



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5848

Introduced 11/10/2020, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

New Act
210 ILCS 50/3.50

Creates the Medical Direction By Law Enforcement Act. Provides that a law enforcement officer shall not direct or suggest to a medical professional how to medically treat an individual that is in the care of the medical professional. Provides that the Section shall apply even if the medical professional was requested by a law enforcement officer to assist the individual. Provides that nothing in the Section shall be interpreted to mean that a law enforcement officer should not provide the medical professional with all information in his or her knowledge or possession that may be of assistance to the medical professional in treating the individual. Provides that a violation is a Class 4 felony. Defines "law enforcement officer" and "medical professional". Amends the Emergency Medical Services (EMS) Systems Act. Requires an applicant seeking an EMT, EMT-I, A-EMT, or Paramedic license to submit a signed EMT Oath before licensing. Contains a preamble. Effective immediately.

LRB101 22312 AWJ 73354 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 WHEREAS, There have been increased reports of law
3 enforcement officers directing medical personnel how to treat
4 individuals in custody of the law enforcement officers, such as
5 the use of ketamine to subdue individuals; and

6 WHEREAS, Individuals have been hurt and killed as a result
7 of law enforcement officers directing medical personnel to
8 treat individuals in certain ways; and

9 WHEREAS, Most law enforcement officers have limited
10 medical knowledge and are not trained, certified, or licensed
11 in any area of medicine; and

12 WHEREAS, Practice of medicine in Illinois without a license
13 is unlawful and law enforcement officers are essentially
14 practicing medicine without a license when directing medical
15 personnel how to treat individuals; therefore

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

18 Section 1. Short title. This Act may be cited as the
19 Medical Direction By Law Enforcement Act.

1 Section 5. Definitions. As used in this Act:

2 "Law enforcement officer" has the meaning given to that
3 term in Section 10-10 of the Law Enforcement Officer-Worn Body
4 Camera Act.

5 "Medical professional" has meaning given to that term in
6 Section 1003 of the Illinois Insurance Code.

7 Section 10. Interaction with medical professionals.

8 (a) A law enforcement officer shall not direct or suggest
9 to a medical professional how to medically treat an individual
10 that is in the care of the medical professional. This Section
11 shall apply even if the medical professional was requested by a
12 law enforcement officer to assist the individual.

13 (b) A law enforcement officer who violates subsection
14 (a) commits a Class 4 felony.

15 (c) Nothing in this Section shall be interpreted to mean
16 that a law enforcement officer should not provide the medical
17 professional with all information in his or her knowledge or
18 possession that may be of assistance to the medical
19 professional in treating the individual.

20 Section 100. The Emergency Medical Services (EMS) Systems
21 Act is amended by changing Section 3.50 as follows:

22 (210 ILCS 50/3.50)

23 Sec. 3.50. Emergency Medical Services personnel licensure

1 levels.

2 (a) "Emergency Medical Technician" or "EMT" means a person
3 who has successfully completed a course in basic life support
4 as approved by the Department, is currently licensed by the
5 Department in accordance with standards prescribed by this Act
6 and rules adopted by the Department pursuant to this Act, and
7 practices within an EMS System. A valid Emergency Medical
8 Technician-Basic (EMT-B) license issued under this Act shall
9 continue to be valid and shall be recognized as an Emergency
10 Medical Technician (EMT) license until the Emergency Medical
11 Technician-Basic (EMT-B) license expires.

12 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"
13 means a person who has successfully completed a course in
14 intermediate life support as approved by the Department, is
15 currently licensed by the Department in accordance with
16 standards prescribed by this Act and rules adopted by the
17 Department pursuant to this Act, and practices within an
18 Intermediate or Advanced Life Support EMS System.

19 (b-5) "Advanced Emergency Medical Technician" or "A-EMT"
20 means a person who has successfully completed a course in basic
21 and limited advanced emergency medical care as approved by the
22 Department, is currently licensed by the Department in
23 accordance with standards prescribed by this Act and rules
24 adopted by the Department pursuant to this Act, and practices
25 within an Intermediate or Advanced Life Support EMS System.

26 (c) "Paramedic (EMT-P)" means a person who has successfully

1 completed a course in advanced life support care as approved by
2 the Department, is licensed by the Department in accordance
3 with standards prescribed by this Act and rules adopted by the
4 Department pursuant to this Act, and practices within an
5 Advanced Life Support EMS System. A valid Emergency Medical
6 Technician-Paramedic (EMT-P) license issued under this Act
7 shall continue to be valid and shall be recognized as a
8 Paramedic license until the Emergency Medical
9 Technician-Paramedic (EMT-P) license expires.

