

94TH GENERAL ASSEMBLY**State of Illinois****2005 and 2006****SB2170**

Introduced 1/4/2006, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-217 new
210 ILCS 50/3.85
210 ILCS 85/6.22 new
815 ILCS 505/2XX new

Amends the Nursing Home Care Act and the Hospital Licensing Act; provides that a nursing home or hospital that orders transportation of a resident or patient by ambulance must maintain a written record showing the name of the person who placed the order for that transportation and the medical reason for that transportation. Amends the Emergency Medical Services (EMS) Systems Act; authorizes the Department of Public Health to suspend, for a period not exceeding 30 days, the license of any vehicle service provider, after an opportunity for a hearing, when findings show that the provider has directly or indirectly given, offered, or promised anything of value to a facility licensed under the Nursing Home Care Act or the Hospital Licensing Act for the purpose of influencing the facility to use the provider's services for the transportation of residents or patients of the facility. Amends the Consumer Fraud and Deceptive Business Practices Act. Sets forth statements that must be included in an agreement for emergency or non-emergency transportation of a patient by an ambulance service provider, and requires that such an agreement contain certain other information and be printed in type of a certain size. Requires that the agreement be signed by the patient or the patient's authorized representative and by the ambulance service provider's authorized agent. Requires that the patient or the patient's authorized representative be provided with an executed copy of the agreement. Provides that it is an unlawful practice under the Act for an ambulance service provider to enter into an agreement with a patient, or a person acting on the patient's behalf, that does not comply with these requirements. Provides that if the court finds that an ambulance service provider has violated any of the requirements concerning an agreement with a patient, the court may order that the ambulance service provider pay to the patient an amount equal to 3 times the maximum amount stated in the agreement that will be due from the patient or, if no such maximum amount is stated in the agreement, 3 times the amount claimed due by the ambulance service provider, including any interest, collection costs, and attorney's fees claimed by the provider.

LRB094 13493 DRJ 50420 b

1 AN ACT concerning business.

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

4 Section 5. The Nursing Home Care Act is amended by adding
5 Section 2-217 as follows:

6 (210 ILCS 45/2-217 new)

7 Sec. 2-217. Order for transportation of resident by
8 ambulance. If a facility orders transportation of a resident of
9 the facility by ambulance, the facility must maintain a written
10 record that shows (i) the name of the person who placed the
11 order for that transportation and (ii) the medical reason for
12 that transportation.

13 Section 10. The Emergency Medical Services (EMS) Systems
14 Act is amended by changing Section 3.85 as follows:

15 (210 ILCS 50/3.85)

16 Sec. 3.85. Vehicle Service Providers.

17 (a) "Vehicle Service Provider" means an entity licensed by
18 the Department to provide emergency or non-emergency medical
19 services in compliance with this Act, the rules promulgated by
20 the Department pursuant to this Act, and an operational plan
21 approved by its EMS System(s), utilizing at least ambulances or
22 specialized emergency medical service vehicles (SEMSV).

23 (1) "Ambulance" means any publicly or privately owned
24 on-road vehicle that is specifically designed, constructed
25 or modified and equipped, and is intended to be used for,
26 and is maintained or operated for the emergency
27 transportation of persons who are sick, injured, wounded or
28 otherwise incapacitated or helpless, or the non-emergency
29 medical transportation of persons who require the presence
30 of medical personnel to monitor the individual's condition

1 or medical apparatus being used on such individuals.

2 (2) "Specialized Emergency Medical Services Vehicle"
3 or "SEMSV" means a vehicle or conveyance, other than those
4 owned or operated by the federal government, that is
5 primarily intended for use in transporting the sick or
6 injured by means of air, water, or ground transportation,
7 that is not an ambulance as defined in this Act. The term
8 includes watercraft, aircraft and special purpose ground
9 transport vehicles or conveyances not intended for use on
10 public roads.

11 (3) An ambulance or SEMSV may also be designated as a
12 Limited Operation Vehicle or Special-Use Vehicle:

13 (A) "Limited Operation Vehicle" means a vehicle
14 which is licensed by the Department to provide basic,
15 intermediate or advanced life support emergency or
16 non-emergency medical services that are exclusively
17 limited to specific events or locales.

