see instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

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	<p>obtaining consent for 7 of 20 Emergency Department (ED) medical records (MR) reviewed. (Patient #6, 7, 11, 12, 15, 18 & 19)</p> <p>Findings include;</p> <p>1. Review of policy/procedure Consent indicated the following; Informed Consent All patients presenting to the Emergency Department must give consent for treatment unless in a state of medical emergency. If a patient is unable to sign the consent, a verbal consent may be given and signed by two Emergency Department staff witness. This policy/procedure was last reviewed/revised on 02/16.</p> <p>2. Review of following ED MRs indicated the following; Patient #6 presented to the ED on 08-12-16 & lacked documentation of the Consent for Treatment being completed & or signed. Patient #7 presented to the ED on 08-11-16 & lacked documentation of the Consent for Treatment being completed & or signed. Patient #11 presented to the ED on 08-04-16 & lacked documentation of the Consent for Treatment being completed</p>		<p>identify where education needs completed.</p> <p>2. Develop education concerning policy to reiterate the need for consent for treatment unless deemed a medical state of emergency.</p> <p>Document / Process Approval:</p> <p>1. .Education was approved by CEO, CNO, Director of ED and Medical Director.</p> <p>Education on Document / Process:</p> <p>1. Policy with follow up questions to be distributed on Net Learning (computer based learning) with a memorandum for all nursing staff to read and acknowledge of understanding.</p> <p>2. Education will be provided at unit meetings for all nursing and clerk staff concerning importance of Consent for Treatment to be obtained.</p>				

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	<p>& or signed.</p> <p>Patient #12 presented to the ED on 08-03-16 & lacked documentation of the Consent for Treatment being completed & or signed.</p> <p>Patient #15 presented to the ED on 07-03-16 & lacked documentation of the Consent for Treatment being completed & or signed.</p> <p>Patient #18 presented to the ED on 07-06-16 & lacked documentation of the Consent for Treatment being completed & or signed.</p> <p>Patient #19 presented to the ED on 07-09-16 & lacked documentation of the Consent for Treatment being completed & or signed.</p> <p>3. On 08-22-16 at 1442 hours staff #41, Ed Director, confirmed the Consents for Treatment were not signed/completed.</p>				<p>3. Education will be provided to Registration staff and signed to acknowledge that they read and understood the importance of Consent for Treatment to be obtained.</p> <p>Deficiency Status: (Select one: In process, resolved or compliant at time of survey):</p> <p>Resolved</p> <p>Director of Emergency Department, Director of Registration</p>		

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				09/30/2016			
				10/31/2016			
				10/12/2016			
				09/30/2016			

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				<p>9/30/2016</p> <p>Monitoring & Reporting Plan (Including Evidence Documents)</p> <p>Responsible Position</p> <p>Frequency</p> <p>Implementation Monitoring Indicators:</p> <p>1. Conduct 10 random chart audits of patients entering the Emergency Department including patients that were left without being seen and against medical advice. Audit will monitor adherence to the policy concerning obtainment of consent for treatment for every patient if medically possible. Collect findings on a monthly basis and report to the quality-committee on a quarterly basis.</p> <p>1. Director of Emergency Department</p> <p>1. Monthly until 100% compliance is noted consecutively for 6</p>			

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				<p>months.</p> <p>Consent for Treatment</p> <p>Emergency Department</p> <p>Informed Consent – the basics</p> <p>v must obtain consent for all – unless deemed state of medical emergency</p> <p>v patient unable to sign –</p> <p>vverbal or phone consent can be obtained by two ER staff witnesses (one must be nurse)</p> <p>v next of kin or legal guardian in the following order of responsibility</p>			

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				vSpouse, either parent, any adult child or adult sibling; if none, then religious superior Implied Consent – unconscious patient vNo next of kin present v Physician deems necessity for emergency treatment v Treat as required and not only in life endangering or threatening situations v Physician documentation should encompass the			

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				<p>severity of the patient's condition showing cause for Emergency Treatment without Consent Form.</p> <p>Consent for treatment – incompetent PT</p> <p>vlf deemed state of medical emergency by physician then,</p> <p>v patient is to be treated as necessary</p> <p>vlf no medical emergency then,</p> <p>v approval of any treatment or procedure must be obtained from lawful guardian</p> <p>Consent for treatment of minors</p>			

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				<p>v If deemed state of medical emergency by physician then,</p> <p>v patient is to be treated as necessary (do not withhold treatment if medically necessary)</p> <p>v must make every reasonable attempt to contact a parent</p> <p>v informed, expressed oral consent can be obtained over phone and witnessed by two ED staff. (one must be a nurse)</p> <p>v Minor with signed authorization for treatment</p> <p>v attempt to contact the parent to obtain informed, expressed consent</p> <p>v legally acceptable to treat based on signed parental authorization only</p>			

