



Sen. Susan Garrett

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LRB094 13493 DRJ 56154 a

1 AMENDMENT TO SENATE BILL 2170

2 AMENDMENT NO. _____. Amend Senate Bill 2170 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by adding
5 Sections 2-217 and 2-218 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. The facility must maintain the record for
13 a period of at least 3 years after the date of the order for
14 transportation by ambulance.

15 (210 ILCS 45/2-218 new)

16 Sec. 2-218. Inducement to vehicle service provider;
17 penalty.

18 (a) If the Department determines, after an opportunity for
19 a hearing in accordance with rules adopted by the Department,
20 that (i) a facility knowingly or willingly offered or provided,
21 solicited, or received any remuneration (including any
22 kickback, bribe, rebate, or discount) directly or indirectly,
23 overtly or covertly, in cash or in kind, to any Vehicle Service

1 Provider licensed under the Emergency Medical Services (EMS)
2 Systems Act for the purpose of providing referrals for
3 transportation by the Vehicle Service Provider or (ii) an
4 employee or contractual agent of a facility knowingly or
5 willingly falsified any documentation of medical necessity for
6 non-emergency ambulance transportation, the Department may
7 impose against the facility, or against the employer of the
8 facility's contractual agent in the case of an individual who
9 became the facility's contractual agent by virtue of his or her
10 employment by that employer, a civil penalty in an amount not
11 exceeding \$10,000.

12 (b) If the Department makes a determination described in
13 subsection (a), the Department shall refer that determination
14 to the United States Department of Health and Human Services
15 Office of Inspector General.

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

18 (210 ILCS 50/3.85)

19 Sec. 3.85. Vehicle Service Providers.

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

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

1 of medical personnel to monitor the individual's condition
2 or medical apparatus being used on such individuals.

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

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

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

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

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

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

33 (2) Require a Vehicle Service Provider utilizing
34 ambulances to have a primary affiliation with an EMS System

1 within the EMS Region in which its Primary Service Area is
2 located, which is the geographic areas in which the
3 provider renders the majority of its emergency responses.
4 This requirement shall not apply to Vehicle Service
5 Providers which exclusively utilize Limited Operation
6 Vehicles;

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

10 (A) Vehicle design, specification, operation and
11 maintenance standards;

12 (B) Equipment requirements;

13 (C) Staffing requirements; and

14 (D) Annual license renewal.

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

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

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

33 (6.5) Impose against a Vehicle Service Provider a civil
34 penalty in an amount not exceeding \$10,000, if the

1 Department determines, after an opportunity for a hearing
2 in accordance with rules adopted by the Department, that
3 the Vehicle Service Provider knowingly or willingly
4 offered or provided, solicited, or received any
5 remuneration (including any kickback, bribe, rebate, or
6 discount) directly or indirectly, overtly or covertly, in
7 cash or in kind, to any long-term care facility licensed
8 under the Nursing Home Care Act or any hospital licensed
9 under the Hospital Licensing Act for the purpose of
10 influencing the long-term care facility or hospital to
11 provide referrals to the Vehicle Service Provider for the
12 transportation of residents of the long-term care facility
13 or patients of the hospital; the Department shall refer any
14 such determination to the United States Department of
15 Health and Human Services Office of Inspector General;

16 (7) Issue an Emergency Suspension Order for any
17 Provider or vehicle licensed under this Act, when the
18 Director or his designee has determined that an immediate
19 and serious danger to the public health, safety and welfare
20 exists. Suspension or revocation proceedings which offer
21 an opportunity for hearing shall be promptly initiated
22 after the Emergency Suspension Order has been issued;

23 (8) Exempt any licensed vehicle from subsequent
24 vehicle design standards or specifications required by the
25 Department, as long as said vehicle is continuously in
26 compliance with the vehicle design standards and
27 specifications originally applicable to that vehicle, or
28 until said vehicle's title of ownership is transferred;

29 (9) Exempt any vehicle (except an SEMSV) which was
30 being used as an ambulance on or before December 15, 1980,
31 from vehicle design standards and specifications required
32 by the Department, until said vehicle's title of ownership
33 is transferred. Such vehicles shall not be exempt from all
34 other licensing standards and requirements prescribed by

1 the Department;

2 (10) Prohibit any Vehicle Service Provider from
3 advertising, identifying its vehicles, or disseminating
4 information in a false or misleading manner concerning the
5 Provider's type and level of vehicles, location, primary
6 service area, response times, level of personnel,
7 licensure status or System participation; and

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

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

13 Section 15. The Hospital Licensing Act is amended by adding
14 Sections 6.22 and 6.23 as follows:

15 (210 ILCS 85/6.22 new)

16 Sec. 6.22. Order for transportation of patient by
17 ambulance. If a hospital orders transportation of a patient of
18 the hospital by ambulance, the hospital must maintain a written
19 record that shows (i) the name of the person who placed the
20 order for that transportation and (ii) the medical reason for
21 that transportation. The hospital must maintain the record for
22 a period of at least 3 years after the date of the order for
23 transportation by ambulance.

