



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3414

Introduced 2/14/2014, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

See Index

Amends the Emergency Medical Services (EMS) Systems Act. Changes the terms "Emergency Medical Technician-Paramedic (EMT-P)" to "Paramedic", "Emergency Medical Technician-Basic (EMT-B)" to "EMT", and "Pre-hospital RN" to "Pre-Hospital Registered Nurse". Adds a new category of license for Advanced Emergency Medical Technicians (AEMT). Provides for the licensure (instead of certification) of Pre-Hospital Registered Nurses and Emergency Communications Registered Nurses. Repeals a provision that defined the term "First Responder" and provided for the licensure of First Responders. Creates a category of license for Emergency Medical Responders. Provides educational requirements for Emergency Medical Responders. Provides that the definitions of basic life support services, intermediate life support services, and advanced life support services shall include the services outlined in the National EMS Education Standards (instead of in the national curriculum of the United States Department of Transportation). Authorizes the Department to suspend, revoke, or refuse to issue or renew the license of an Emergency Medical Dispatcher, Lead Instructor, Pre-Hospital Registered Nurse, or Emergency Communications Registered Nurse. Adds the category of AEMT to provisions concerning EMTs in the Firemen's Disciplinary Act, the Volunteer Emergency Worker Job Protection Act, the Illinois Municipal Code, the Fire Protection District Act, the AIDS Confidentiality Act, the Good Samaritan Act, the Workers' Compensation Act, and the Workers' Occupational Diseases Act. Makes corresponding changes in the Boxing and Full-contact Martial Arts Act, the Abandoned Newborn Infant Protection Act, the Coal Mine Medical Emergencies Act, the Burn Injury Reporting Act, the Illinois Vehicle Code, and the Good Samaritan Act. Makes other changes. Effective immediately.

LRB098 16189 RPS 55673 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 Firemen's Disciplinary Act is amended by
5 changing Section 2 as follows:

6 (50 ILCS 745/2) (from Ch. 85, par. 2502)

7 Sec. 2. Definitions. For the purposes of this Act, unless
8 clearly required otherwise, the terms defined in this Section
9 have the meaning ascribed herein:

10 (a) "Fireman" means a person who is a "firefighter" or
11 "fireman" as defined in Sections 4-106 or 6-106 of the Illinois
12 Pension Code, a paramedic employed by a unit of local
13 government, or an EMT, emergency medical
14 technician-intermediate (EMT-I), or advanced emergency medical
15 technician (AEMT) employed by a unit of local government, and
16 includes a person who is an "employee" as defined in Section
17 15-107 of the Illinois Pension Code and whose primary duties
18 relate to firefighting.

19 (b) "Informal inquiry" means a meeting by supervisory or
20 command personnel with a fireman upon whom an allegation of
21 misconduct has come to the attention of such supervisory or
22 command personnel, the purpose of which meeting is to mediate a
23 citizen complaint or discuss the facts to determine whether a

1 formal investigation should be commenced.

2 (c) "Formal investigation" means the process of
3 investigation ordered by a commanding officer during which the
4 questioning of a fireman is intended to gather evidence of
5 misconduct which may be the basis for filing charges seeking
6 his or her removal, discharge, or suspension from duty in
7 excess of 24 duty hours.

8 (d) "Interrogation" means the questioning of a fireman
9 pursuant to an investigation initiated by the respective State
10 or local governmental unit in connection with an alleged
11 violation of such unit's rules which may be the basis for
12 filing charges seeking his or her suspension, removal, or
13 discharge. The term does not include questioning as part of an
14 informal inquiry as to allegations of misconduct relating to
15 minor infractions of agency rules which may be noted on the
16 fireman's record but which may not in themselves result in
17 removal, discharge, or suspension from duty in excess of 24
18 duty hours.

19 (e) "Administrative proceeding" means any non-judicial
20 hearing which is authorized to recommend, approve or order the
21 suspension, removal, or discharge of a fireman.

22 (Source: P.A. 96-922, eff. 6-10-10.)

23 Section 10. The Volunteer Emergency Worker Job Protection
24 Act is amended by changing Section 3 as follows:

1 (50 ILCS 748/3)

2 Sec. 3. Definitions. As used in this Act:

3 "Volunteer emergency worker" means a firefighter who does
4 not receive monetary compensation for his or her services to a
5 fire department or fire protection district and who does not
6 work for any other fire department or fire protection district
7 for monetary compensation. "Volunteer emergency worker" also
8 means a person who does not receive monetary compensation for
9 his or her services as a volunteer Emergency Medical Technician
10 (licensed as an EMT ~~EMT-B~~, EMT-I, AEMT, or Paramedic ~~EMT-P~~
11 under the Emergency Medical Services (EMS) Systems Act), a
12 volunteer ambulance driver or attendant, or a volunteer
13 "Emergency Medical First ~~First~~ Responder", as defined in Sec. 3.50
14 ~~3.60~~ of the Emergency Medical Services (EMT) Systems Act, to a
15 fire department, fire protection district, or other
16 governmental entity and who does not work in one of these
17 capacities for any other fire department, fire protection
18 district, or governmental entity for monetary compensation.
19 "Volunteer emergency worker" also means a person who is a
20 volunteer member of a county or municipal emergency services
21 and disaster agency pursuant to the Illinois Emergency
22 Management Agency Act, an auxiliary policeman appointed
23 pursuant to the Municipal Code, or an auxiliary deputy
24 appointed by a county sheriff pursuant to the Counties Code.

25 "Monetary compensation" does not include a monetary
26 incentive awarded to a firefighter by the board of trustees of

1 a fire protection district under Section 6 of the Fire
2 Protection District Act.

3 (Source: P.A. 94-599, eff. 1-1-06; 95-332, eff. 8-21-07.)

4 Section 15. The Illinois Municipal Code is amended by
5 changing Sections 10-1-7, 10-1-7.1, 10-2.1-4, 10-2.1-6.3,
6 10-2.1-14, and 10-2.1-31 as follows:

7 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

8 Sec. 10-1-7. Examination of applicants; disqualifications.

9 (a) All applicants for offices or places in the classified
10 service, except those mentioned in Section 10-1-17, are subject
11 to examination. The examination shall be public, competitive,
12 and open to all citizens of the United States, with specified
13 limitations as to residence, age, health, habits and moral
14 character.

15 (b) Residency requirements in effect at the time an
16 individual enters the fire or police service of a municipality
17 (other than a municipality that has more than 1,000,000
18 inhabitants) cannot be made more restrictive for that
19 individual during his or her period of service for that
20 municipality, or be made a condition of promotion, except for
21 the rank or position of Fire or Police Chief.

22 (c) No person with a record of misdemeanor convictions
23 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
24 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,

1 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,
2 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a) (1) and
3 (a) (2) (C) of Section 11-14.3, and subsections (1), (6) and (8)
4 of Section 24-1 of the Criminal Code of 1961 or the Criminal
5 Code of 2012 or arrested for any cause but not convicted on
6 that cause shall be disqualified from taking the examination on
7 grounds of habits or moral character, unless the person is
8 attempting to qualify for a position on the police department,
9 in which case the conviction or arrest may be considered as a
10 factor in determining the person's habits or moral character.

