

# HB4482



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB4482**

Introduced 1/31/2012, by Rep. Lisa M. Dugan

#### SYNOPSIS AS INTRODUCED:

210 ILCS 50/32.5

Amends the Emergency Medical Services (EMS) Systems Act. Makes technical changes in a Section concerning freestanding emergency centers.

LRB097 19535 DRJ 64789 b

A BILL FOR

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 Act  
5 is amended by changing Section 32.5 as follows:

6 (210 ILCS 50/32.5)

7 Sec. 32.5. Freestanding Emergency Center.

8 (a) The ~~The~~ Department shall issue an annual Freestanding  
9 Emergency Center (FEC) license to any facility that has  
10 received a permit from the Health Facilities and Services  
11 Review Board to establish a Freestanding Emergency Center if  
12 the application for the permit has been deemed complete by the  
13 Department of Public Health by March 1, 2009, and:

14 (1) is located: (A) in a municipality with a population  
15 of 75,000 or fewer inhabitants; (B) within 20 miles of the  
16 hospital that owns or controls the FEC; and (C) within 20  
17 miles of the Resource Hospital affiliated with the FEC as  
18 part of the EMS System;

19 (2) is wholly owned or controlled by an Associate or  
20 Resource Hospital, but is not a part of the hospital's  
21 physical plant;

22 (3) meets the standards for licensed FECs, adopted by  
23 rule of the Department, including, but not limited to:

1 (A) facility design, specification, operation, and  
2 maintenance standards;

3 (B) equipment standards; and

4 (C) the number and qualifications of emergency  
5 medical personnel and other staff, which must include  
6 at least one board certified emergency physician  
7 present at the FEC 24 hours per day.

8 (4) limits its participation in the EMS System strictly  
9 to receiving a limited number of BLS runs by emergency  
10 medical vehicles according to protocols developed by the  
11 Resource Hospital within the FEC's designated EMS System  
12 and approved by the Project Medical Director and the  
13 Department;

14 (5) provides comprehensive emergency treatment  
15 services, as defined in the rules adopted by the Department  
16 pursuant to the Hospital Licensing Act, 24 hours per day,  
17 on an outpatient basis;

18 (6) provides an ambulance and maintains on site  
19 ambulance services staffed with paramedics 24 hours per  
20 day;

21 (7) (blank);

22 (8) complies with all State and federal patient rights  
23 provisions, including, but not limited to, the Emergency  
24 Medical Treatment Act and the federal Emergency Medical  
25 Treatment and Active Labor Act;

26 (9) maintains a communications system that is fully

1 integrated with its Resource Hospital within the FEC's  
2 designated EMS System;

3 (10) reports to the Department any patient transfers  
4 from the FEC to a hospital within 48 hours of the transfer  
5 plus any other data determined to be relevant by the  
6 Department;

7 (11) submits to the Department, on a quarterly basis,  
8 the FEC's morbidity and mortality rates for patients  
9 treated at the FEC and other data determined to be relevant  
10 by the Department;

11 (12) does not describe itself or hold itself out to the  
12 general public as a full service hospital or hospital  
13 emergency department in its advertising or marketing  
14 activities;

15 (13) complies with any other rules adopted by the  
16 Department under this Act that relate to FECs;

17 (14) passes the Department's site inspection for  
18 compliance with the FEC requirements of this Act;

19 (15) submits a copy of the permit issued by the Health  
20 Facilities and Services Review Board indicating that the  
21 facility has complied with the Illinois Health Facilities  
22 Planning Act with respect to the health services to be  
23 provided at the facility;

24 (16) submits an application for designation as an FEC  
25 in a manner and form prescribed by the Department by rule;  
26 and

1           (17) pays the annual license fee as determined by the  
2           Department by rule.

3           (a-5) Notwithstanding any other provision of this Section,  
4           the Department may issue an annual FEC license to a facility  
5           that is located in a county that does not have a licensed  
6           general acute care hospital if the facility's application for a  
7           permit from the Illinois Health Facilities Planning Board has  
8           been deemed complete by the Department of Public Health by  
9           March 1, 2009 and if the facility complies with the  
10          requirements set forth in paragraphs (1) through (17) of  
11          subsection (a).

12          (a-10) Notwithstanding any other provision of this  
13          Section, the Department may issue an annual FEC license to a  
14          facility if the facility has, by March 31, 2009, filed a letter  
15          of intent to establish an FEC and if the facility complies with  
16          the requirements set forth in paragraphs (1) through (17) of  
17          subsection (a).

18          (b) The Department shall:

19                (1) annually inspect facilities of initial FEC  
20                applicants and licensed FECs, and issue annual licenses to  
21                or annually relicense FECs that satisfy the Department's  
22                licensure requirements as set forth in subsection (a);

23                (2) suspend, revoke, refuse to issue, or refuse to  
24                renew the license of any FEC, after notice and an  
25                opportunity for a hearing, when the Department finds that  
26                the FEC has failed to comply with the standards and

1 requirements of the Act or rules adopted by the Department  
2 under the Act;

3 (3) issue an Emergency Suspension Order for any FEC  
4 when the Director or his or her designee has determined  
5 that the continued operation of the FEC poses an immediate  
6 and serious danger to the public health, safety, and  
7 welfare. An opportunity for a hearing shall be promptly  
8 initiated after an Emergency Suspension Order has been  
9 issued; and

10 (4) adopt rules as needed to implement this Section.

11 (Source: P.A. 96-23, eff. 6-30-09; 96-31, eff. 6-30-09; 96-883,  
12 eff. 3-1-10; 96-1000, eff. 7-2-10; 97-333, eff. 8-12-11.)