

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 Act
5 is amended by changing Section 32.5 as follows:

6 (210 ILCS 50/32.5)

7 Sec. 32.5. Freestanding Emergency Center.

8 (a) Until June 30, 2009, the ~~The~~ Department shall issue an
9 annual Freestanding Emergency Center (FEC) license to any
10 facility that:

11 (1) is located: (A) ~~(i)(A)~~ in a municipality with a
12 population of 75,000 or fewer inhabitants; (B) within 20 ~~15~~
13 miles of the hospital that owns or controls the FEC; and
14 (C) within 20 ~~10~~ miles of the Resource Hospital affiliated
15 with the FEC as part of the EMS System; ~~or (ii) (A) in a~~
16 ~~municipality that has a hospital that has been providing~~
17 ~~emergency services but is expected to close by the end of~~
18 ~~1997 and (B) in a county with a population of more than~~
19 ~~350,000 but less than 525,000 inhabitants;~~

20 (2) is wholly owned or controlled by an Associate or
21 Resource Hospital, but is not a part of the hospital's
22 physical plant;

23 (3) meets the standards for licensed FECs, adopted by

1 rule of the Department, including, but not limited to:

2 (A) facility design, specification, operation, and
3 maintenance standards;

4 (B) equipment standards; and

5 (C) the number and qualifications of emergency
6 medical personnel and other staff, which must include
7 at least one board certified emergency physician
8 present at the FEC 24 hours per day.

9 (4) limits its participation in the EMS System strictly
10 to receiving a limited number of BLS runs by emergency
11 medical vehicles according to protocols developed by the
12 Resource Hospital within the FEC's designated EMS System
13 and approved by the Project Medical Director and the
14 Department;

15 (5) provides comprehensive emergency treatment
16 services, as defined in the rules adopted by the Department
17 pursuant to the Hospital Licensing Act, 24 hours per day,
18 on an outpatient basis;

19 (6) provides an ambulance and maintains on site
20 ambulance services staffed with paramedics 24 hours per
21 day;

22 (7) maintains helicopter landing capabilities approved
23 by appropriate State and federal authorities;

24 (8) complies with all State and federal patient rights
25 provisions, including, but not limited to, the Emergency
26 Medical Treatment Act and the federal Emergency Medical

1 Treatment and Active Labor Act;

2 (9) maintains a communications system that is fully
3 integrated with its Resource Hospital within the FEC's
4 designated EMS System;

5 (10) reports to the Department any patient transfers
6 from the FEC to a hospital within 48 hours of the transfer
7 plus any other data determined to be relevant by the
8 Department;

9 (11) submits to the Department, on a quarterly basis,
10 the FEC's morbidity and mortality rates for patients
11 treated at the FEC and other data determined to be relevant
12 by the Department;

13 (12) does not describe itself or hold itself out to the
14 general public as a full service hospital or hospital
15 emergency department in its advertising or marketing
16 activities;

17 (13) complies with any other rules adopted by the
18 Department under this Act that relate to FECs;

19 (14) passes the Department's site inspection for
20 compliance with the FEC requirements of this Act;

21 (15) (blank); ~~submits a copy of a certificate of need~~
22 ~~or other permit issued by the Illinois Health Facilities~~
23 ~~Planning Board indicating that the facility that will house~~
24 ~~the proposed FEC complies with State health planning laws;~~
25 ~~provided, however, that the Illinois Health Facilities~~
26 ~~Planning Board shall waive this certificate of need or~~

1 ~~permit requirement for any proposed FEC that, as of the~~
2 ~~effective date of this amendatory Act of 1996, meets the~~
3 ~~criteria for providing comprehensive emergency treatment~~
4 ~~services, as defined by the rules promulgated under the~~
5 ~~Hospital Licensing Act, but is not a licensed hospital;~~

6 (16) submits an application for designation as an FEC
7 in a manner and form prescribed by the Department by rule;
8 and

9 (17) pays the annual license fee as determined by the
10 Department by rule. ~~and~~

11 ~~(18) participated in the demonstration program.~~

12 (a-5) Notwithstanding any other law or rule to the
13 contrary, an application prescribed by the Illinois Health
14 Facilities Planning Board shall be filed with the Board in
15 order that the Board may determine whether an applicant has met
16 all the criteria listed in subsection (a) of this Section 32.5.
17 The application shall be declared complete within 10 days after
18 receipt. The application shall be scheduled for hearing for
19 approval within 45 days after being declared complete. If
20 approval is given, a Certificate of Approval shall be issued
21 and a copy forwarded to the licensure division of the
22 Department of Public Health within 7 business days.

23 (b) The Department shall:

24 (1) annually inspect facilities of initial FEC
25 applicants and licensed FECs, and issue annual licenses to
26 or annually relicense FECs that satisfy the Department's

1 licensure requirements as set forth in subsection (a);

2 (2) suspend, revoke, refuse to issue, or refuse to
3 renew the license of any FEC, after notice and an
4 opportunity for a hearing, when the Department finds that
5 the FEC has failed to comply with the standards and
6 requirements of the Act or rules adopted by the Department
7 under the Act;

8 (3) issue an Emergency Suspension Order for any FEC
9 when the Director or his or her designee has determined
10 that the continued operation of the FEC poses an immediate
11 and serious danger to the public health, safety, and
12 welfare. An opportunity for a hearing shall be promptly
13 initiated after an Emergency Suspension Order has been
14 issued; and

15 (4) adopt rules as needed to implement this Section.

16 (Source: P.A. 93-372, eff. 1-1-04.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.