



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5142

Introduced 2/8/2012, by Rep. Lisa M. Dugan

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 Health Facilities and Services Review Board to establish an FEC if the application for the permit has been deemed complete by the Department by January 1, 2014 (instead of by March 1, 2009) and the facility is located (i) in a municipality with a population of 50,000 (instead of 75,000) or less, (ii) within 50 (instead of 20) miles of the hospital that owns or controls the FEC, and (iii) within 50 (instead of 20) miles of the Resource Hospital affiliated with the FEC as part of the EMS System. Effective immediately.

LRB097 16739 DRJ 61914 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Department shall issue an annual Freestanding
9 Emergency Center (FEC) license to any facility that has
10 received a permit from the Health Facilities and Services
11 Review Board to establish a Freestanding Emergency Center if
12 the application for the permit has been deemed complete by the
13 Department of Public Health by January 1, 2014 ~~March 1, 2009,~~
14 and:

15 (1) is located: (A) in a municipality with a population
16 of 50,000 ~~75,000~~ or fewer inhabitants; (B) within 50 ~~20~~
17 miles of the hospital that owns or controls the FEC; and
18 (C) within 50 ~~20~~ miles of the Resource Hospital affiliated
19 with the FEC as part of the EMS System;

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) (blank);

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

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

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

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

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

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

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

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

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

1 and

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

4 (a-5) Notwithstanding any other provision of this Section,
5 the Department may issue an annual FEC license to a facility
6 that is located in a county that does not have a licensed
7 general acute care hospital if the facility's application for a
8 permit from the Illinois Health Facilities Planning Board has
9 been deemed complete by the Department of Public Health by
10 January 1, 2014 ~~March 1, 2009~~ and if the facility complies with
11 the requirements set forth in paragraphs (1) through (17) of
12 subsection (a).

13 (a-10) Notwithstanding any other provision of this
14 Section, the Department may issue an annual FEC license to a
15 facility if the facility has, by January 1, 2014, ~~March 31,~~
16 ~~2009~~, filed a letter of intent to establish an FEC and if the
17 facility complies with the requirements set forth in paragraphs
18 (1) through (17) of subsection (a).

19 (b) The Department shall:

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

24 (2) suspend, revoke, refuse to issue, or refuse to
25 renew the license of any FEC, after notice and an
26 opportunity for a hearing, when the Department finds that

1 the FEC has failed to comply with the standards and
2 requirements of the Act or rules adopted by the Department
3 under the Act;

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

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

12 (Source: P.A. 96-23, eff. 6-30-09; 96-31, eff. 6-30-09; 96-883,
13 eff. 3-1-10; 96-1000, eff. 7-2-10; 97-333, eff. 8-12-11.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.