11 (d) Persons entitled to military preference under Section
12 10-1-16 shall not be subject to limitations specifying age
13 unless they are applicants for a position as a fireman or a
14 policeman having no previous employment status as a fireman or
15 policeman in the regularly constituted fire or police
16 department of the municipality, in which case they must not
17 have attained their 35th birthday, except any person who has
18 served as an auxiliary police officer under Section 3.1-30-20
19 for at least 5 years and is under 40 years of age.

20 (e) All employees of a municipality of less than 500,000
21 population (except those who would be excluded from the
22 classified service as provided in this Division 1) who are
23 holding that employment as of the date a municipality adopts
24 this Division 1, or as of July 17, 1959, whichever date is the
25 later, and who have held that employment for at least 2 years
26 immediately before that later date, and all firemen and

1 policemen regardless of length of service who were either
2 appointed to their respective positions by the board of fire
3 and police commissioners under the provisions of Division 2 of
4 this Article or who are serving in a position (except as a
5 temporary employee) in the fire or police department in the
6 municipality on the date a municipality adopts this Division 1,
7 or as of July 17, 1959, whichever date is the later, shall
8 become members of the classified civil service of the
9 municipality without examination.

10 (f) The examinations shall be practical in their character,
11 and shall relate to those matters that will fairly test the
12 relative capacity of the persons examined to discharge the
13 duties of the positions to which they seek to be appointed. The
14 examinations shall include tests of physical qualifications,
15 health, and (when appropriate) manual skill. If an applicant is
16 unable to pass the physical examination solely as the result of
17 an injury received by the applicant as the result of the
18 performance of an act of duty while working as a temporary
19 employee in the position for which he or she is being examined,
20 however, the physical examination shall be waived and the
21 applicant shall be considered to have passed the examination.
22 No questions in any examination shall relate to political or
23 religious opinions or affiliations. Results of examinations
24 and the eligible registers prepared from the results shall be
25 published by the commission within 60 days after any
26 examinations are held.

1 (g) The commission shall control all examinations, and may,
2 whenever an examination is to take place, designate a suitable
3 number of persons, either in or not in the official service of
4 the municipality, to be examiners. The examiners shall conduct
5 the examinations as directed by the commission and shall make a
6 return or report of the examinations to the commission. If the
7 appointed examiners are in the official service of the
8 municipality, the examiners shall not receive extra
9 compensation for conducting the examinations unless the
10 examiners are subject to a collective bargaining agreement with
11 the municipality. The commission may at any time substitute any
12 other person, whether or not in the service of the
13 municipality, in the place of any one selected as an examiner.
14 The commission members may themselves at any time act as
15 examiners without appointing examiners. The examiners at any
16 examination shall not all be members of the same political
17 party.

18 (h) In municipalities of 500,000 or more population, no
19 person who has attained his or her 35th birthday shall be
20 eligible to take an examination for a position as a fireman or
21 a policeman unless the person has had previous employment
22 status as a policeman or fireman in the regularly constituted
23 police or fire department of the municipality, except as
24 provided in this Section.

25 (i) In municipalities of more than 5,000 but not more than
26 200,000 inhabitants, no person who has attained his or her 35th

1 birthday shall be eligible to take an examination for a
2 position as a fireman or a policeman unless the person has had
3 previous employment status as a policeman or fireman in the
4 regularly constituted police or fire department of the
5 municipality, except as provided in this Section.

6 (j) In all municipalities, applicants who are 20 years of
7 age and who have successfully completed 2 years of law
8 enforcement studies at an accredited college or university may
9 be considered for appointment to active duty with the police
10 department. An applicant described in this subsection (j) who
11 is appointed to active duty shall not have power of arrest, nor
12 shall the applicant be permitted to carry firearms, until he or
13 she reaches 21 years of age.

14 (k) In municipalities of more than 500,000 population,
15 applications for examination for and appointment to positions
16 as firefighters or police shall be made available at various
17 branches of the public library of the municipality.

18 (l) No municipality having a population less than 1,000,000
19 shall require that any fireman appointed to the lowest rank
20 serve a probationary employment period of longer than one year.
21 The limitation on periods of probationary employment provided
22 in this amendatory Act of 1989 is an exclusive power and
23 function of the State. Pursuant to subsection (h) of Section 6
24 of Article VII of the Illinois Constitution, a home rule
25 municipality having a population less than 1,000,000 must
26 comply with this limitation on periods of probationary

1 employment, which is a denial and limitation of home rule
2 powers. Notwithstanding anything to the contrary in this
3 Section, the probationary employment period limitation may be
4 extended for a firefighter who is required, as a condition of
5 employment, to be a licensed ~~certified~~ paramedic, during which
6 time the sole reason that a firefighter may be discharged
7 without a hearing is for failing to meet the requirements for
8 paramedic licensure ~~certification~~.

9 (m) To the extent that this Section or any other Section in
10 this Division conflicts with Section 10-1-7.1 or 10-1-7.2, then
11 Section 10-1-7.1 or 10-1-7.2 shall control.

12 (Source: P.A. 96-1551, eff. 7-1-11; 97-251, eff. 8-4-11;
13 97-898, eff. 8-6-12; 97-1109, eff. 1-1-13; 97-1150, eff.
14 1-25-13.)

15 (65 ILCS 5/10-1-7.1)

16 Sec. 10-1-7.1. Original appointments; full-time fire
17 department.

18 (a) Applicability. Unless a commission elects to follow the
19 provisions of Section 10-1-7.2, this Section shall apply to all
20 original appointments to an affected full-time fire
21 department. Existing registers of eligibles shall continue to
22 be valid until their expiration dates, or up to a maximum of 2
23 years after the effective date of this amendatory Act of the
24 97th General Assembly.

25 Notwithstanding any statute, ordinance, rule, or other law

1 to the contrary, all original appointments to an affected
2 department to which this Section applies shall be administered
3 in the manner provided for in this Section. Provisions of the
4 Illinois Municipal Code, municipal ordinances, and rules
5 adopted pursuant to such authority and other laws relating to
6 initial hiring of firefighters in affected departments shall
7 continue to apply to the extent they are compatible with this
8 Section, but in the event of a conflict between this Section
9 and any other law, this Section shall control.

10 A home rule or non-home rule municipality may not
11 administer its fire department process for original
12 appointments in a manner that is less stringent than this
13 Section. This Section is a limitation under subsection (i) of
14 Section 6 of Article VII of the Illinois Constitution on the
15 concurrent exercise by home rule units of the powers and
16 functions exercised by the State.

17 A municipality that is operating under a court order or
18 consent decree regarding original appointments to a full-time
19 fire department before the effective date of this amendatory
20 Act of the 97th General Assembly is exempt from the
21 requirements of this Section for the duration of the court
22 order or consent decree.

23 Notwithstanding any other provision of this subsection
24 (a), this Section does not apply to a municipality with more
25 than 1,000,000 inhabitants.

