

## FAQ

December 2025

### ***Are hospitals required to self-report EMTALA violations? If so, to whom?***

Yes, Illinois hospitals should self-report EMTALA violations to IDPH.

This year, Public Act 103-0784 was codified into the Hospital Licensing Requirements under **Section 250.710 – Classification of Emergency Services**. These new requirements mandate that each hospital identified in the Hospital Emergency Service Act (HESA) provide emergency services in accordance with the procedures outlined in the Emergency Medical Treatment and Labor Act (EMTALA) and HESA, or face potential monetary fines for violations.

While EMTALA imposes a duty to report suspected violations by other facilities, it does not require hospitals to self-report their own violations. Under EMTALA, self-reporting is voluntary and left to the discretion of the organization. However, the new Hospital Licensing Requirements specifically address self-reporting in **Section 250.710(f)(4)**, noting that failure to self-report is considered an aggravating factor when determining whether IDPH will impose fines exceeding \$50,000 for violations of HESA.

From a risk management perspective, we recommend that any hospital that believes it has violated EMTALA should self-report to IDPH. Doing so may help mitigate penalties and reduce the likelihood of higher fines for failure to self-report.

All hospitals should review organizational EMTALA policies and procedures, to ensure it is consistent with HESA and the requirements for self-reporting of potential/actual violations. The policy should address who is responsible for reporting to IDPH and within what timeframe. Although not addressed in the requirements, we recommend hospitals consider self-report within 72 hours or sooner, to be consistent with the current EMTALA requirements for reporting other facilities. Additionally, emergency department leaders and physicians should receive education on these new reporting requirements to ensure compliance.

For questions on EMTALA, HESA, or the applicable Hospital Licensing Requirements, please contact your IRMS risk management consultant.

Helpful Links:

<https://www.team-ihh.org/advocacy-policy/regulatory-policy-issues/hospital-operations/hospital-licensing-rules-related-to-emergency-treatment-adopted/>

<https://ilga.gov/commission/jcar/admincode/077/077002500G07100R.html>

<https://www.ilga.gov/Legislation/ILCS/Articles?ActID=1233&ChapterID=21>

[https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap\\_v\\_emerg.pdf](https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap_v_emerg.pdf)

#### ***Disclaimer:***

The information provided to you in this FAQ is an expressed risk management opinion applicable to IPT and IRMS client hospitals. It should not be considered a substitute for legal advice. The hospital should consider the need for legal advice concerning the matter discussed above and contact legal counsel when appropriate. For additional risk management questions or discussion, please contact your IRMS risk consultant.