

1 AN ACT concerning emergency care.

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 3.130 as follows:

6 (210 ILCS 50/3.130)

7 Sec. 3.130. ~~Violations--Plans-of-Correction.~~

8 (a) Except for emergency suspension orders or actions
9 initiated pursuant to item (10) of subsection (b) of Section
10 3.90, the Department may suspend, revoke, or refuse to renew
11 a license, designation, or certification by serving a notice
12 of the violations and notice of opportunity for a hearing on
13 the EMS licensee or entity.

14 (b) In addition to the reasons set forth in the other
15 Sections of this Act that delineate the Department's
16 authority and responsibility with regard to issuing a
17 license, designation, or certification, the Department may
18 suspend, revoke, or refuse to renew a license, designation,
19 or certification when the Department finds either of the
20 following:

21 (1) That there has been a substantial failure to
22 comply with this Act or the rules adopted by the
23 Department under this Act.

24 (2) That the licensee or individual who has
25 received a designation or certification has been
26 convicted of a felony or 2 or more misdemeanors involving
27 moral turpitude during the previous 5 years as shown by a
28 certified copy of the record of the court of conviction.

29 (c) Notice under this Section shall include a clear and
30 concise statement of the violations on which the nonrenewal,
31 revocation, or suspension is based, the statute or rule

1 violated, and the opportunity for a hearing under item (8) of
2 subsection (a) of Section 3.50 and Section 3.135 of this Act.

3 (d) To contest the nonrenewal, revocation, or suspension
4 of a license, designation, or certification, the recipient of
5 a notice of nonrenewal, revocation, or suspension of a
6 license, designation, or certification shall notify the
7 Department in writing of his or her request for a hearing
8 within 15 days after receipt of the notice under this
9 Section.

10 (e) Until otherwise ordered by an Illinois circuit
11 court, revocation and suspension is effective on the date set
12 by the Department in the notice of revocation or suspension,
13 or upon the execution of the final order by the Director,
14 whichever is later. Until otherwise ordered by an Illinois
15 circuit court, nonrenewal is effective on the date of
16 expiration of any existing license, designation, or
17 certification or upon the execution of the final order by the
18 Director, whichever is later. A license, designation, or
19 certification shall not, however, be deemed to have expired
20 if the Department fails to timely respond to a timely request
21 for (i) renewal under this Act or (ii) a hearing that would
22 contest the nonrenewal.

23 (f) The Department, in its sole discretion, may require
24 the licensee or entity to do any of the following:

25 (1) Submit a plan of correction within 10 days
26 after receipt of the notice of violation.

27 (2) Submit a modified plan of correction if the
28 Department rejects the initial plan of correction. The
29 Department shall send a notice of rejection of the plan
30 of correction and the reason for the rejection. The party
31 shall have 10 days after receipt of the notice of
32 rejection in which to submit a modified plan of
33 correction.

34 (3) Comply with an imposed plan of correction if a

1 modified plan is not submitted in a timely manner or if
 2 the modified plan is rejected by the Department. Except
 3 for emergency suspension orders, or actions initiated
 4 pursuant to Section 3.90(b)(10) of this Act, prior to
 5 initiating an action for suspension, revocation, denial,
 6 nonrenewal, or imposition of a fine pursuant to this Act,
 7 the Department shall:

8 (a) Issue a Notice of Violation which specifies the
 9 Department's allegations of noncompliance and requests a plan
 10 of correction to be submitted within 10 days after receipt of
 11 the Notice of Violation;

12 (b) Review and approve or reject the plan of correction.
 13 If the Department rejects the plan of correction, it shall
 14 send notice of the rejection and the reason for the
 15 rejection. The party shall have 10 days after receipt of the
 16 notice of rejection in which to submit a modified plan;

17 (c) Impose a plan of correction if a modified plan is
 18 not submitted in a timely manner or if the modified plan is
 19 rejected by the Department;

20 (d) Issue a Notice of Intent to fine, suspend, revoke,
 21 nonrenew or deny if the party has failed to comply with the
 22 imposed plan of correction, and provide the party with an
 23 opportunity to request an administrative hearing. The Notice
 24 of Intent shall be effected by certified mail or by personal
 25 service, shall set forth the particular reasons for the
 26 proposed action, and shall provide the party with 15 days in
 27 which to request a hearing.

28 (Source: P.A. 89-177, eff. 7-19-95.)