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Two Hospitals Pay \$1.45M to Settle EMTALA Allegations with OIG Over 54 Psychiatric Patients

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Two Tennessee hospitals have agreed to pay \$1.45 million to settle allegations they violated the Emergency Medical Treatment and Labor Act (EMTALA) when they didn't stabilize patients with emergency psychiatric medical conditions who often sat in the emergency rooms for long stretches before they were transferred, usually to a state hospital, according to separate civil monetary penalty settlements with the HHS Office of Inspector General (OIG). TriStar Centennial Medical Center and TriStar Skyline Medical Center, both in Nashville, are part of the TriStar Division of HCA Healthcare, and each paid \$725,000 to settle its case.

For example, a 46-year-old woman with suicidal thoughts showed up at the emergency room of Tristar Skyline in July 2017. A physician examined the woman, who had major depressive disorder and planned to shoot herself. After 59 hours and 21 minutes in the emergency room, the uninsured woman was transferred, apparently to a state hospital. During that time, "she did not receive available stabilizing treatment for her emergency medical condition," according to the allegations in the settlement, which was obtained through the Freedom of Information Act.

The settlements describe 29 incidents at TriStar Centennial and 25 incidents at TriStar Skyline where patients who came to the emergency room with unstable psychiatric emergency medical conditions allegedly were not provided stabilizing treatment. Tristar Centennial had an "onsite psychiatric unit, Parthenon Pavilion," and Tristar Skyline had an inpatient psychiatric unit, which both had the capacity to treat emergency psychiatric patients, OIG alleged in the settlements.

"Rather than admit and treat the patients, they transferred the patients to other hospitals, typically the state psychiatric hospital after holding them in the ED for an inappropriately long time," OIG said in a statement. "Moreover, the decision to transfer the patient in most incidents was based, in part, on the patient's insurance status."

The settlements are reminiscent of AnMed Health's \$1.295 million civil monetary penalty settlement with OIG in 2017. Even though AnMed Health in South Carolina had on-call psychiatrists and inpatient mental health units in its hospitals, they allegedly kept some psychiatric patients in their emergency rooms, sometimes for days or weeks at a time, without properly evaluating and/or treating them in alleged violation of EMTALA, according to OIG.^[1]

The TriStar hospitals didn't admit liability in their settlements. In a statement, the TriStar Division noted that "the increasing need for behavioral health care services is a challenge faced by healthcare providers across the country. Following a survey in 2017, CMS accepted the hospital's corrective action plan which includes additional processes and resources. We are pleased that this has been resolved and will continue to focus on providing high-quality patient care to the communities we serve."

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