



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Chief of Staff

April 25, 2008
DPACS: 08 - 01

Dear Chief Executive Officer:

Recent discussions with the Office of Mental Health have highlighted the need to clarify the obligations of a hospital emergency department when evaluating patients presenting with possible psychiatric emergencies.

Consistent with Federal EMTALA requirements, for all patients presenting at a hospital emergency department, medical personnel, defined as qualified under medical staff bylaws, must conduct a medical screening to determine the presence of an emergency medical condition. The medical screening examination must be appropriate to the needs and condition of the patient. Hospitals that operate an approved comprehensive psychiatric emergency program must comply with the staffing requirements set forth in the Office of Mental Health regulations, 14 NYCRR, Part 590.

For hospitals not licensed as a comprehensive psychiatric emergency program, if a psychiatric assessment is appropriate as part of a medical screening examination, and a psychiatrist or physician with the appropriate skills and training is not immediately available to assess the patient, such assessment may be conducted by other appropriately credentialed licensed staff. Such qualified staff may include registered professional nurses, nurse practitioners, physician assistants, psychologists, clinical social workers or master social workers, licensed pursuant to State Education Law. When the assessment is not carried out by a psychiatrist or other appropriately qualified physician, the licensed staff assessing the patient for a psychiatric emergency must directly consult with a psychiatrist or other appropriately credentialed physician (credentialed on the staff of the hospital) regarding disposition of the patient. The conversation with the Psychiatrist or appropriately credentialed physician must be documented on the patient record including the name of the psychiatrist/physician and the time of the consultation.

Should you have any questions regarding the information provided or wish to discuss the issue, you may contact this office at (518) 402-1003.

Sincerely,

Martin J. Conroy
Director
Division of Primary & Acute Care Services