

**Missouri State Medical Association
House of Delegates**

Resolution #14
(A-18)

Introduced by: The Kansas City Medical Society and District 7

Subject: Return to Prudent Layperson Standard for Emergency Services

Referred to: Reference Committee B

1 WHEREAS, symptomatic patients cannot accurately determine the need for emergency medical care
2 prospectively; and
3
4 WHEREAS, the Emergency Medicine Treatment and Active Labor Act of 1986 (EMTALA) established a
5 mandate for the provision of emergency medical care, the violation of which jeopardizes the very
6 existence and continuance of hospital operations; and
7
8 WHEREAS, the federal program of Medicare and the federally sponsored program of Medicaid adopted
9 a prudent layperson standard for seeking emergency medical care as incorporated in the Balanced
10 Budget Act of 1997; and
11
12 WHEREAS, the majority of States, including Missouri, have also adopted a prudent layperson standard
13 for seeking emergency medical care, the violation of which could trigger the aforementioned EMTALA
14 jeopardy for hospitals; and
15
16 WHEREAS, Anthem Blue Cross and Blue Shield has adopted a list of diagnoses that the insurer will not
17 pay for, an ex post facto action that does not consider the prudent layperson standard or the necessary
18 work of emergency department physicians to make the diagnosis; therefore be it
19
20 RESOLVED, that the Missouri State Medical Association, actively and deliberately, take all necessary
21 legislative, legal, and public relations steps to encourage Anthem Blue Cross and Blue Shield to return its
22 efforts to the use of the prudent layperson standard; and be it further
23
24 RESOLVED, that the Missouri State Medical Association collaborate with other entities seeking to
25 overturn the egregious action of Anthem Blue Cross and Blue Shield, including the American College of
26 Emergency Physicians, and advocate that the American Medical Association adopt policy opposing the
27 arbitrary denial of payment for emergency services based on diagnostic coding alone, and supporting
28 the use of the prudent layperson standard.

Fiscal Note:

Current Policy: