

MEDICAL POLICY

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| Medical Policy Title | Emergency Care Services |
| Policy Number | 10.01.12 |
| Current Effective Date | March 19, 2026 |
| Next Review Date | March 2027 |

Our medical policies are guides to evaluate technologies or services for medical necessity. Criteria are established through the assessment of evidence based, peer-reviewed scientific literature, and national professional guidelines. Federal and state law(s), regulatory mandates and the member's subscriber contract language are considered first in the determination of a covered service.

(Link to [Product Disclaimer](#))

POLICY STATEMENT(S)

- I. Emergency services will be considered **medically necessary** when the definition of emergency conditions and services are met, as defined by policy guidelines I and II, or as required by law.

RELATED POLICIES

Corporate Medical Policy

11.01.15 Medically Necessary Services

POLICY GUIDELINE(S)

- I. The Health Plan defines "Emergency Condition" as a medical or behavioral condition that manifests itself by acute symptoms of sufficient severity, including severe pain, that a prudent layperson, possessing an average knowledge of medicine and health, could reasonably expect the absence of immediate medical attention to result in:
 - A. Placing in serious jeopardy, the health of the person afflicted with such condition; or, with respect to a pregnant woman, the health of the woman or her unborn child; or, in the case of a behavioral condition, the health of such person or others;
 - B. Serious impairment to such person's bodily functions;
 - C. Serious dysfunction of any bodily organ or part of such person; or
 - D. Serious disfigurement of such person

Medical conditions that are considered to be Emergency Conditions include, but are not limited to: severe chest pain, severe or multiple injuries, severe shortness of breath, sudden change in mental status (i.e., disorientation), severe bleeding, acute pain, or a condition requiring immediate attention, such as a suspected heart attack, appendicitis, poisoning, or convulsions. Conditions not ordinarily considered to be Emergency Conditions include a cough, runny nose, earache, or small cut or bruise.

- II. The Health Plan defines "Emergency Services," with respect to an Emergency Condition, as:

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- A. A medical screening examination, as required under Section 1867 of the Social Security Act (Emergency Medical Treatment and Labor Act (EMTALA)) or as would be required under such section if such section applied to an Independent Freestanding Emergency Department, that is within the capability of the Emergency Department of a hospital (or Independent Freestanding Emergency Department), including ancillary services routinely available to the Emergency Department to evaluate such Emergency Condition; and
- B. Within the capabilities of the staff and facilities available at the hospital (or Independent Freestanding Emergency Department), such further medical examination and treatment as are required to stabilize the patient, regardless of the department of the hospital in which further examination or treatment is furnished.

For the purpose of this definition, "to stabilize" means, with respect to an Emergency Condition, to provide such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the member from a facility or the delivery of a newborn child (including the placenta). In addition, Independent Freestanding Emergency Department means a health care facility that provides Emergency Services and is geographically separate and distinct and licensed separately from a hospital under state law.

- III. Emergency Services will also include post-stabilization services, when required by law.
- IV. The Health Plan's coverage of Emergency Services is subject to the provisions of the member subscriber contract and as applicable, the emergency care provisions of the New York Insurance and Public Health Laws and the federal Patient Protection and Affordable Care Act (PPACA), as amended by the Consolidated Appropriations Act of 2021 (CAA).
- V. The Health Plan does not require prior authorization for Emergency Services.
- VI. Emergency Services are eligible for coverage regardless of whether the services are provided by a participating provider or a non-participating provider.
- VII. Member cost-sharing for Emergency Services is the same whether the services are rendered within or outside of the Health Plan's participating provider network. Members may not be balance-billed for Emergency Services.
- VIII. In general, care that is in follow-up to an emergency room visit (e.g., physical therapy) is not considered an emergency service to treat an emergency condition.

DESCRIPTION

The Health Plan's definition of "emergency condition" is derived from the combined emergency care requirements of the New York Insurance and Public Health Laws and PPACA/CAA. It applies to all Health Plan members, except for those covered under grandfathered, self-funded benefit plans that have not adopted the emergency care standards of state and federal law.

"Emergency Services" are services rendered in the Emergency Department of a hospital (or Independent Freestanding Emergency Department), to evaluate and stabilize and/or treat a patient's Emergency Condition.

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Emergency Services rendered to a member shall not be subject to prior authorization, and reimbursement for Emergency Services shall not be denied retrospectively, if determined to be medically necessary to stabilize or treat an Emergency Condition. Benefit plans that are subject to the emergency care requirements of New York State and/or federal law are required to limit a member’s financial responsibility for out-of-network Emergency Services to the in-network cost-sharing of the member’s subscriber contract.

