

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Emergency Medical Services (EMS) Systems  
5 Act is amended by changing Section 3.40 as follows:

6 (210 ILCS 50/3.40)

7 Sec. 3.40. EMS System Participation Suspensions and Due  
8 Process.

9 (a) An EMS Medical Director may suspend from participation  
10 within the System any EMS personnel, EMS Lead Instructor (LI),  
11 individual, individual provider or other participant  
12 considered not to be meeting the requirements of the Program  
13 Plan of that approved EMS System. An EMS Medical Director must  
14 submit a suspension order to the Department describing which  
15 requirements of the Program Plan were not met and the  
16 suspension's duration. The Department shall review and confirm  
17 receipt of the suspension order, request additional  
18 information, or initiate an investigation. The Department  
19 shall incorporate the duration of that suspension into any  
20 further action taken by the Department to suspend, revoke, or  
21 refuse to issue or renew the license of the individual or  
22 entity for any violation of this Act or the Program Plan  
23 arising from the same conduct for which the suspension order

1 was issued if the suspended party has neither requested a  
2 Department hearing on the suspension nor worked as a provider  
3 in any other System during the term of the suspension.

4 (b) Prior to suspending any individual or entity, an EMS  
5 Medical Director shall provide an opportunity for a hearing  
6 before the local System review board in accordance with  
7 subsection (f) and the rules promulgated by the Department.

8 (1) If the local System review board affirms or  
9 modifies the EMS Medical Director's suspension order, the  
10 individual or entity shall have the opportunity for a  
11 review of the local board's decision by the State EMS  
12 Disciplinary Review Board, pursuant to Section 3.45 of  
13 this Act.

14 (2) If the local System review board reverses or  
15 modifies the EMS Medical Director's order, the EMS Medical  
16 Director shall have the opportunity for a review of the  
17 local board's decision by the State EMS Disciplinary  
18 Review Board, pursuant to Section 3.45 of this Act.

19 (3) The suspension shall commence only upon the  
20 occurrence of one of the following:

21 (A) the individual or entity has waived the  
22 opportunity for a hearing before the local System  
23 review board;

24 (B) the order has been affirmed or modified by the  
25 local system review board and the individual or entity  
26 has waived the opportunity for review by the State

1 Board; or

2 (C) the order has been affirmed or modified by the  
3 local system review board, and the local board's  
4 decision has been affirmed or modified by the State  
5 Board.

6 (c) An individual interviewed or investigated by the local  
7 system review board or the Department shall have the right to a  
8 union representative and legal counsel of the individual's  
9 choosing present at any interview. The union representative  
10 must comply with any confidentiality requirements and  
11 requirements for the protection of any patient information  
12 presented during the proceeding.

13 (d) An EMS Medical Director may immediately suspend an  
14 EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHRN, LI, PHPA,  
15 PHAPRN, or other individual or entity if he or she finds that  
16 the continuation in practice by the individual or entity would  
17 constitute an imminent danger to the public. The suspended  
18 individual or entity shall be issued an immediate verbal  
19 notification followed by a written suspension order by the EMS  
20 Medical Director which states the length, terms and basis for  
21 the suspension.

22 (1) Within 24 hours following the commencement of the  
23 suspension, the EMS Medical Director shall deliver to the  
24 Department, by messenger, telefax, or other  
25 Department-approved electronic communication, a copy of  
26 the suspension order and copies of any written materials

1           which relate to the EMS Medical Director's decision to  
2           suspend the individual or entity. All medical and  
3           patient-specific information, including Department  
4           findings with respect to the quality of care rendered,  
5           shall be strictly confidential pursuant to the Medical  
6           Studies Act (Part 21 of Article VIII of the Code of Civil  
7           Procedure).

