

FACT SHEET: HHS Actions to Support Health Care Providers and Patients in Texas
HHS Enforcement of the Emergency Medical Treatment and Labor Act (EMTALA) and the Church Amendments, with Additional Title X Funding

On September 17, 2021, the U.S. Department of Health and Human Services (HHS) through the Centers for Medicare and Medicaid Services (CMS), Office for Civil Rights (OCR) and the Office of Assistant Secretary for Health's Office of Population Affairs (OPA), announced new resources related to enforcement of federal protections for providers and patients through the Emergency Medical Treatment and Labor Act (EMTALA) as well as the Church Amendments. In addition, the Department is granting additional Title X funds to providers that enable access to reproductive health care services, including emergency contraceptives for Texas residents.

Emergency Medical Treatment and Labor Act (EMTALA)

CMS issued a Quality, Safety, and Oversight memorandum to providers reinforcing the agency's enforcement of EMTALA. The memo also reminded providers that patients—including pregnant individuals and persons experiencing pregnancy loss—are entitled to the full rights and protections afforded under EMTALA.

The EMTALA statute requires that all patients receive an appropriate medical screening, stabilizing treatment, and transfer, if necessary, irrespective of any state laws or mandates that apply to specific procedures. This is not revised guidance, but rather a reminder enforcing long-standing requirements under federal law.

A physician's professional and legal duty to provide stabilizing medical treatment to a patient who presents to the emergency department and is found to have an emergency medical condition preempts any directly conflicting state law or mandate that might seek to prevent such treatment.

Civil monetary penalties (CMPs) may be imposed against hospitals or individual physicians for EMTALA violations. Additionally, physicians may also be subject to exclusion from the Medicare and Medicaid programs.

To find this memo, visit [here](#).

To file a complaint or report EMTALA violations, visit:
<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/ContactInformation>

Church Amendments

The Office for Civil Rights (OCR) also released guidance on the Church Amendments which it enforces. The Church Amendments protect health care personnel who object to performing abortion, sterilization, and biomedical or behavioral research activities because of their religious beliefs or moral convictions. The Church Amendments also protect health care

personnel from discrimination related to their employment because they performed or assisted in the performance of a lawful abortion or sterilization.

Under section (c)(1) of the Church Amendments, recipients of grants, loans, contracts, or loan guarantees under the Public Health Service Act may not discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, including the extension of staff or other privileges, because the physician or other health care personnel performed or assisted in the performance of a lawful sterilization procedure or abortion.

Lawful abortion includes an abortion for which federal funds may be used to end pregnancies that are the result of rape or incest, or those necessary to save the life of the pregnant person. It also includes emergency care needed to stabilize patients experiencing pregnancy loss and patients who are pregnant and may need abortion care as determined under EMTALA provisions.

To learn more about the Church Amendments, visit:

<https://www.hhs.gov/conscience/conscience-protections/guidance-church-amendments-protections/index.html>

To file a discrimination complaint with the Office for Civil Rights, visit:

<https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>

Title X Funding

HHS through the Office of the Assistant Secretary for Health, Office of Population Affairs (OPA), is announcing \$10M being made available to support access to emergency contraception and family planning services to support the influx of patient needs in Texas. The action in Texas is just one of many needs that is driving an increased demand for family planning services that may exceed the current capacity of the Title X provider network in a given region. At present, six states have no Title X support and an additional seven states have limited Title X capacity.

Today's funding will be provided in two allotments. First, current the Title X Texas grantee, Every Body Texas, will receive supplemental funding to increase their resources to address on the ground needs for to support family planning counseling and contraceptives, including emergency contraceptives. Every Body Texas may use this funding through March 31, 2022. Second, HHS is opening a new Notice of Funding Opportunity (NOFO) that will allow any entity (regardless of whether or not they are currently Title X grantees) nationwide to apply for additional resources to provide reproductive and family planning services to patients who are impacted by SB 8.

This funding opportunity, entitled: Funding to Address Dire Need for Family Planning Services, can be accessed [here](#).