

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.