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				<p>v if another person is presenting with minor, should obtain written consent from that person</p> <p>v if parent cannot be located, attempts should be made to contact another close relative</p> <p>vEmancipated minors may give consent for themselves</p> <p>v definition: below the age of majority, independent from parents, self-supporting or married</p> <p>Consent for treatment – eform update</p> <p>Who's Responsible for obtaining???</p>			

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				<p>vRegistration and Nursing staff</p> <p>vIf a signature cannot be obtained upon registration, then all necessary steps should be taken to assure signature is obtained before discharge, transfer, or admission.</p> <p>v Communication is key to assuring this is done and working as a team!</p> <p><u>SIGNATURES FOR ER PATIENTS</u></p> <p>We were visited by ISDH recently and during this visit the surveyor investigated 20 charts ER charts. Out of the 20 charts, we had 6 occurrences of no signature for consent for treatment on patients whom were able to sign discharge paperwork. If a patient is unable to sign when they are first admitted, we need to make sure that we are</p>			

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				<p>trying to put forth a better effort in following up with that patient for a signature before they are discharged. This includes MVA's, chest pain, third shift, etc. If we are unable to get the signature when first registering the patient, we need to make note of it in the system and notify the patient's nurse that we still need to get a signature before they leave. We need to work together as a team with the ER staff to make sure that things are being done properly. Thank you for your help in solving this issue. Please initial off that you understand, and feel free to come to me with any questions.</p> <p>Blaes, Kathaleen_____</p> <p>Doub, Gloria_____</p> <p>Elliott, Brandi_____</p> <p>Gay, Dylan_____</p> <p>Hisle, Beth_____</p> <p>Jones, Alexyss_____</p> <p>Maupin, Mackinzie_____</p> <p>Mohler, Melody_____</p>			

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				Pennington, Angela_____ Sheldon, Tamara_____ Webb, Bobbie_____ Windhorst, Sharon_____ Young, Deborah_____ 2016 PERFORMANCE IMPROVEMENT <u>DIMENSIONS OF PERFORMANCE:</u> <u>Department::</u> EDx <u>Efficacy Effectiveness</u> <u>Indicator:</u> Compliance with Consent for TreatmentxSafetyxContinuity <u>Goal:</u> 100% compliance Availability Respect and Caring TimelinessxAppropriateness <u>NUMERATOR STATEMENT:</u> Efficiency Total # of consent for treatment compliant with retroactive chart audits <u>Rationale:</u> To ensure and comply with Consent policy as identified by obtaining a Consent for Treatment of all patients presenting to the ED. <u>DENOMINATOR STATEMENT:</u> Total # of consent for treatments reviewed of the patients presenting to the ED <u>ASPECT OF CARE</u> xHigh RiskxProblem Prone High Volume Cust Satisfaction			

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	<p>indicated the following;</p> <p>All patients presenting to the ED must be logged on a central log with documentation of refusal of treatment, transfer, admission statement, stabilization or discharged as appropriate. Medical screening must be provided by qualified medical personnel. This policy/procedure was last reviewed/revised on 2/16.</p> <p>2. Review of Nursing Note from patient #1's medical record (MR) dated 08-15-16 at 1413 hours indicated the following; Received call from facility #2 requesting transfer to this ED for patient C/O pain and concerns of right eye swelling and concussion. Per MD #1, patient to be transferred to facility #3, if possible, for neuro as we do not have eye specialist or neurologist here at this facility. EMS then arrived to this ED with patient and stated they were unaware of transfer to facility #3. Patient remained on EMS cot and was then taken to facility #3 per facility #2 order. Patient #1's MR lacked documentation that a Medical Screening exam was performed by a qualified medical personnel for patient #1's ED visit on 08-15-16 at 1413 hours.</p> <p>3. On 08-22-16 at 1210 hours review of the ED Log lacked documentation that patient #1 presented to the facility on</p>				<p>documentation of patient visits to the Emergency Department (ED) was followed for 1 of 20 ED medical records (MR) reviewed. (Patient #1)</p> <p>Findings include:</p> <p>1. Review of policy/procedure EMTALA indicated the following;</p> <p>All patients presenting to the ED must be logged on a central log with documentation of refusal of treatment, transfer, admission statement, stabilization or discharged as appropriate.</p> <p>Medical screening must be provided by qualified medical personnel.</p> <p>This policy/procedure was last reviewed/revised on 2/16.</p> <p>2. Review of Nursing Note from patient #1's medical record (MR) dated 08-15-16 at 1413 hours indicated the following; Received call from facility #2 requesting transfer to this ED for patient C/O pain and concerns of right eye swelling and concussion. Per MD #1, patient to be transferred to facility #3, if possible, for neuro as we do not have eye specialist or</p>		

