

# MEDICAL POLICY



|                               |                                |
|-------------------------------|--------------------------------|
| <b>Medical Policy Title</b>   | <b>Emergency Care Services</b> |
| <b>Policy Number</b>          | <b>10.01.12</b>                |
| <b>Current Effective Date</b> | March 20, 2025                 |
| <b>Next Review Date</b>       | March 2026                     |

Our medical policies are based on the assessment of evidence based, peer-reviewed literature, and professional guidelines. Eligibility for reimbursement is based upon the benefits set forth in the member's subscriber contract. (Link to [Product Disclaimer](#))

## POLICY STATEMENT(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:
  - 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

## Medical Policy: Emergency Care Services

Policy Number: 10.01.12

Page: 2 of 5

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.

### RELATED POLICIES

Corporate Medical Policy

11.01.15 Medically Necessary Services

### POLICY GUIDELINE(S)

- I. 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).
- II. The Health Plan does not require prior authorization for Emergency Services.
- III. Emergency Services are eligible for coverage regardless of whether the services are provided by a participating provider or a non-participating provider.
- IV. 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.
- V. 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, with the exception of 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.

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

## Medical Policy: Emergency Care Services

Policy Number: 10.01.12

Page: 3 of 5

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 |
|---------------|-------------|
| Several codes |             |

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#### HCPCS Codes

| Code          | Description |
|---------------|-------------|
| Several codes |             |

#### ICD10 Codes

| Code          | Description |
|---------------|-------------|
| Several codes |             |

## Medical Policy: Emergency Care Services

Policy Number: 10.01.12

Page: 4 of 5

### REFERENCES

Lula A. and Svancarek B. [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 2025 Feb 3] Available from:  
<https://www.ncbi.nlm.nih.gov/books/NBK539798/>

New York State Insurance Laws. §4900 (c) and §4902 (a) (8) [Internet] [accessed 2025 Feb 3] 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 2025 Feb 3] 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))

New York State Department of Financial Services: No Surprise Medical Bill [Internet] [Original 2022 Jan 1; accessed 2025 Jan 16] Available from:

[https://www.dfs.ny.gov/consumers/health\\_insurance/surprise\\_medical\\_bills?msclkid=a69134a3b11b11eca9dcca73eac10317c](https://www.dfs.ny.gov/consumers/health_insurance/surprise_medical_bills?msclkid=a69134a3b11b11eca9dcca73eac10317c)

Centers for Medicare & Medicaid Services (CMS): Surprise Billing & Protecting Consumers [Internet] [Page modified 2024 Sep 10; accessed 2025 Jan 16] Available from:

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

### SEARCH TERMS

Emergency services, emergency care, emergency treatment, resuscitation, first aid care

### CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS)

Based upon our review, 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.
- 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.

## Medical Policy: Emergency Care Services

**Policy Number: 10.01.12**

**Page: 5 of 5**

- 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  |  |
|--|--|
| Committee Approval Dates   |  |
| 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 |  |
| Date   | Summary of Changes   |
| 03/20/25   | <ul style="list-style-type: none"><li>• Annual review, policy intent unchanged.</li></ul>  |
| 01/01/25   | <ul style="list-style-type: none"><li>• Summary of changes tracking implemented.</li></ul> |
| 05/09/12   | <ul style="list-style-type: none"><li>• Original effective date</li></ul>                  |