26 (b) Original appointments. All original appointments made

1 to an affected fire department shall be made from a register of
2 eligibles established in accordance with the processes
3 established by this Section. Only persons who meet or exceed
4 the performance standards required by this Section shall be
5 placed on a register of eligibles for original appointment to
6 an affected fire department.

7 Whenever an appointing authority authorizes action to hire
8 a person to perform the duties of a firefighter or to hire a
9 firefighter-paramedic to fill a position that is a new position
10 or vacancy due to resignation, discharge, promotion, death, the
11 granting of a disability or retirement pension, or any other
12 cause, the appointing authority shall appoint to that position
13 the person with the highest ranking on the final eligibility
14 list. If the appointing authority has reason to conclude that
15 the highest ranked person fails to meet the minimum standards
16 for the position or if the appointing authority believes an
17 alternate candidate would better serve the needs of the
18 department, then the appointing authority has the right to pass
19 over the highest ranked person and appoint either: (i) any
20 person who has a ranking in the top 5% of the register of
21 eligibles or (ii) any person who is among the top 5 highest
22 ranked persons on the list of eligibles if the number of people
23 who have a ranking in the top 5% of the register of eligibles
24 is less than 5 people.

25 Any candidate may pass on an appointment once without
26 losing his or her position on the register of eligibles. Any

1 candidate who passes a second time may be removed from the list
2 by the appointing authority provided that such action shall not
3 prejudice a person's opportunities to participate in future
4 examinations, including an examination held during the time a
5 candidate is already on the municipality's register of
6 eligibles.

7 The sole authority to issue certificates of appointment
8 shall be vested in the Civil Service Commission. All
9 certificates of appointment issued to any officer or member of
10 an affected department shall be signed by the chairperson and
11 secretary, respectively, of the commission upon appointment of
12 such officer or member to the affected department by the
13 commission. Each person who accepts a certificate of
14 appointment and successfully completes his or her probationary
15 period shall be enrolled as a firefighter and as a regular
16 member of the fire department.

17 For the purposes of this Section, "firefighter" means any
18 person who has been prior to, on, or after the effective date
19 of this amendatory Act of the 97th General Assembly appointed
20 to a fire department or fire protection district or employed by
21 a State university and sworn or commissioned to perform
22 firefighter duties or paramedic duties, or both, except that
23 the following persons are not included: part-time
24 firefighters; auxiliary, reserve, or voluntary firefighters,
25 including paid-on-call firefighters; clerks and dispatchers or
26 other civilian employees of a fire department or fire

1 protection district who are not routinely expected to perform
2 firefighter duties; and elected officials.

3 (c) Qualification for placement on register of eligibles.

4 The purpose of establishing a register of eligibles is to
5 identify applicants who possess and demonstrate the mental
6 aptitude and physical ability to perform the duties required of
7 members of the fire department in order to provide the highest
8 quality of service to the public. To this end, all applicants
9 for original appointment to an affected fire department shall
10 be subject to examination and testing which shall be public,
11 competitive, and open to all applicants unless the municipality
12 shall by ordinance limit applicants to residents of the
13 municipality, county or counties in which the municipality is
14 located, State, or nation. Municipalities may establish
15 educational, emergency medical service licensure, and other
16 pre-requisites for participation in an examination or for hire
17 as a firefighter. Any municipality may charge a fee to cover
18 the costs of the application process.

19 Residency requirements in effect at the time an individual
20 enters the fire service of a municipality cannot be made more
21 restrictive for that individual during his or her period of
22 service for that municipality, or be made a condition of
23 promotion, except for the rank or position of fire chief and
24 for no more than 2 positions that rank immediately below that
25 of the chief rank which are appointed positions pursuant to the
26 Fire Department Promotion Act.

1 No person who is 35 years of age or older shall be eligible
2 to take an examination for a position as a firefighter unless
3 the person has had previous employment status as a firefighter
4 in the regularly constituted fire department of the
5 municipality, except as provided in this Section. The age
6 limitation does not apply to:

7 (1) any person previously employed as a full-time
8 firefighter in a regularly constituted fire department of
9 (i) any municipality or fire protection district located in
10 Illinois, (ii) a fire protection district whose
11 obligations were assumed by a municipality under Section 21
12 of the Fire Protection District Act, or (iii) a
13 municipality whose obligations were taken over by a fire
14 protection district, or

15 (2) any person who has served a municipality as a
16 regularly enrolled volunteer, paid-on-call, or part-time
17 firefighter for the 5 years immediately preceding the time
18 that the municipality begins to use full-time firefighters
19 to provide all or part of its fire protection service.

20 No person who is under 21 years of age shall be eligible
21 for employment as a firefighter.

22 No applicant shall be examined concerning his or her
23 political or religious opinions or affiliations. The
24 examinations shall be conducted by the commissioners of the
25 municipality or their designees and agents.

26 No municipality shall require that any firefighter

1 appointed to the lowest rank serve a probationary employment
2 period of longer than one year of actual active employment,
3 which may exclude periods of training, or injury or illness
4 leaves, including duty related leave, in excess of 30 calendar
5 days. Notwithstanding anything to the contrary in this Section,
6 the probationary employment period limitation may be extended
7 for a firefighter who is required, as a condition of
8 employment, to be a licensed ~~certified~~ paramedic, during which
9 time the sole reason that a firefighter may be discharged
10 without a hearing is for failing to meet the requirements for
11 paramedic licensure ~~certification~~.

12 In the event that any applicant who has been found eligible
13 for appointment and whose name has been placed upon the final
14 eligibility register provided for in this Division 1 has not
15 been appointed to a firefighter position within one year after
16 the date of his or her physical ability examination, the
17 commission may cause a second examination to be made of that
18 applicant's physical ability prior to his or her appointment.
19 If, after the second examination, the physical ability of the
20 applicant shall be found to be less than the minimum standard
21 fixed by the rules of the commission, the applicant shall not
22 be appointed. The applicant's name may be retained upon the
23 register of candidates eligible for appointment and when next
24 reached for certification and appointment that applicant may be
25 again examined as provided in this Section, and if the physical
26 ability of that applicant is found to be less than the minimum

1 standard fixed by the rules of the commission, the applicant
2 shall not be appointed, and the name of the applicant shall be
3 removed from the register.

4 (d) Notice, examination, and testing components. Notice of
5 the time, place, general scope, merit criteria for any
6 subjective component, and fee of every examination shall be
7 given by the commission, by a publication at least 2 weeks
8 preceding the examination: (i) in one or more newspapers
9 published in the municipality, or if no newspaper is published
10 therein, then in one or more newspapers with a general
11 circulation within the municipality, or (ii) on the
12 municipality's Internet website. Additional notice of the
13 examination may be given as the commission shall prescribe.

14 The examination and qualifying standards for employment of
15 firefighters shall be based on: mental aptitude, physical
16 ability, preferences, moral character, and health. The mental
17 aptitude, physical ability, and preference components shall
18 determine an applicant's qualification for and placement on the
19 final register of eligibles. The examination may also include a
20 subjective component based on merit criteria as determined by
21 the commission. Scores from the examination must be made
22 available to the public.