8           (2) Within 24 hours following the commencement of the  
9           suspension, the suspended individual or entity may deliver  
10          to the Department, by messenger, telefax, or other  
11          Department-approved electronic communication, a written  
12          response to the suspension order and copies of any written  
13          materials which the individual or entity feels are  
14          appropriate. All medical and patient-specific information,  
15          including Department findings with respect to the quality  
16          of care rendered, shall be strictly confidential pursuant  
17          to the Medical Studies Act.

18          (3) Within 24 hours following receipt of the EMS  
19          Medical Director's suspension order or the individual or  
20          entity's written response, whichever is later, the  
21          Director or the Director's designee shall determine  
22          whether the suspension should be stayed pending an  
23          opportunity for a hearing or review in accordance with  
24          this Act, or whether the suspension should continue during  
25          the course of that hearing or review. When an immediate  
26          suspension order is not stayed, the Director or the

1 Director's designee within the Department shall identify  
2 if that suspension shall immediately apply to statewide  
3 participation only in situations when a licensee has been  
4 charged with a crime while performing the licensee's  
5 official duties as an EMR, EMD, EMT, EMT-I, A-EMT,  
6 Paramedic, ECRN, TNS, PHRN, LI, PHPA, or PHAPRN and the  
7 licensee's continuation to practice poses the possibility  
8 of imminent harm to the public based off factual evidence  
9 provided to the Department. The determination to issue an  
10 immediate statewide suspension shall not deny the right to  
11 due process to a licensee. The Director or the Director's  
12 designee shall issue this determination to the EMS Medical  
13 Director, who shall immediately notify the suspended  
14 individual or entity. The suspension shall remain in  
15 effect during this period of review by the Director or the  
16 Director's designee.

17 (e) Upon issuance of a suspension order for reasons  
18 directly related to medical care, the EMS Medical Director  
19 shall also provide the individual or entity with the  
20 opportunity for a hearing before the local System review  
21 board, in accordance with subsection (f) and the rules  
22 promulgated by the Department.

23 (1) If the local System review board affirms or  
24 modifies the EMS Medical Director's suspension order, the  
25 individual or entity shall have the opportunity for a  
26 review of the local board's decision by the State EMS

1           Disciplinary Review Board, pursuant to Section 3.45 of  
2           this Act.

3           (2) If the local System review board reverses or  
4           modifies the EMS Medical Director's suspension order, the  
5           EMS Medical Director shall have the opportunity for a  
6           review of the local board's decision by the State EMS  
7           Disciplinary Review Board, pursuant to Section 3.45 of  
8           this Act.

9           (3) The suspended individual or entity may elect to  
10          bypass the local System review board and seek direct  
11          review of the EMS Medical Director's suspension order by  
12          the State EMS Disciplinary Review Board.

13          (f) The Resource Hospital shall designate a local System  
14          review board in accordance with the rules of the Department,  
15          for the purpose of providing a hearing to any individual or  
16          entity participating within the System who is suspended from  
17          participation by the EMS Medical Director. The EMS Medical  
18          Director shall arrange for a certified shorthand reporter to  
19          make a stenographic record of that hearing and thereafter  
20          prepare a transcript of the proceedings. The EMS Medical  
21          Director shall inform the individual of the individual's right  
22          to have a union representative and legal counsel of the  
23          individual's choosing present at any interview. The union  
24          representative must comply with any confidentiality  
25          requirements and requirements for the protection of any  
26          patient information presented during the proceeding. The

1 transcript, all documents or materials received as evidence  
2 during the hearing and the local System review board's written  
3 decision shall be retained in the custody of the EMS system.  
4 The System shall implement a decision of the local System  
5 review board unless that decision has been appealed to the  
6 State Emergency Medical Services Disciplinary Review Board in  
7 accordance with this Act and the rules of the Department.

8 (g) The Resource Hospital shall implement a decision of  
9 the State Emergency Medical Services Disciplinary Review Board  
10 which has been rendered in accordance with this Act and the  
11 rules of the Department.

12 (Source: P.A. 103-521, eff. 1-1-24.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.