10 (c-5) "Emergency Medical Responder" or "EMR (First
11 Responder)" means a person who has successfully completed a
12 course in emergency medical response as approved by the
13 Department and provides emergency medical response services
14 prior to the arrival of an ambulance or specialized emergency
15 medical services vehicle, in accordance with the level of care
16 established by the National EMS Educational Standards
17 Emergency Medical Responder course as modified by the
18 Department. An Emergency Medical Responder who provides
19 services as part of an EMS System response plan shall comply
20 with the applicable sections of the Program Plan, as approved
21 by the Department, of that EMS System. The Department shall
22 have the authority to adopt rules governing the curriculum,
23 practice, and necessary equipment applicable to Emergency
24 Medical Responders.

25 On August 15, 2014 (the effective date of Public Act
26 98-973), a person who is licensed by the Department as a First

1 Responder and has completed a Department-approved course in
2 first responder defibrillator training based on, or equivalent
3 to, the National EMS Educational Standards or other standards
4 previously recognized by the Department shall be eligible for
5 licensure as an Emergency Medical Responder upon meeting the
6 licensure requirements and submitting an application to the
7 Department. A valid First Responder license issued under this
8 Act shall continue to be valid and shall be recognized as an
9 Emergency Medical Responder license until the First Responder
10 license expires.

11 (c-10) All EMS Systems and licensees shall be fully
12 compliant with the National EMS Education Standards, as
13 modified by the Department in administrative rules, within 24
14 months after the adoption of the administrative rules.

15 (d) The Department shall have the authority and
16 responsibility to:

17 (1) Prescribe education and training requirements,
18 which includes training in the use of epinephrine, for all
19 levels of EMS personnel except for EMRs, based on the
20 National EMS Educational Standards and any modifications
21 to those curricula specified by the Department through
22 rules adopted pursuant to this Act.

23 (2) Prescribe licensure testing requirements for all
24 levels of EMS personnel, which shall include a requirement
25 that all phases of instruction, training, and field
26 experience be completed before taking the appropriate

1 licensure examination. Candidates may elect to take the
2 appropriate National Registry examination in lieu of the
3 Department's examination, but are responsible for making
4 their own arrangements for taking the National Registry
5 examination. In prescribing licensure testing requirements
6 for honorably discharged members of the armed forces of the
7 United States under this paragraph (2), the Department
8 shall ensure that a candidate's military emergency medical
9 training, emergency medical curriculum completed, and
10 clinical experience, as described in paragraph (2.5), are
11 recognized.

12 (2.5) Review applications for EMS personnel licensure
13 from honorably discharged members of the armed forces of
14 the United States with military emergency medical
15 training. Applications shall be filed with the Department
16 within one year after military discharge and shall contain:
17 (i) proof of successful completion of military emergency
18 medical training; (ii) a detailed description of the
19 emergency medical curriculum completed; and (iii) a
20 detailed description of the applicant's clinical
21 experience. The Department may request additional and
22 clarifying information. The Department shall evaluate the
23 application, including the applicant's training and
24 experience, consistent with the standards set forth under
25 subsections (a), (b), (c), and (d) of Section 3.10. If the
26 application clearly demonstrates that the training and

1 experience meet such standards, the Department shall offer
2 the applicant the opportunity to successfully complete a
3 Department-approved EMS personnel examination for the
4 level of license for which the applicant is qualified. Upon
5 passage of an examination, the Department shall issue a
6 license, which shall be subject to all provisions of this
7 Act that are otherwise applicable to the level of EMS
8 personnel license issued.

9 (3) License individuals as an EMR, EMT, EMT-I, A-EMT,
10 or Paramedic who have met the Department's education,
11 training and examination requirements.

12 (4) Prescribe annual continuing education and
13 relicensure requirements for all EMS personnel licensure
14 levels.

15 (5) Relicense individuals as an EMD, EMR, EMT, EMT-I,
16 A-EMT, PHRN, PHAPRN, PHPA, or Paramedic every 4 years,
17 based on their compliance with continuing education and
18 relicensure requirements as required by the Department
19 pursuant to this Act. Every 4 years, a Paramedic shall have
20 100 hours of approved continuing education, an EMT-I and an
21 advanced EMT shall have 80 hours of approved continuing
22 education, and an EMT shall have 60 hours of approved
23 continuing education. An Illinois licensed EMR, EMD, EMT,
24 EMT-I, A-EMT, Paramedic, ECRN, PHPA, PHAPRN, or PHRN whose
25 license has been expired for less than 36 months may apply
26 for reinstatement by the Department. Reinstatement shall

1 require that the applicant (i) submit satisfactory proof of
2 completion of continuing medical education and clinical
3 requirements to be prescribed by the Department in an
4 administrative rule; (ii) submit a positive recommendation
5 from an Illinois EMS Medical Director attesting to the
6 applicant's qualifications for retesting; and (iii) pass a
7 Department approved test for the level of EMS personnel
8 license sought to be reinstated.