24 (210 ILCS 85/6.23 new)

25 Sec. 6.23. Inducement to vehicle service provider;
26 penalty.

27 (a) If the Department determines, after an opportunity for
28 a hearing in accordance with rules adopted by the Department,
29 that (i) a hospital knowingly or willingly offered or provided,
30 solicited, or received any remuneration (including any
31 kickback, bribe, rebate, or discount) directly or indirectly,

1 overtly or covertly, in cash or in kind, to any Vehicle Service
2 Provider licensed under the Emergency Medical Services (EMS)
3 Systems Act for the purpose of providing referrals for
4 transportation by the Vehicle Service Provider or (ii) an
5 employee or contractual agent of a hospital knowingly or
6 willingly falsified any documentation of medical necessity for
7 non-emergency ambulance transportation, the Department may
8 impose against the hospital, or against the employer of the
9 hospital's contractual agent in the case of an individual who
10 became the hospital's contractual agent by virtue of his or her
11 employment by that employer, a civil penalty in an amount not
12 exceeding \$10,000.

13 (b) If the Department makes a determination described in
14 subsection (a), the Department shall refer that determination
15 to the United States Department of Health and Human Services
16 Office of Inspector General.

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

19 (815 ILCS 505/2XX new)

20 Sec. 2XX. Notification requirements for non-emergency
21 ambulance services.

22 (a) In this Section:

23 "Ambulance service provider" means a Vehicle Service
24 Provider, as defined in the Emergency Medical Services (EMS)
25 Systems Act, who provides non-emergency transportation
26 services by ambulance.

27 "Patient" means a person who is transported by an ambulance
28 service provider.

29 (b) An ambulance service provider shall provide a written
30 notice, and a verbal explanation of the written notice, prior
31 to non-emergency ambulance transports that originate at a
32 hospital or other health care facility when no written

1 documentation of medical necessity is available at the time of
2 transport. This notice must meet all of the following
3 requirements:

4 (1) The following caption must appear at the beginning
5 of the notice, in at least 14-point type: Notice to Patient
6 Regarding Non-Emergency Ambulance Services.

7 (2) The remainder of the notice must be expressed in
8 clear, simple language and in at least 14-point type.

9 (3) The notice must contain each of the following
10 statements:

11 (A) Notice: Medicare and other insurers may not pay
12 for any part of the cost of your transport by ambulance
13 unless certified by your physician or healthcare
14 provider as allowed under federal rules as being
15 medically necessary.

16 (B) The purpose of this notice is to help you make
17 an informed choice about whether or not you want to be
18 transported by ambulance, knowing that you might have
19 to pay for this transport yourself. Before you make any
20 decision about your options, you should:

21 (i) Read this entire notice carefully.

22 (ii) Ask a representative of the physician or
23 facility ordering transport to explain, if you do
24 not understand or are not sure, the guidelines
25 regarding medical necessity for transport by
26 ambulance and to tell you whether or not you meet
27 these guidelines.

28 (iii) Ask us how much being transported by
29 ambulance will cost you, in case you have to pay
30 for transport by ambulance out of your own pocket
31 or through other insurance. The estimated cost
32 will be \$(amount).

33 (C) Please choose one option by checking one box
34 and signing and dating your selection below:

1 (i) Option 1. Yes. I want to be transported by
2 ambulance. I understand that Medicare and many
3 other insurers may not pay for any part of the cost
4 of my ambulance transport unless certified by my
5 physician or healthcare provider as allowed under
6 federal rules as being medically necessary. I
7 understand that you will file a claim on my behalf
8 to Medicare or my other insurer. I understand that
9 you may bill me for items or services and that I
10 may have to pay the bill while Medicare or my other
11 insurer is making its decision. If Medicare or my
12 other insurer does pay on my behalf, I understand
13 that you will refund to me any payments that I made
14 to you that are due to me. If Medicare or my other
15 insurer denies payment, I agree to be personally
16 and fully responsible for payment. I understand
17 that I can appeal the decision made by Medicare or
18 my other insurer.

19 (ii) Option 2. No. I have decided not to be
20 transported by ambulance.

21 (4) The notice must be signed by the patient or by the
22 patient's authorized representative.

23 (5) The notice must contain the patient's full name and
24 the date of service.

25 (6) The notice must contain the full name and business
26 address (including the street name and number, city, state,
27 and zip code) of the ambulance service provider.

28 (c) If a patient is physically or mentally unable to sign
29 the notice described in subsection (b) at the time of transport
30 by ambulance and no authorized representative of the patient is
31 available to sign the notice on the patient's behalf, the
32 ambulance service provider must be able to provide
33 documentation of the patient's inability to sign the notice and
34 the unavailability of an authorized representative. In any case

1 described in this subsection (c), the ambulance service
2 provider shall be considered to have met the requirements of
3 subsection (b).

4 (d) If an ambulance service provider has obtained
5 documentation of medical necessity prior to transport and the
6 patient's Medicare or other insurer denies the claim for
7 transport by ambulance despite this fact, the ambulance service
8 provider is considered to have met the requirements of
9 subsection (b).

10 (e) In addition to any other penalty provided in this Act,
11 if the court finds that an ambulance service provider has
12 violated any provision of subsection (b), the court may order
13 that the ambulance service provider pay to the patient an
14 amount equal to 3 times the amount claimed due by the ambulance
15 provider, including any interest, collection costs, and
16 attorney's fees claimed by the ambulance service provider, and
17 any attorney's fees incurred by the patient."