23 (e) Mental aptitude. No person who does not possess at
24 least a high school diploma or an equivalent high school
25 education shall be placed on a register of eligibles.
26 Examination of an applicant's mental aptitude shall be based

1 upon a written examination. The examination shall be practical
2 in character and relate to those matters that fairly test the
3 capacity of the persons examined to discharge the duties
4 performed by members of a fire department. Written examinations
5 shall be administered in a manner that ensures the security and
6 accuracy of the scores achieved.

7 (f) Physical ability. All candidates shall be required to
8 undergo an examination of their physical ability to perform the
9 essential functions included in the duties they may be called
10 upon to perform as a member of a fire department. For the
11 purposes of this Section, essential functions of the job are
12 functions associated with duties that a firefighter may be
13 called upon to perform in response to emergency calls. The
14 frequency of the occurrence of those duties as part of the fire
15 department's regular routine shall not be a controlling factor
16 in the design of examination criteria or evolutions selected
17 for testing. These physical examinations shall be open,
18 competitive, and based on industry standards designed to test
19 each applicant's physical abilities in the following
20 dimensions:

21 (1) Muscular strength to perform tasks and evolutions
22 that may be required in the performance of duties including
23 grip strength, leg strength, and arm strength. Tests shall
24 be conducted under anaerobic as well as aerobic conditions
25 to test both the candidate's speed and endurance in
26 performing tasks and evolutions. Tasks tested may be based

1 on standards developed, or approved, by the local
2 appointing authority.

3 (2) The ability to climb ladders, operate from heights,
4 walk or crawl in the dark along narrow and uneven surfaces,
5 and operate in proximity to hazardous environments.

6 (3) The ability to carry out critical, time-sensitive,
7 and complex problem solving during physical exertion in
8 stressful and hazardous environments. The testing
9 environment may be hot and dark with tightly enclosed
10 spaces, flashing lights, sirens, and other distractions.

11 The tests utilized to measure each applicant's
12 capabilities in each of these dimensions may be tests based on
13 industry standards currently in use or equivalent tests
14 approved by the Joint Labor-Management Committee of the Office
15 of the State Fire Marshal.

16 Physical ability examinations administered under this
17 Section shall be conducted with a reasonable number of proctors
18 and monitors, open to the public, and subject to reasonable
19 regulations of the commission.

20 (g) Scoring of examination components. Appointing
21 authorities may create a preliminary eligibility register. A
22 person shall be placed on the list based upon his or her
23 passage of the written examination or the passage of the
24 written examination and the physical ability component.
25 Passage of the written examination means a score that is at or
26 above the median score for all applicants participating in the

1 written test. The appointing authority may conduct the physical
2 ability component and any subjective components subsequent to
3 the posting of the preliminary eligibility register.

4 The examination components for an initial eligibility
5 register shall be graded on a 100-point scale. A person's
6 position on the list shall be determined by the following: (i)
7 the person's score on the written examination, (ii) the person
8 successfully passing the physical ability component, and (iii)
9 the person's results on any subjective component as described
10 in subsection (d).

11 In order to qualify for placement on the final eligibility
12 register, an applicant's score on the written examination,
13 before any applicable preference points or subjective points
14 are applied, shall be at or above the median score. The local
15 appointing authority may prescribe the score to qualify for
16 placement on the final eligibility register, but the score
17 shall not be less than the median score.

18 The commission shall prepare and keep a register of persons
19 whose total score is not less than the minimum fixed by this
20 Section and who have passed the physical ability examination.
21 These persons shall take rank upon the register as candidates
22 in the order of their relative excellence based on the highest
23 to the lowest total points scored on the mental aptitude,
24 subjective component, and preference components of the test
25 administered in accordance with this Section. No more than 60
26 days after each examination, an initial eligibility list shall

1 be posted by the commission. The list shall include the final
2 grades of the candidates without reference to priority of the
3 time of examination and subject to claim for preference credit.

4 Commissions may conduct additional examinations, including
5 without limitation a polygraph test, after a final eligibility
6 register is established and before it expires with the
7 candidates ranked by total score without regard to date of
8 examination. No more than 60 days after each examination, an
9 initial eligibility list shall be posted by the commission
10 showing the final grades of the candidates without reference to
11 priority of time of examination and subject to claim for
12 preference credit.

13 (h) Preferences. The following are preferences:

14 (1) Veteran preference. Persons who were engaged in the
15 military service of the United States for a period of at
16 least one year of active duty and who were honorably
17 discharged therefrom, or who are now or have been members
18 on inactive or reserve duty in such military or naval
19 service, shall be preferred for appointment to and
20 employment with the fire department of an affected
21 department.

22 (2) Fire cadet preference. Persons who have
23 successfully completed 2 years of study in fire techniques
24 or cadet training within a cadet program established under
25 the rules of the Joint Labor and Management Committee
26 (JLMC), as defined in Section 50 of the Fire Department

1 Promotion Act, may be preferred for appointment to and
2 employment with the fire department.

3 (3) Educational preference. Persons who have
4 successfully obtained an associate's degree in the field of
5 fire service or emergency medical services, or a bachelor's
6 degree from an accredited college or university may be
7 preferred for appointment to and employment with the fire
8 department.

9 (4) Paramedic preference. Persons who have obtained a
10 license ~~certification~~ as a paramedic ~~an Emergency Medical~~
11 ~~Technician-Paramedic~~ (EMT-P) may be preferred for
12 appointment to and employment with the fire department of
13 an affected department providing emergency medical
14 services.

15 (5) Experience preference. All persons employed by a
16 municipality who have been paid-on-call or part-time
17 certified Firefighter II, certified Firefighter III, State
18 of Illinois or nationally licensed EMT, ~~EMT-B~~ or EMT-I,
19 AEMT, or ~~licensed~~ paramedic, or any combination of those
20 capacities may be awarded up to a maximum of 5 points.
21 However, the applicant may not be awarded more than 0.5
22 points for each complete year of paid-on-call or part-time
23 service. Applicants from outside the municipality who were
24 employed as full-time firefighters or
25 firefighter-paramedics by a fire protection district or
26 another municipality may be awarded up to 5 experience

1 preference points. However, the applicant may not be
2 awarded more than one point for each complete year of
3 full-time service.

4 Upon request by the commission, the governing body of
5 the municipality or in the case of applicants from outside
6 the municipality the governing body of any fire protection
7 district or any other municipality shall certify to the
8 commission, within 10 days after the request, the number of
9 years of successful paid-on-call, part-time, or full-time
10 service of any person. A candidate may not receive the full
11 amount of preference points under this subsection if the
12 amount of points awarded would place the candidate before a
13 veteran on the eligibility list. If more than one candidate
14 receiving experience preference points is prevented from
15 receiving all of their points due to not being allowed to
16 pass a veteran, the candidates shall be placed on the list
17 below the veteran in rank order based on the totals
18 received if all points under this subsection were to be
19 awarded. Any remaining ties on the list shall be determined
20 by lot.

