



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1327

Introduced 2/18/2009, by Rep. Darlene J. Senger

SYNOPSIS AS INTRODUCED:

210 ILCS 50/32.5

Amends the Emergency Medical Services (EMS) Systems Act. Provides that the Department of Public Health shall issue an annual Freestanding Emergency Center (FEC) license to any facility that has received a permit from the Illinois Health Facilities Planning Board by June 30, 2009 to establish a Freestanding Emergency Center and meets certain other requirements (instead of providing that until June 30, 2009, the Department shall issue an annual license to a facility that meets those other requirements). Effective immediately.

LRB096 09977 DRJ 20141 b

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) ~~The~~ ~~Until June 30, 2009, the~~ Department shall issue an
9 annual Freestanding Emergency Center (FEC) license to any
10 facility that has received a permit from the Illinois Health
11 Facilities Planning Board by June 30, 2009 to establish a
12 Freestanding Emergency Center and:

13 (1) is located: (A) in a municipality with a population
14 of 75,000 or fewer inhabitants; (B) within 20 miles of the
15 hospital that owns or controls the FEC; and (C) within 20
16 miles of the Resource Hospital affiliated with the FEC as
17 part of the EMS System;

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

21 (3) meets the standards for licensed FECs, adopted by
22 rule of the Department, including, but not limited to:

23 (A) facility design, specification, operation, and

1 maintenance standards;

2 (B) equipment standards; and

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

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

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

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

20 (7) maintains helicopter landing capabilities approved
21 by appropriate State and federal authorities;

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

26 (9) maintains a communications system that is fully

1 integrated with its Resource Hospital within the FEC's
2 designated EMS System;

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

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

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

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

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

19 (15) submits a copy of the permit issued by the
20 Illinois Health Facilities Planning Board indicating that
21 the facility has complied with the Illinois Health
22 Facilities Planning Act with respect to the health services
23 to be provided at the facility;

24 (16) submits an application for designation as an FEC
25 in a manner and form prescribed by the Department by rule;
26 and

1 (17) pays the annual license fee as determined by the
2 Department by rule.

3 (b) The Department shall:

4 (1) annually inspect facilities of initial FEC
5 applicants and licensed FECs, and issue annual licenses to
6 or annually relicense FECs that satisfy the Department's
7 licensure requirements as set forth in subsection (a);

8 (2) suspend, revoke, refuse to issue, or refuse to
9 renew the license of any FEC, after notice and an
10 opportunity for a hearing, when the Department finds that
11 the FEC has failed to comply with the standards and
12 requirements of the Act or rules adopted by the Department
13 under the Act;

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

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

22 (Source: P.A. 95-584, eff. 8-31-07.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.