



## **POSITION STATEMENT**

of the

### **American Association of Neurological Surgeons and Congress of Neurological Surgeons**

## **IMPROVING ACCESS TO EMERGENCY NEUROSURGICAL SERVICES**

### **BACKGROUND**

The Emergency Medical Services (EMS) system is in the midst of a growing crisis because of a recognized shortage of on-call specialists. This problem extends to the provision of emergency neurosurgical care. Since neurosurgeons are a vital component of the EMS system, their active participation is essential. Reimbursing neurosurgeons for serving on-call to hospital emergency departments is therefore appropriate.

### **JUSTIFICATION**

1. Within their capabilities, hospitals have a legal obligation under the Emergency Medical Treatment and Labor Act (EMTALA) to provide screening and stabilization services to patients who come to emergency departments. As part of this obligation, hospitals are required to maintain a list of physicians who are on-call to treat patients in the emergency room and to ensure that on-call physicians respond when called.
2. Neurosurgeons have a variety of financial and contractual problems with managed care plans. In many instances, these contracts have no on-call arrangement, or require on-call availability without reimbursement, or have reimbursement rates that are extremely low. Because of these and other economic pressures, neurosurgeons are finding it increasingly difficult to subsidize emergency medical care through internal "cost-shifting," thus limiting their ability to subsidize their own on-call activities.
3. Neurosurgeons are faced with increased risks and liability when providing emergency care. Because of the seriousness of cases in the emergency medical setting and because of the lack of a pre-existing physician/patient relationship, neurosurgeons have a greater potential to be part of a medical malpractice action. In addition, neurosurgeons who provide on-call services must also comply with the mandates of EMTALA, subjecting them to potential fines of \$50,000 for any violations of this complex law and regulations.

### **POSITION STATEMENT**

Hospitals should provide neurosurgeons with reasonable compensation for serving on the on-call panel. This compensation should supplement any reimbursement the neurosurgeon receives for services rendered while serving on-call.