21 (6) Residency preference. Applicants whose principal
22 residence is located within the fire department's
23 jurisdiction may be preferred for appointment to and
24 employment with the fire department.

25 (7) Additional preferences. Up to 5 additional
26 preference points may be awarded for unique categories

1 based on an applicant's experience or background as
2 identified by the commission.

3 (8) Scoring of preferences. The commission shall give
4 preference for original appointment to persons designated
5 in item (1) by adding to the final grade that they receive
6 5 points for the recognized preference achieved. The
7 commission shall determine the number of preference points
8 for each category except (1). The number of preference
9 points for each category shall range from 0 to 5. In
10 determining the number of preference points, the
11 commission shall prescribe that if a candidate earns the
12 maximum number of preference points in all categories, that
13 number may not be less than 10 nor more than 30. The
14 commission shall give preference for original appointment
15 to persons designated in items (2) through (7) by adding
16 the requisite number of points to the final grade for each
17 recognized preference achieved. The numerical result thus
18 attained shall be applied by the commission in determining
19 the final eligibility list and appointment from the
20 eligibility list. The local appointing authority may
21 prescribe the total number of preference points awarded
22 under this Section, but the total number of preference
23 points shall not be less than 10 points or more than 30
24 points.

25 No person entitled to any preference shall be required to
26 claim the credit before any examination held under the

1 provisions of this Section, but the preference shall be given
2 after the posting or publication of the initial eligibility
3 list or register at the request of a person entitled to a
4 credit before any certification or appointments are made from
5 the eligibility register, upon the furnishing of verifiable
6 evidence and proof of qualifying preference credit. Candidates
7 who are eligible for preference credit shall make a claim in
8 writing within 10 days after the posting of the initial
9 eligibility list, or the claim shall be deemed waived. Final
10 eligibility registers shall be established after the awarding
11 of verified preference points. All employment shall be subject
12 to the commission's initial hire background review including,
13 but not limited to, criminal history, employment history, moral
14 character, oral examination, and medical and psychological
15 examinations, all on a pass-fail basis. The medical and
16 psychological examinations must be conducted last, and may only
17 be performed after a conditional offer of employment has been
18 extended.

19 Any person placed on an eligibility list who exceeds the
20 age requirement before being appointed to a fire department
21 shall remain eligible for appointment until the list is
22 abolished, or his or her name has been on the list for a period
23 of 2 years. No person who has attained the age of 35 years
24 shall be inducted into a fire department, except as otherwise
25 provided in this Section.

26 The commission shall strike off the names of candidates for

1 original appointment after the names have been on the list for
2 more than 2 years.

3 (i) Moral character. No person shall be appointed to a fire
4 department unless he or she is a person of good character; not
5 a habitual drunkard, a gambler, or a person who has been
6 convicted of a felony or a crime involving moral turpitude.
7 However, no person shall be disqualified from appointment to
8 the fire department because of the person's record of
9 misdemeanor convictions except those under Sections 11-6,
10 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
11 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
12 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
13 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, or arrest for any cause without
15 conviction thereon. Any such person who is in the department
16 may be removed on charges brought for violating this subsection
17 and after a trial as hereinafter provided.

18 A classifiable set of the fingerprints of every person who
19 is offered employment as a certificated member of an affected
20 fire department whether with or without compensation, shall be
21 furnished to the Illinois Department of State Police and to the
22 Federal Bureau of Investigation by the commission.

23 Whenever a commission is authorized or required by law to
24 consider some aspect of criminal history record information for
25 the purpose of carrying out its statutory powers and
26 responsibilities, then, upon request and payment of fees in

1 conformance with the requirements of Section 2605-400 of the
2 State Police Law of the Civil Administrative Code of Illinois,
3 the Department of State Police is authorized to furnish,
4 pursuant to positive identification, the information contained
5 in State files as is necessary to fulfill the request.

6 (j) Temporary appointments. In order to prevent a stoppage
7 of public business, to meet extraordinary exigencies, or to
8 prevent material impairment of the fire department, the
9 commission may make temporary appointments, to remain in force
10 only until regular appointments are made under the provisions
11 of this Division, but never to exceed 60 days. No temporary
12 appointment of any one person shall be made more than twice in
13 any calendar year.

14 (k) A person who knowingly divulges or receives test
15 questions or answers before a written examination, or otherwise
16 knowingly violates or subverts any requirement of this Section,
17 commits a violation of this Section and may be subject to
18 charges for official misconduct.

19 A person who is the knowing recipient of test information
20 in advance of the examination shall be disqualified from the
21 examination or discharged from the position to which he or she
22 was appointed, as applicable, and otherwise subjected to
23 disciplinary actions.

24 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
25 97-1150, eff. 1-25-13.)

1 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

2 Sec. 10-2.1-4. Fire and police departments; Appointment of
3 members; Certificates of appointments.

4 The board of fire and police commissioners shall appoint
5 all officers and members of the fire and police departments of
6 the municipality, including the chief of police and the chief
7 of the fire department, unless the council or board of trustees
8 shall by ordinance as to them otherwise provide; except as
9 otherwise provided in this Section, and except that in any
10 municipality which adopts or has adopted this Division 2.1 and
11 also adopts or has adopted Article 5 of this Code, the chief of
12 police and the chief of the fire department shall be appointed
13 by the municipal manager, if it is provided by ordinance in
14 such municipality that such chiefs, or either of them, shall
15 not be appointed by the board of fire and police commissioners.

16 If the chief of the fire department or the chief of the
17 police department or both of them are appointed in the manner
18 provided by ordinance, they may be removed or discharged by the
19 appointing authority. In such case the appointing authority
20 shall file with the corporate authorities the reasons for such
21 removal or discharge, which removal or discharge shall not
22 become effective unless confirmed by a majority vote of the
23 corporate authorities.

24 If a member of the department is appointed chief of police
25 or chief of the fire department prior to being eligible to
26 retire on pension, he shall be considered as on furlough from

1 the rank he held immediately prior to his appointment as chief.
2 If he resigns as chief or is discharged as chief prior to
3 attaining eligibility to retire on pension, he shall revert to
4 and be established in whatever rank he currently holds, except
5 for previously appointed positions, and thereafter be entitled
6 to all the benefits and emoluments of that rank, without regard
7 as to whether a vacancy then exists in that rank.

8 All appointments to each department other than that of the
9 lowest rank, however, shall be from the rank next below that to
10 which the appointment is made except as otherwise provided in
11 this Section, and except that the chief of police and the chief
12 of the fire department may be appointed from among members of
13 the police and fire departments, respectively, regardless of
14 rank, unless the council or board of trustees shall have by
15 ordinance as to them otherwise provided. A chief of police or
16 the chief of the fire department, having been appointed from
17 among members of the police or fire department, respectively,
18 shall be permitted, regardless of rank, to take promotional
19 exams and be promoted to a higher classified rank than he
20 currently holds, without having to resign as chief of police or
21 chief of the fire department.