SUPPORTIVE LITERATURE

Not Applicable

PROFESSIONAL GUIDELINE(S)

Not Applicable

REGULATORY STATUS

Please refer to the Reference Section for web links to the following state and federal Regulatory Agencies regarding Emergency Medical Services:

- Federal Patient Protection and Affordable Care Act, Section 2719A
- New York State Insurance Laws. §4900 (c) and §4902 (a) (8)
- U.S. Congress. Social Security Act, Title 42, Section 1867, §1395dd
- New York State Department of Financial Services: No Surprise Medical Bill

CODE(S)

- Codes may not be covered under all circumstances.
- Code list may not be all inclusive (AMA and CMS code updates may occur more frequently than policy updates).
- (E/I)=Experimental/Investigational
- (NMN)=Not medically necessary/appropriate

CPT Codes

| Code | Description |
|----------------|-------------|
| Multiple codes | |

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HCPCS Codes

| Code | Description |
|----------------|-------------|
| Multiple codes | |

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ICD10 Codes

| Code | Description |
|----------------|-------------|
| Multiple codes | |

REFERENCES

Centers for Medicare & Medicaid Services (CMS): Surprise Billing & Protecting Consumers [Internet]. [Page modified 2024 Sep 10; accessed 2026 Jan 16] Available from:

<https://www.cms.gov/nosurprises/Ending-Surprise-Medical-Bills>

Lula A. and Svancarek B. National Library of Medicine: National Center for Biotechnology Information. StatPearls [Internet]. EMS USA emergency medical treatment and active labor act (EMTALA): Federal Patient Protection and Affordable Care Act, Section 2719A. [Original 1986; last updated 2024 Sep 10; accessed 2026 Feb 5] Available from: <https://www.ncbi.nlm.nih.gov/books/NBK539798/>

New York State Department of Financial Services: No Surprise Medical Bill [Internet]. [Original 2022 Jan 1; accessed 2026 Feb 5] Available from:

https://www.dfs.ny.gov/consumers/health_insurance/surprise_medical_bills?msclkid=a69134a3b11b11eca9dcca73eac10317c

New York State Insurance Laws. §4900 (c) and §4902 (a) (8) [Internet]. [accessed 2026 Feb 5] Available from:

<https://www.nysenate.gov/legislation/laws/ISC/4900>

<https://www.nysenate.gov/legislation/laws/ISC/4902>

U.S. Congress. Social Security Act, Title 42, Section 1867, §1395dd: Examination and treatment for emergency medical conditions and women in labor [Internet]. [Accessed 2026 Feb 5] Available from:

[https://uscode.house.gov/view.xhtml?req=\(title:42%20section:1395dd%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:42%20section:1395dd%20edition:prelim))

SEARCH TERMS

Emergency treatment, resuscitation, first aid care

CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS)

Emergency Care Services are not addressed in National or Regional Medicare coverage determinations or policies.

PRODUCT DISCLAIMER

- Services are contract dependent; if a product does not cover a service, medical policy criteria do not apply.

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- If a commercial product (including an Essential Plan or Child Health Plus product) covers a specific service, medical policy criteria apply to the benefit.
- If a Medicaid product covers a specific service, and there are no New York State Medicaid guidelines (eMedNY) criteria, medical policy criteria apply to the benefit.
- If a Medicare product (including Medicare HMO-Dual Special Needs Program (DSNP) product) covers a specific service, and there is no national or local Medicare coverage decision for the service, medical policy criteria apply to the benefit.
- If a Medicare HMO-Dual Special Needs Program (DSNP) product DOES NOT cover a specific service, please refer to the Medicaid Product coverage line.

| POLICY HISTORY/REVISION | |
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| Committee Approval Dates | |
| 05/09/12, 04/25/13, 04/24/14, 04/23/15, 04/28/16, 06/22/17, 04/26/18, 04/25/19, 04/23/20, 04/22/21, 04/21/22, 03/23/23, 03/21/24, 03/20/25, 03/19/26 | |
| Date | Summary of Changes |
| 03/19/26 | <ul style="list-style-type: none">• Annual review; no change to policy intent. New medical necessity policy statement for emergency services was created as previous policy statements were moved to the policy guideline section. |
| 01/14/26 | <ul style="list-style-type: none">• Policy Edit: Format Correction |
| 03/20/25 | <ul style="list-style-type: none">• Annual review, policy intent unchanged |
| 01/01/25 | <ul style="list-style-type: none">• Summary of changes tracking implemented |
| 05/09/12 | <ul style="list-style-type: none">• Original effective date |