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	<p>08-15-16 at 1413 hours.</p> <p>4. On 08-22-16 at 1635 hours staff #41, ED Director, confirmed that there was no documentation in the ED Log for patient #1's visit on 08-15-16 at 1413 hours.</p>			<p>neurologist here at this facility. EMS then arrived to this ED with patient and stated they were unaware of transfer to facility #3. Patient remained on EMS cot and was then taken to facility #3 per facility #2 order. Patient #1's MR lacked documentation that a Medical Screening exam was performed by a qualified medical personnel for patient #1's ED visit on 08-15-16 at 1413 hours.</p> <p>3. On 08-22-16 at 1210 hours review of the ED Log lacked documentation that patient #1 presented to the facility on 08-15-16 at 1413 hours.</p> <p>4. On 08-22-16 at 1635 hours staff #41, ED Director, confirmed that there was no documentation in the ED Log for patient #1's visit on 08-15-16 at 1413 hours.</p> <p>Plan of Correction - Include Details & Timelines for the Full Implementation Plan</p> <p>Responsible Position</p> <p>Expected Date of Completion (EDOC)</p> <p>Document / Process Revision:</p>			

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				<p>1. Review the current policy and identify where education needs completed.</p> <p>a. Education completed EMTALA on Net Learning as of 05/31/2016</p> <p>2. Develop new education concerning policy and create scenarios to allow for critical thinking about the policy.</p> <p>Document / Process Approval:</p> <p>1. .Education was approved by CEO, CNO, Director of ED and Medical Director.</p> <p>Education on Document / Process:</p> <p>1. Policy, power point with added scenarios with follow up questions to be distributed on Net Learning (computer based learning) with a memorandum for all nursing staff to read and acknowledge of understanding.</p>			

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(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)			ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)		(X5) COMPLETION DATE
					<p>2. Education will be provided at unit meetings for all nursing staff.</p> <p>Deficiency Status: (Select one: In process, resolved or compliant at time of survey):</p> <p>Resolved</p> <p>Director of Emergency Department</p> <p>Director of Emergency</p>		

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DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR MEDICARE & MEDICAID SERVICES

PRINTED: 01/04/2017
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 150064		X2) MULTIPLE CONSTRUCTION A. BUILDING 00 B. WING		X3) DATE SURVEY COMPLETED 08/22/2016	
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					09/25/2016		
					10/31/2016		
					09/14/2016		

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				<p>9/30/2016</p> <p>Monitoring & Reporting Plan (Including Evidence Documents)</p> <p>Responsible Position</p> <p>Frequency</p> <p>Implementation Monitoring Indicators:</p> <p>1. Conduct 10 random chart audits of patients entering the Emergency Department including patients that were left without being seen and against medical advice. Audit will monitor adherence to the policy concerning documentation in the log and medical screening exam for every patient. Collect findings on a monthly basis and report to the quality-committee on a quarterly basis.</p> <p>1. Director of Emergency Department</p> <p>1. Monthly until 100% compliance is noted consecutively for 6 months.</p> <p>EMTALA</p>			

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					Emergency Medical Treatment and Active Labor Act (1986) History <ul style="list-style-type: none">Initial intent was to ensure patient access to emergenc y medical care and to prevent the practice		

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				<p>of patient dumping (uninsure d patients transferre d solely for financial reasons)</p> <p>•</p> <p>Considere d to be one of the</p>			

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					<p>most comprehe nsive laws guarantee ing nondiscri minatory access to emergenc y medical care • Complian</p>		

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					<p>ce overseen by Centers for Medicare and Medicaid Services (CMS) History (continued) 3 sources in the practical ramifications: • The statute's</p>		

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					<p>language</p> <ul style="list-style-type: none"> Interpretive guidelines that have been issued by CMS Various federal court decisions that have resulted from alleged EMTALA violations <p>The Law</p> <p>EMTALA</p> <p>states:</p> <p>In the</p> <p>case of a</p> <p>hospital</p> <p>that has a</p> <p>hospital</p>		

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					<p>emergenc</p> <p>y</p> <p>departme</p> <p>nt, if any</p> <p>individual</p> <p>... comes</p> <p>to the</p> <p>emergenc</p> <p>y</p> <p>departme</p> <p>nt and a</p> <p>request is</p> <p>made...for</p>		

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				examination or treatment for a medical condition, the hospital must provide an appropriate medical			

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				<p>screening examinati on within the capability of the hospital's emergenc y departme nt, including ancillary</p>			

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					<p>services routinely available to the emergenc y departme nt to determine if an emergenc y medical condition</p>		

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					exists... EMTALA definition of “emergency medical condition” (EMC) “A medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in -- placing the health of the individual (or, with respect to a pregnant woman, the health of the		