22 The sole authority to issue certificates of appointment
23 shall be vested in the Board of Fire and Police Commissioners
24 and all certificates of appointments issued to any officer or
25 member of the fire or police department of a municipality shall
26 be signed by the chairman and secretary respectively of the

1 board of fire and police commissioners of such municipality,
2 upon appointment of such officer or member of the fire and
3 police department of such municipality by action of the board
4 of fire and police commissioners. In any municipal fire
5 department that employs full-time firefighters and is subject
6 to a collective bargaining agreement, a person who has not
7 qualified for regular appointment under the provisions of this
8 Division 2.1 shall not be used as a temporary or permanent
9 substitute for classified members of a municipality's fire
10 department or for regular appointment as a classified member of
11 a municipality's fire department unless mutually agreed to by
12 the employee's certified bargaining agent. Such agreement
13 shall be considered a permissive subject of bargaining.
14 Municipal fire departments covered by the changes made by this
15 amendatory Act of the 95th General Assembly that are using
16 non-certificated employees as substitutes immediately prior to
17 the effective date of this amendatory Act of the 95th General
18 Assembly may, by mutual agreement with the certified bargaining
19 agent, continue the existing practice or a modified practice
20 and that agreement shall be considered a permissive subject of
21 bargaining. A home rule unit may not regulate the hiring of
22 temporary or substitute members of the municipality's fire
23 department in a manner that is inconsistent with this Section.
24 This Section is a limitation under subsection (i) of Section 6
25 of Article VII of the Illinois Constitution on the concurrent
26 exercise by home rule units of powers and functions exercised

1 by the State.

2 The term "policemen" as used in this Division does not
3 include auxiliary police officers except as provided for in
4 Section 10-2.1-6.

5 Any full time member of a regular fire or police department
6 of any municipality which comes under the provisions of this
7 Division or adopts this Division 2.1 or which has adopted any
8 of the prior Acts pertaining to fire and police commissioners,
9 is a city officer.

10 Notwithstanding any other provision of this Section, the
11 Chief of Police of a department in a non-home rule municipality
12 of more than 130,000 inhabitants may, without the advice or
13 consent of the Board of Fire and Police Commissioners, appoint
14 up to 6 officers who shall be known as deputy chiefs or
15 assistant deputy chiefs, and whose rank shall be immediately
16 below that of Chief. The deputy or assistant deputy chiefs may
17 be appointed from any rank of sworn officers of that
18 municipality, but no person who is not such a sworn officer may
19 be so appointed. Such deputy chief or assistant deputy chief
20 shall have the authority to direct and issue orders to all
21 employees of the Department holding the rank of captain or any
22 lower rank. A deputy chief of police or assistant deputy chief
23 of police, having been appointed from any rank of sworn
24 officers of that municipality, shall be permitted, regardless
25 of rank, to take promotional exams and be promoted to a higher
26 classified rank than he currently holds, without having to

1 resign as deputy chief of police or assistant deputy chief of
2 police.

3 Notwithstanding any other provision of this Section, a
4 non-home rule municipality of 130,000 or fewer inhabitants,
5 through its council or board of trustees, may, by ordinance,
6 provide for a position of deputy chief to be appointed by the
7 chief of the police department. The ordinance shall provide for
8 no more than one deputy chief position if the police department
9 has fewer than 25 full-time police officers and for no more
10 than 2 deputy chief positions if the police department has 25
11 or more full-time police officers. The deputy chief position
12 shall be an exempt rank immediately below that of Chief. The
13 deputy chief may be appointed from any rank of sworn, full-time
14 officers of the municipality's police department, but must have
15 at least 5 years of full-time service as a police officer in
16 that department. A deputy chief shall serve at the discretion
17 of the Chief and, if removed from the position, shall revert to
18 the rank currently held, without regard as to whether a vacancy
19 exists in that rank. A deputy chief of police, having been
20 appointed from any rank of sworn full-time officers of that
21 municipality's police department, shall be permitted,
22 regardless of rank, to take promotional exams and be promoted
23 to a higher classified rank than he currently holds, without
24 having to resign as deputy chief of police.

25 No municipality having a population less than 1,000,000
26 shall require that any firefighter appointed to the lowest rank

1 serve a probationary employment period of longer than one year.
2 The limitation on periods of probationary employment provided
3 in this amendatory Act of 1989 is an exclusive power and
4 function of the State. Pursuant to subsection (h) of Section 6
5 of Article VII of the Illinois Constitution, a home rule
6 municipality having a population less than 1,000,000 must
7 comply with this limitation on periods of probationary
8 employment, which is a denial and limitation of home rule
9 powers. Notwithstanding anything to the contrary in this
10 Section, the probationary employment period limitation may be
11 extended for a firefighter who is required, as a condition of
12 employment, to be a licensed ~~certified~~ paramedic, during which
13 time the sole reason that a firefighter may be discharged
14 without a hearing is for failing to meet the requirements for
15 paramedic licensure ~~certification~~.

16 To the extent that this Section or any other Section in
17 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,
18 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

19 (Source: P.A. 97-251, eff. 8-4-11; 97-813, eff. 7-13-12.)

20 (65 ILCS 5/10-2.1-6.3)

21 Sec. 10-2.1-6.3. Original appointments; full-time fire
22 department.

23 (a) Applicability. Unless a commission elects to follow the
24 provisions of Section 10-2.1-6.4, this Section shall apply to
25 all original appointments to an affected full-time fire

1 department. Existing registers of eligibles shall continue to
2 be valid until their expiration dates, or up to a maximum of 2
3 years after the effective date of this amendatory Act of the
4 97th General Assembly.

5 Notwithstanding any statute, ordinance, rule, or other law
6 to the contrary, all original appointments to an affected
7 department to which this Section applies shall be administered
8 in the manner provided for in this Section. Provisions of the
9 Illinois Municipal Code, municipal ordinances, and rules
10 adopted pursuant to such authority and other laws relating to
11 initial hiring of firefighters in affected departments shall
12 continue to apply to the extent they are compatible with this
13 Section, but in the event of a conflict between this Section
14 and any other law, this Section shall control.

15 A home rule or non-home rule municipality may not
16 administer its fire department process for original
17 appointments in a manner that is less stringent than this
18 Section. This Section is a limitation under subsection (i) of
19 Section 6 of Article VII of the Illinois Constitution on the
20 concurrent exercise by home rule units of the powers and
21 functions exercised by the State.

22 A municipality that is operating under a court order or
23 consent decree regarding original appointments to a full-time
24 fire department before the effective date of this amendatory
25 Act of the 97th General Assembly is exempt from the
26 requirements of this Section for the duration of the court

1 order or consent decree.

2 Notwithstanding any other provision of this subsection
3 (a), this Section does not apply to a municipality with more
4 than 1,000,000 inhabitants.

5 (b) Original appointments. All original appointments made
6 to an affected fire department shall be made from a register of
7 eligibles established in accordance with the processes
8 established by this Section. Only persons who meet or exceed
9 the performance standards required by this Section shall be
10 placed on a register of eligibles for original appointment to
11 an affected fire department.