18 (B) "Special-Use Vehicle" means any publicly or
19 privately owned vehicle that is specifically designed,
20 constructed or modified and equipped, and is intended
21 to be used for, and is maintained or operated solely
22 for the emergency or non-emergency transportation of a
23 specific medical class or category of persons who are
24 sick, injured, wounded or otherwise incapacitated or
25 helpless (e.g. high-risk obstetrical patients,
26 neonatal patients).

27 (b) The Department shall have the authority and
28 responsibility to:

29 (1) Require all Vehicle Service Providers, both
30 publicly and privately owned, to function within an EMS
31 System;

32 (2) Require a Vehicle Service Provider utilizing
33 ambulances to have a primary affiliation with an EMS System
34 within the EMS Region in which its Primary Service Area is
35 located, which is the geographic areas in which the
36 provider renders the majority of its emergency responses.

1 This requirement shall not apply to Vehicle Service
2 Providers which exclusively utilize Limited Operation
3 Vehicles;

4 (3) Establish licensing standards and requirements for
5 Vehicle Service Providers, through rules adopted pursuant
6 to this Act, including but not limited to:

7 (A) Vehicle design, specification, operation and
8 maintenance standards;

9 (B) Equipment requirements;

10 (C) Staffing requirements; and

11 (D) Annual license renewal.

12 (4) License all Vehicle Service Providers that have met
13 the Department's requirements for licensure, unless such
14 Provider is owned or licensed by the federal government.
15 All Provider licenses issued by the Department shall
16 specify the level and type of each vehicle covered by the
17 license (BLS, ILS, ALS, ambulance, SEMSV, limited
18 operation vehicle, special use vehicle);

19 (5) Annually inspect all licensed Vehicle Service
20 Providers, and relicense such Providers that have met the
21 Department's requirements for license renewal;

22 (6) Suspend, revoke, refuse to issue or refuse to renew
23 the license of any Vehicle Service Provider, or that
24 portion of a license pertaining to a specific vehicle
25 operated by the Provider, after an opportunity for a
26 hearing, when findings show that the Provider or one or
27 more of its vehicles has failed to comply with the
28 standards and requirements of this Act or rules adopted by
29 the Department pursuant to this Act;

30 (6.5) Suspend, for a period not exceeding 30 days, the
31 license of any Vehicle Service Provider, after an
32 opportunity for a hearing, when findings show that the
33 Provider has directly or indirectly given, offered, or
34 promised anything of value to a facility licensed under the
35 Nursing Home Care Act or the Hospital Licensing Act for the
36 purpose of influencing the facility to use the Provider's

1 services for the transportation of residents or patients of
2 the facility;

3 (7) Issue an Emergency Suspension Order for any
4 Provider or vehicle licensed under this Act, when the
5 Director or his designee has determined that an immediate
6 and serious danger to the public health, safety and welfare
7 exists. Suspension or revocation proceedings which offer
8 an opportunity for hearing shall be promptly initiated
9 after the Emergency Suspension Order has been issued;

10 (8) Exempt any licensed vehicle from subsequent
11 vehicle design standards or specifications required by the
12 Department, as long as said vehicle is continuously in
13 compliance with the vehicle design standards and
14 specifications originally applicable to that vehicle, or
15 until said vehicle's title of ownership is transferred;

16 (9) Exempt any vehicle (except an SEMSV) which was
17 being used as an ambulance on or before December 15, 1980,
18 from vehicle design standards and specifications required
19 by the Department, until said vehicle's title of ownership
20 is transferred. Such vehicles shall not be exempt from all
21 other licensing standards and requirements prescribed by
22 the Department;

23 (10) Prohibit any Vehicle Service Provider from
24 advertising, identifying its vehicles, or disseminating
25 information in a false or misleading manner concerning the
26 Provider's type and level of vehicles, location, primary
27 service area, response times, level of personnel,
28 licensure status or System participation; and

29 (11) Charge each Vehicle Service Provider a fee, to be
30 submitted with each application for licensure and license
31 renewal, which shall not exceed \$25.00 per vehicle, up to
32 \$500.00 per Provider.

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

34 Section 15. The Hospital Licensing Act is amended by adding
35 Section 6.22 as follows:

1 (210 ILCS 85/6.22 new)

2 Sec. 6.22. Order for transportation of patient by
3 ambulance. If a hospital orders transportation of a patient of
4 the hospital by ambulance, the hospital must maintain a written
5 record that shows (i) the name of the person who placed the
6 order for that transportation and (ii) the medical reason for
7 that transportation.

