



American College of
Emergency Physicians®

ADVANCING EMERGENCY CARE 

POLICY STATEMENT

Approved June 2023

Fair Reimbursement When Services Are Mandated

Revised June 2023 with
current title, April 2017
titled “Fair Coverage When
Services Are Mandated”

Reaffirmed April 2011 and
September 2005

Approved June 1999 as
policy statement titled
“Compensation When
Services are Mandated”

Originally approved
September 1992 as CR011

Any government agency, legislative body, insurance carrier, third party payer, or any other entity that mandates that a service or product be provided by emergency physicians or other health care professionals should also mandate an adequate source of funding to ensure fair coverage for those services or products. All entities must be compelled to assure that expenses incurred by the unfunded mandates of EMTALA are adequately reimbursed. Based on the growing and relentless burden of unfunded mandates on emergency physicians and emergency departments, the following must be rectified immediately:

1. The lack of sufficient funding for EMTALA care since its inception in 1986.
2. The No Surprises Act, put into effect in January 2022, has regulations unfairly affecting emergency physicians because of their favorability to payers.
3. The lack of inflationary adjustments for Medicare and Medicaid programs over the last 30 years has created EMTALA cost burdens that are disproportionately carried by emergency physicians, rather than the government and payers.