12 Whenever an appointing authority authorizes action to hire
13 a person to perform the duties of a firefighter or to hire a
14 firefighter-paramedic to fill a position that is a new position
15 or vacancy due to resignation, discharge, promotion, death, the
16 granting of a disability or retirement pension, or any other
17 cause, the appointing authority shall appoint to that position
18 the person with the highest ranking on the final eligibility
19 list. If the appointing authority has reason to conclude that
20 the highest ranked person fails to meet the minimum standards
21 for the position or if the appointing authority believes an
22 alternate candidate would better serve the needs of the
23 department, then the appointing authority has the right to pass
24 over the highest ranked person and appoint either: (i) any
25 person who has a ranking in the top 5% of the register of
26 eligibles or (ii) any person who is among the top 5 highest

1 ranked persons on the list of eligibles if the number of people
2 who have a ranking in the top 5% of the register of eligibles
3 is less than 5 people.

4 Any candidate may pass on an appointment once without
5 losing his or her position on the register of eligibles. Any
6 candidate who passes a second time may be removed from the list
7 by the appointing authority provided that such action shall not
8 prejudice a person's opportunities to participate in future
9 examinations, including an examination held during the time a
10 candidate is already on the municipality's register of
11 eligibles.

12 The sole authority to issue certificates of appointment
13 shall be vested in the board of fire and police commissioners.
14 All certificates of appointment issued to any officer or member
15 of an affected department shall be signed by the chairperson
16 and secretary, respectively, of the board upon appointment of
17 such officer or member to the affected department by action of
18 the board. Each person who accepts a certificate of appointment
19 and successfully completes his or her probationary period shall
20 be enrolled as a firefighter and as a regular member of the
21 fire department.

22 For the purposes of this Section, "firefighter" means any
23 person who has been prior to, on, or after the effective date
24 of this amendatory Act of the 97th General Assembly appointed
25 to a fire department or fire protection district or employed by
26 a State university and sworn or commissioned to perform

1 firefighter duties or paramedic duties, or both, except that
2 the following persons are not included: part-time
3 firefighters; auxiliary, reserve, or voluntary firefighters,
4 including paid-on-call firefighters; clerks and dispatchers or
5 other civilian employees of a fire department or fire
6 protection district who are not routinely expected to perform
7 firefighter duties; and elected officials.

8 (c) Qualification for placement on register of eligibles.
9 The purpose of establishing a register of eligibles is to
10 identify applicants who possess and demonstrate the mental
11 aptitude and physical ability to perform the duties required of
12 members of the fire department in order to provide the highest
13 quality of service to the public. To this end, all applicants
14 for original appointment to an affected fire department shall
15 be subject to examination and testing which shall be public,
16 competitive, and open to all applicants unless the municipality
17 shall by ordinance limit applicants to residents of the
18 municipality, county or counties in which the municipality is
19 located, State, or nation. Municipalities may establish
20 educational, emergency medical service licensure, and other
21 pre-requisites for participation in an examination or for hire
22 as a firefighter. Any municipality may charge a fee to cover
23 the costs of the application process.

24 Residency requirements in effect at the time an individual
25 enters the fire service of a municipality cannot be made more
26 restrictive for that individual during his or her period of

1 service for that municipality, or be made a condition of
2 promotion, except for the rank or position of fire chief and
3 for no more than 2 positions that rank immediately below that
4 of the chief rank which are appointed positions pursuant to the
5 Fire Department Promotion Act.

6 No person who is 35 years of age or older shall be eligible
7 to take an examination for a position as a firefighter unless
8 the person has had previous employment status as a firefighter
9 in the regularly constituted fire department of the
10 municipality, except as provided in this Section. The age
11 limitation does not apply to:

12 (1) any person previously employed as a full-time
13 firefighter in a regularly constituted fire department of
14 (i) any municipality or fire protection district located in
15 Illinois, (ii) a fire protection district whose
16 obligations were assumed by a municipality under Section 21
17 of the Fire Protection District Act, or (iii) a
18 municipality whose obligations were taken over by a fire
19 protection district, or

20 (2) any person who has served a municipality as a
21 regularly enrolled volunteer, paid-on-call, or part-time
22 firefighter for the 5 years immediately preceding the time
23 that the municipality begins to use full-time firefighters
24 to provide all or part of its fire protection service.

25 No person who is under 21 years of age shall be eligible
26 for employment as a firefighter.

1 No applicant shall be examined concerning his or her
2 political or religious opinions or affiliations. The
3 examinations shall be conducted by the commissioners of the
4 municipality or their designees and agents.

5 No municipality shall require that any firefighter
6 appointed to the lowest rank serve a probationary employment
7 period of longer than one year of actual active employment,
8 which may exclude periods of training, or injury or illness
9 leaves, including duty related leave, in excess of 30 calendar
10 days. Notwithstanding anything to the contrary in this Section,
11 the probationary employment period limitation may be extended
12 for a firefighter who is required, as a condition of
13 employment, to be a licensed ~~certified~~ paramedic, during which
14 time the sole reason that a firefighter may be discharged
15 without a hearing is for failing to meet the requirements for
16 paramedic licensure ~~certification~~.

17 In the event that any applicant who has been found eligible
18 for appointment and whose name has been placed upon the final
19 eligibility register provided for in this Section has not been
20 appointed to a firefighter position within one year after the
21 date of his or her physical ability examination, the commission
22 may cause a second examination to be made of that applicant's
23 physical ability prior to his or her appointment. If, after the
24 second examination, the physical ability of the applicant shall
25 be found to be less than the minimum standard fixed by the
26 rules of the commission, the applicant shall not be appointed.

1 The applicant's name may be retained upon the register of
2 candidates eligible for appointment and when next reached for
3 certification and appointment that applicant may be again
4 examined as provided in this Section, and if the physical
5 ability of that applicant is found to be less than the minimum
6 standard fixed by the rules of the commission, the applicant
7 shall not be appointed, and the name of the applicant shall be
8 removed from the register.

9 (d) Notice, examination, and testing components. Notice of
10 the time, place, general scope, merit criteria for any
11 subjective component, and fee of every examination shall be
12 given by the commission, by a publication at least 2 weeks
13 preceding the examination: (i) in one or more newspapers
14 published in the municipality, or if no newspaper is published
15 therein, then in one or more newspapers with a general
16 circulation within the municipality, or (ii) on the
17 municipality's Internet website. Additional notice of the
18 examination may be given as the commission shall prescribe.

19 The examination and qualifying standards for employment of
20 firefighters shall be based on: mental aptitude, physical
21 ability, preferences, moral character, and health. The mental
22 aptitude, physical ability, and preference components shall
23 determine an applicant's qualification for and placement on the
24 final register of eligibles. The examination may also include a
25 subjective component based on merit criteria as determined by
26 the commission. Scores from the examination must be made

1 available to the public.

2 (e) Mental aptitude. No person who does not possess at
3 least a high school diploma or an equivalent high school
4 education shall be placed on a register of eligibles.
5 Examination of an applicant's mental aptitude shall be based
6 upon a written examination. The examination shall be practical
7 in character and relate to those matters that fairly test the
8 capacity of the persons examined to discharge the duties
9 performed by members of a fire department. Written examinations
10 shall be administered in a manner that ensures the security and
11 accuracy of the scores achieved.

