Medicaid/CHIP

Medicare-Medicaid Coordination

Centers for Medicare & Medicaid Services

Private Insurance Innovation Center

Regulations & Guidance

Research, Statistics, Data & Systems

Outreach & Education



#### **Your EMTALA rights:**

# How to file a complaint about a hospital emergency department

If you believe your EMTALA rights have been violated by a hospital emergency department, you can file an EMTALA complaint.

Filing an EMTALA complaint isn't a legal action. You're helping to make sure hospitals stabilize emergency medical conditions and follow the law.

#### Prepare before you file a complaint

- 1. **Know your rights** under the Emergency Medical Treatment and Labor Act (EMTALA).
- 2. You'll need to give details about what happened. For example, the hospital name, patient name (if you choose to), and what happened, including the date. You can file a complaint anonymously.
- **3. File your complaint as soon as possible.** This will make it easier to keep track of the facts, and it may help if you choose to take legal action on your own.

#### To file a complaint

There are 2 ways to file a complaint about a possible EMTALA violation:

- Contact the State Survey Agency in the state where the hospital is located.
- · Use the online form linked here. The federal government will review your complaint and might share it with the state.

#### File an EMTALA complaint

If you already filed a complaint and have more information or want to contact us, please file another complaint.

#### What to expect

If you use the online form and provide your email, you'll get an email confirming that the federal government got your complaint.

The federal government and the states work together to review and investigate EMTALA complaints. Often a State Survey Agency conducts the investigation, if there is one. After an investigation, the federal government reviews the case and determines if a hospital violated EMTALA. The process can take weeks or months, depending on the nature of the complaint.

If you provide your contact information, an investigator might contact you with questions. Even if you don't speak to an investigator, you'll get a summary of the investigation.

If your complaint is about a situation EMTALA doesn't cover, it will be sent to the right office, or closed.

## Privacy Act Statement - Effective February 22, 2024

**Protecting your privacy is very important to us.** The Centers for Medicare and Medicaid Services (CMS) intend to collect information from anyone who wishes to file a complaint under the Emergency Medical Treatment and Labor Act (EMTALA). 42 U.S.C. §1395dd and 42 CFR §489.24 allow us to collect this information about a potential EMTALA violation.

It's voluntary to provide your information on the EMTALA complaint form; however, if you don't provide information about a potential EMTALA violation, it might limit our ability to investigate and help resolve the situation.

As permitted by the Privacy Act of 1974 and all applicable routine uses, CMS may use or share your information to determine if an EMTALA violation has occurred.

Details about the use of your information are in the **System of Records** Notice "Automated Survey Processing Environment (ASPEN) Complaints/ Incidents Tracking System (ACTS)," System No. 09-70-0565.

## **Paperwork Reduction Act Statement**

OMB Control Number: 0938-1185 This form expires on March 31, 2026

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1185. This information collection is to allow individuals to submit complaints of their experiences within Hospital **Emergency Departments.** 

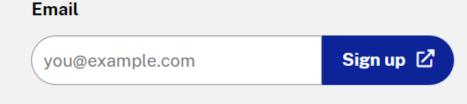
The time required to complete this information collection is estimated to average less than 5 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, to review and complete the information collection. This information collection is voluntary, and if you choose, confidential.

If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS

7500 Security Boulevard Attn: PRA Reports Clearance Officer Mail Stop C4-26-05 Baltimore, Maryland 21244-1850 OMB Control Number: 0938-1185

## Get email updates

Sign up to get the latest information about your choice of CMS topics. You can decide how often to receive updates.



CMS & HHS Websites

Medicare.gov Medicaid.gov InsureKidsNow.gov HealthCare.gov HHS.gov

HHS.gov/Open

About Us Careers Newsroom

Blog

Podcast

About CMS

Acronyms Archive Contacts

Glossary

Tools

**Helpful Links** Web Policies Privacy Policy Plain Language

Accessibility

**Privacy Settings** Nondiscrimination &

**Developer Information** 

Freedom of Information Act No Fear Act Inspector General USA.gov





**USA Government Sites** 

**Medicare-Medicaid** Coordination

Centers for Medicare & Medicaid Services

Private Insurance Innovation Center

Regulations & Guidance

Research, Statistics, Data & Systems

Outreach & Education

# File an EMTALA complaint

Before filing a complaint, know your rights under the Emergency Medical Treatment and Labor Act (EMTALA). Anyone can file an EMTALA complaint.

## EMTALA complaint about a hospital emergency department

The questions in this form are required unless marked "optional".

#### Would you like to provide contact information or file anonymously?

I'll provide my contact information  If we have questions about your complaint, we might contact you. Below any concerns about sharing your information with the state where the h	
I'll remain anonymous  We investigate anonymous complaints. Please note that sometimes whi investigators reach out to patients and other people they identify in hosp	
Your contact information  Provide your own contact information, even if you're filing this complaint for so else. Sometimes we have questions, and it's very helpful if we can contact you.  First name	
Mary	;
Last name	PRA Note: These are revealed
Jane Doe	if user selects "I'll provide my
Phone (optional)	contact information". Otherwise they are hidden.
(952)607-1456	
Email (optional)	

#### What is your relationship to the patient?

I'm the patient
O I'm filing a complaint for someone else
O I work at this hospital
O I prefer not to say

## 2 Let us know where the problem happened

## Where is the hospital emergency department?

Minnesota	PRA Note: Based on selection, the Hospital Name and Address auto-populates		
Hospital name	based on CMS Data.		
Hennepin County Medical Center	:		
Here's the address we have for this hospital emerge	ancy department:		
	sney department.		
Hennepin County Medical Center Emergency Room			
900 S 8th Street			
Minneapolis, Minnesota 55415			
If this hospital information isn't correct, let us know und	der "Tell us what happened."		

# 3 Tell us what happened

## When did the problem happen?

If you're not sure, give your best estimate.

Date	

## Tell us what happened.

Describe the situation in detail. Be sure to include:

- The people who were involved (Examples: witnesses, hospital staff)
- What actions you took
- If the hospital tried to address the situation
- Any concerns about sharing your information with the state

2000		

3000 characters allowed

## Have you reported this problem before? (optional)

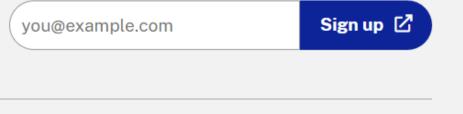
If so, who did you report this problem to?

175 characters allowed

Review your complaint

#### Get email updates Sign up to get the latest information about your choice of CMS topics. You can decide how often to

receive updates.



**Email** 

CMS & HHS Websites	About CMS	Tools	Helpful Links	USA Government Sites	
Medicare.gov	About Us	Acronyms	Web Policies	Freedom of Information Act	
Medicaid.gov InsureKidsNow.gov	Careers Newsroom	Archive Contacts	Privacy Policy Plain Language	No Fear Act	
HealthCare.gov	Blog	Glossary	Privacy Settings	Inspector General	
HHS.gov	Podcast		Nondiscrimination & Accessibility	USA.gov	
HHS.gov/Open			Developer Information		