9 (6) Grant inactive status to any EMR, EMD, EMT, EMT-I,
10 A-EMT, Paramedic, ECRN, PHAPRN, PHPA, or PHRN who
11 qualifies, based on standards and procedures established
12 by the Department in rules adopted pursuant to this Act.

13 (7) Charge a fee for EMS personnel examination,
14 licensure, and license renewal.

15 (8) Suspend, revoke, or refuse to issue or renew the
16 license of any licensee, after an opportunity for an
17 impartial hearing before a neutral administrative law
18 judge appointed by the Director, where the preponderance of
19 the evidence shows one or more of the following:

20 (A) The licensee has not met continuing education
21 or relicensure requirements as prescribed by the
22 Department;

23 (B) The licensee has failed to maintain
24 proficiency in the level of skills for which he or she
25 is licensed;

26 (C) The licensee, during the provision of medical

1 services, engaged in dishonorable, unethical, or
2 unprofessional conduct of a character likely to
3 deceive, defraud, or harm the public;

4 (D) The licensee has failed to maintain or has
5 violated standards of performance and conduct as
6 prescribed by the Department in rules adopted pursuant
7 to this Act or his or her EMS System's Program Plan;

8 (E) The licensee is physically impaired to the
9 extent that he or she cannot physically perform the
10 skills and functions for which he or she is licensed,
11 as verified by a physician, unless the person is on
12 inactive status pursuant to Department regulations;

13 (F) The licensee is mentally impaired to the extent
14 that he or she cannot exercise the appropriate
15 judgment, skill and safety for performing the
16 functions for which he or she is licensed, as verified
17 by a physician, unless the person is on inactive status
18 pursuant to Department regulations;

19 (G) The licensee has violated this Act or any rule
20 adopted by the Department pursuant to this Act; or

21 (H) The licensee has been convicted (or entered a
22 plea of guilty or nolo contendere ~~nolo contendere~~) by a
23 court of competent jurisdiction of a Class X, Class 1,
24 or Class 2 felony in this State or an out-of-state
25 equivalent offense.

26 (9) Prescribe education and training requirements in

1 the administration and use of opioid antagonists for all
2 levels of EMS personnel based on the National EMS
3 Educational Standards and any modifications to those
4 curricula specified by the Department through rules
5 adopted pursuant to this Act.

6 (10) Require an applicant for an EMT, EMT-I, A-EMT, or
7 Paramedic license to submit to the Department a signed EMT
8 Oath in a form and manner prescribed by the Department.

9 (d-5) An EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN,
10 PHAPRN, PHPA, or PHRN who is a member of the Illinois National
11 Guard or an Illinois State Trooper or who exclusively serves as
12 a volunteer for units of local government with a population
13 base of less than 5,000 or as a volunteer for a not-for-profit
14 organization that serves a service area with a population base
15 of less than 5,000 may submit an application to the Department
16 for a waiver of the fees described under paragraph (7) of
17 subsection (d) of this Section on a form prescribed by the
18 Department.

19 The education requirements prescribed by the Department
20 under this Section must allow for the suspension of those
21 requirements in the case of a member of the armed services or
22 reserve forces of the United States or a member of the Illinois
23 National Guard who is on active duty pursuant to an executive
24 order of the President of the United States, an act of the
25 Congress of the United States, or an order of the Governor at
26 the time that the member would otherwise be required to fulfill

1 a particular education requirement. Such a person must fulfill
2 the education requirement within 6 months after his or her
3 release from active duty.

4 (e) In the event that any rule of the Department or an EMS
5 Medical Director that requires testing for drug use as a
6 condition of the applicable EMS personnel license conflicts
7 with or duplicates a provision of a collective bargaining
8 agreement that requires testing for drug use, that rule shall
9 not apply to any person covered by the collective bargaining
10 agreement.

11 (f) At the time of applying for or renewing his or her
12 license, an applicant for a license or license renewal may
13 submit an email address to the Department. The Department shall
14 keep the email address on file as a form of contact for the
15 individual. The Department shall send license renewal notices
16 electronically and by mail to a licensee ~~all licensees~~ who
17 provides ~~provide~~ the Department with his or her email address.
18 The notices shall be sent at least 60 days prior to the
19 expiration date of the license.

20 (Source: P.A. 100-1082, eff. 8-24-19; 101-81, eff. 7-12-19;
21 101-153, eff. 1-1-20; revised 12-3-19.)

22 Section 999. Effective date. This Act takes effect upon
23 becoming law.