8 Section 20. The Consumer Fraud and Deceptive Business
9 Practices Act is amended by adding Section 2XX as follows:

10 (815 ILCS 505/2XX new)

11 Sec. 2XX. Ambulance service contracts.

12 (a) In this Section:

13 "Ambulance service provider" means a person who provides
14 emergency or non-emergency transportation services by
15 ambulance.

16 "Patient" means a person who is transported by ambulance
17 pursuant to an agreement with an ambulance service provider.

18 (b) An agreement for payment to an ambulance service
19 provider for the provider's emergency or non-emergency
20 transportation of a patient by ambulance must be in writing and
21 must comply with all of the following requirements:

22 (1) The following caption must appear at the beginning
23 of the agreement, in at least 16-point boldface type:
24 "PATIENT'S RESPONSIBILITY TO PAY FOR AMBULANCE TRANSPORT
25 SERVICE".

26 (2) The agreement's terms must be expressed in clear,
27 simple language and in at least 14-point boldface type.

28 (3) The agreement must contain each of the following
29 statements:

30 (A) "NOTICE: MEDICARE WILL NOT PAY ANY PART OF THE
31 COST OF YOUR TRANSPORT BY AMBULANCE UNLESS CERTIFIED BY
32 YOUR HEALTH CARE PROVIDER AS BEING MEDICALLY
33 NECESSARY."

1 (B) "(Ambulance service provider) will file a
2 claim for payment for the ambulance transport service
3 provided to you by (ambulance service provider). If
4 Medicare or your other insurer rejects your claim,
5 (ambulance service provider) will give you written
6 notice of that nonpayment, and you will have to pay for
7 the ambulance transport service provided. That total
8 amount will not be more than \$(amount)."

9 (C) "The total interest on any unpaid balance may
10 not exceed 7% per year, and collection costs, including
11 attorney's fees, may not exceed \$(amount)."

12 (D) "If you do not understand any part of this
13 agreement, ask (ambulance service provider) to explain
14 the terms of the agreement to you."

15 (E) "If Medicare or your other insurer rejects a
16 claim for payment for ambulance transport service
17 provided to you pursuant to this agreement, you have
18 the right to appeal that rejection directly to Medicare
19 or your other insurer."

20 (F) "(Ambulance service provider) will keep your
21 health information confidential and will not disclose
22 any of that information to anyone else except as
23 necessary to file a claim for payment for the ambulance
24 transport service provided to you."

25 (4) The agreement must be signed by the patient or by
26 the patient's authorized representative and must contain
27 the following statement immediately preceding the
28 patient's or representative's signature: "I WANT TO BE
29 TRANSPORTED BY AMBULANCE AND AGREE TO THE TERMS OF THIS
30 AGREEMENT, INCLUDING THE TERMS FOR PAYMENT FOR AMBULANCE
31 TRANSPORT SERVICE." The agreement must also be signed by
32 the ambulance service provider's authorized agent.

33 (5) The agreement must contain (i) the patient's full
34 home address, including the street name and number, city,
35 state, and ZIP code, and (ii) the patient's Medicare
36 identification number and any other insurance

1 identification number.

2 (6) The agreement must contain the full name and
3 business address (including the street name and number,
4 city, state, and ZIP code) of the ambulance service
5 provider.

6 An executed copy of the agreement must be provided to the
7 patient or the patient's authorized representative.

8 (c) It is an unlawful practice within the meaning of this
9 Act for an ambulance service provider to enter into an
10 agreement with a patient, or a person acting on the patient's
11 behalf, that does not comply with subsection (b).

12 (d) In addition to any other penalty provided in this Act,
13 if the court finds that an ambulance service provider has
14 violated any provision of subsection (b), the court may order
15 that the ambulance service provider pay to the patient an
16 amount equal to 3 times the maximum amount stated in the
17 agreement in compliance with subdivision (b)(3)(B) of this
18 Section or, if no such maximum amount is stated in the
19 agreement, 3 times the amount claimed due by the ambulance
20 service provider, including any interest, collection costs,
21 and attorney's fees claimed by the provider.