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				<p>woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part, or with respect to a pregnant woman who is having contractions that there is inadequate time to effect a safe transfer to another hospital before delivery, or that the transfer may pose a threat to the health or safety of the woman or her unborn child."</p> <p>EMTALA definition of</p>			

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				<p>“stabilized”</p> <p>As is the case with the term "emergency medical condition", the statute offers a definition, but this determination is ultimately a matter of clinical judgment on the part of the medical professional assessing the patient. By contrast, the definition for a pregnant woman is clear and has little need for interpretation. The definition is:</p> <ul style="list-style-type: none"> (for emergency medical conditions) that no material deterioration of the patient's condition is likely to result from 			

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				<p>the transfer or is likely to occur during the transfer;</p> <ul style="list-style-type: none"> (for patients in active labor) the infant and the placenta have been delivered. <p>EMTALA</p> <p>Definition of Appropriate Transfer</p> <p>An "appropriate transfer" (a transfer before stabilization which is legal under EMTALA) is one in which all of the following occur:</p> <ul style="list-style-type: none"> The patient has been treated at the transferring hospital, and stabilized as far as possible within the limits of its 			

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				<p>capabilities</p> <ul style="list-style-type: none"> • The patient needs treatment at the receiving facility, and the medical risks of transferring him are outweighed by the medical benefits of the transfer • the weighing process as described above is certified in writing by a physician • the receiving hospital has been contacted and agrees to accept the transfer, and has the facilities to provide the necessary treatment to him • the patient is accompanied by copies of his medical records 			

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				<p>from the transferring hospital</p> <ul style="list-style-type: none"> the transfer is effected with the use of qualified personnel and transportation equipment, as required by the circumstances, including the use of necessary and medically appropriate life support measures during the transfer <p>Who is “any individual”?</p> <p>Any person that presents on the property of the hospital (or within 250 yards of the hospital) and which any “prudent layperson” would</p>			

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				<p>consider to need medical care! An ambulance that is owned by the hospital is considered "hospital property" and should be transported to the hospital if the above applies!</p> <p>What does the law say? When a person "comes to the emergency department" the following must take place:</p> <ul style="list-style-type: none"> We must provide an appropriate medical screening examination (MSE) to determine 			

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				<p>whether an “emergency medical condition” (EMC) exists.</p> <ul style="list-style-type: none">If an EMC exists, we must provide any necessary stabilizing treatment, or an appropriate transfer. <p>What does “comes to the emergency department” mean?</p> <ul style="list-style-type: none">Has presented at a hospital’s			

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					dedicated emergenc y departme nt and requests examinati on or treatment for a medical condition, or has		

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					<p>such a request made on his or her behalf.</p> <ul style="list-style-type: none">In the absence of such a request by or on behalf of the individual,		

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					a request on behalf of the individual will be considere d to exist if a prudent layperson observer would believe,		

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				<p>based on the individual's appearan ce or behavior, that the individual needs examinati on or treatment</p>			

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					<p>for a medical condition. What does “comes to the emergency department” mean? (continued)</p> <ul style="list-style-type: none"> Is in a ground or air ambulance owned and operated by the hospital for purposes of examination and treatment for a medical condition at a hospital's emergency department, even if the ambulance is not on hospital grounds. 		

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NAME OF PROVIDER OR SUPPLIER FAYETTE REGIONAL HEALTH SYSTEM				STREET ADDRESS, CITY, STATE, ZIP CODE 1941 VIRGINIA AVE CONNERSVILLE, IN 47331			
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					<ul style="list-style-type: none"> The hospital may direct the ambulance to another facility if it is in “diversionary status”. If, however, the ambulance staff disregards the hospital’s diversion instructions and transports the individual onto hospital property, the individual is considered to have come to the emergency department. <p>What is a dedicated emergency</p>		

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				<p>departme nt?</p> <ul style="list-style-type: none">• It is licensed by the State in which it is located under applicable State law as an emergency room or emergency department• If is held out to the public as a place that provides care for emergency medical conditions on an urgent basis without requiring a previously scheduled appointment, or• It provides at least one-third of all its outpatient visits for the treatment of EMCs on an urgent basis without			

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				<p>requiring a previously scheduled appointment. What is an EMC?</p> <p>Manifestin g itself by acute symptoms (severe pain, psychiatri c disturban ces and/or</p>			

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				symptoms of substance abuse) of sufficient severity such that the absence of immediate medical attention			

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					<p>could</p> <p>reasonabl</p> <p>e be</p> <p>expected</p> <p>to result</p> <p>•</p> <p>Placing</p> <p>the health</p> <p>of the</p> <p>individual</p> <p>(or the</p> <p>health of</p> <p>the</p>		

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				woman or her unborn child) in serious jeopardy • Serious impairme nt to bodily functions			