12 (f) Physical ability. All candidates shall be required to
13 undergo an examination of their physical ability to perform the
14 essential functions included in the duties they may be called
15 upon to perform as a member of a fire department. For the
16 purposes of this Section, essential functions of the job are
17 functions associated with duties that a firefighter may be
18 called upon to perform in response to emergency calls. The
19 frequency of the occurrence of those duties as part of the fire
20 department's regular routine shall not be a controlling factor
21 in the design of examination criteria or evolutions selected
22 for testing. These physical examinations shall be open,
23 competitive, and based on industry standards designed to test
24 each applicant's physical abilities in the following
25 dimensions:

26 (1) Muscular strength to perform tasks and evolutions

1 that may be required in the performance of duties including
2 grip strength, leg strength, and arm strength. Tests shall
3 be conducted under anaerobic as well as aerobic conditions
4 to test both the candidate's speed and endurance in
5 performing tasks and evolutions. Tasks tested may be based
6 on standards developed, or approved, by the local
7 appointing authority.

8 (2) The ability to climb ladders, operate from heights,
9 walk or crawl in the dark along narrow and uneven surfaces,
10 and operate in proximity to hazardous environments.

11 (3) The ability to carry out critical, time-sensitive,
12 and complex problem solving during physical exertion in
13 stressful and hazardous environments. The testing
14 environment may be hot and dark with tightly enclosed
15 spaces, flashing lights, sirens, and other distractions.

16 The tests utilized to measure each applicant's
17 capabilities in each of these dimensions may be tests based on
18 industry standards currently in use or equivalent tests
19 approved by the Joint Labor-Management Committee of the Office
20 of the State Fire Marshal.

21 Physical ability examinations administered under this
22 Section shall be conducted with a reasonable number of proctors
23 and monitors, open to the public, and subject to reasonable
24 regulations of the commission.

25 (g) Scoring of examination components. Appointing
26 authorities may create a preliminary eligibility register. A

1 person shall be placed on the list based upon his or her
2 passage of the written examination or the passage of the
3 written examination and the physical ability component.
4 Passage of the written examination means a score that is at or
5 above the median score for all applicants participating in the
6 written test. The appointing authority may conduct the physical
7 ability component and any subjective components subsequent to
8 the posting of the preliminary eligibility register.

9 The examination components for an initial eligibility
10 register shall be graded on a 100-point scale. A person's
11 position on the list shall be determined by the following: (i)
12 the person's score on the written examination, (ii) the person
13 successfully passing the physical ability component, and (iii)
14 the person's results on any subjective component as described
15 in subsection (d).

16 In order to qualify for placement on the final eligibility
17 register, an applicant's score on the written examination,
18 before any applicable preference points or subjective points
19 are applied, shall be at or above the median score. The local
20 appointing authority may prescribe the score to qualify for
21 placement on the final eligibility register, but the score
22 shall not be less than the median score.

23 The commission shall prepare and keep a register of persons
24 whose total score is not less than the minimum fixed by this
25 Section and who have passed the physical ability examination.
26 These persons shall take rank upon the register as candidates

1 in the order of their relative excellence based on the highest
2 to the lowest total points scored on the mental aptitude,
3 subjective component, and preference components of the test
4 administered in accordance with this Section. No more than 60
5 days after each examination, an initial eligibility list shall
6 be posted by the commission. The list shall include the final
7 grades of the candidates without reference to priority of the
8 time of examination and subject to claim for preference credit.

9 Commissions may conduct additional examinations, including
10 without limitation a polygraph test, after a final eligibility
11 register is established and before it expires with the
12 candidates ranked by total score without regard to date of
13 examination. No more than 60 days after each examination, an
14 initial eligibility list shall be posted by the commission
15 showing the final grades of the candidates without reference to
16 priority of time of examination and subject to claim for
17 preference credit.

18 (h) Preferences. The following are preferences:

19 (1) Veteran preference. Persons who were engaged in the
20 military service of the United States for a period of at
21 least one year of active duty and who were honorably
22 discharged therefrom, or who are now or have been members
23 on inactive or reserve duty in such military or naval
24 service, shall be preferred for appointment to and
25 employment with the fire department of an affected
26 department.

1 (2) Fire cadet preference. Persons who have
2 successfully completed 2 years of study in fire techniques
3 or cadet training within a cadet program established under
4 the rules of the Joint Labor and Management Committee
5 (JLMC), as defined in Section 50 of the Fire Department
6 Promotion Act, may be preferred for appointment to and
7 employment with the fire department.

8 (3) Educational preference. Persons who have
9 successfully obtained an associate's degree in the field of
10 fire service or emergency medical services, or a bachelor's
11 degree from an accredited college or university may be
12 preferred for appointment to and employment with the fire
13 department.

14 (4) Paramedic preference. Persons who have obtained a
15 license certification as a paramedic ~~an Emergency Medical~~
16 ~~Technician Paramedic (EMT-P)~~ shall be preferred for
17 appointment to and employment with the fire department of
18 an affected department providing emergency medical
19 services.

20 (5) Experience preference. All persons employed by a
21 municipality who have been paid-on-call or part-time
22 certified Firefighter II, State of Illinois or nationally
23 licensed EMT, ~~EMT-B or~~ EMT-I, AEMT, or any combination of
24 those capacities shall be awarded 0.5 point for each year
25 of successful service in one or more of those capacities,
26 up to a maximum of 5 points. Certified Firefighter III and

1 State of Illinois or nationally licensed paramedics shall
2 be awarded one point per year up to a maximum of 5 points.
3 Applicants from outside the municipality who were employed
4 as full-time firefighters or firefighter-paramedics by a
5 fire protection district or another municipality for at
6 least 2 years shall be awarded 5 experience preference
7 points. These additional points presuppose a rating scale
8 totaling 100 points available for the eligibility list. If
9 more or fewer points are used in the rating scale for the
10 eligibility list, the points awarded under this subsection
11 shall be increased or decreased by a factor equal to the
12 total possible points available for the examination
13 divided by 100.

14 Upon request by the commission, the governing body of
15 the municipality or in the case of applicants from outside
16 the municipality the governing body of any fire protection
17 district or any other municipality shall certify to the
18 commission, within 10 days after the request, the number of
19 years of successful paid-on-call, part-time, or full-time
20 service of any person. A candidate may not receive the full
21 amount of preference points under this subsection if the
22 amount of points awarded would place the candidate before a
23 veteran on the eligibility list. If more than one candidate
24 receiving experience preference points is prevented from
25 receiving all of their points due to not being allowed to
26 pass a veteran, the candidates shall be placed on the list

1 below the veteran in rank order based on the totals
2 received if all points under this subsection were to be
3 awarded. Any remaining ties on the list shall be determined
4 by lot.

5 (6) Residency preference. Applicants whose principal
6 residence is located within the fire department's
7 jurisdiction shall be preferred for appointment to and
8 employment with the fire department.

9 (7) Additional preferences. Up to 5 additional
10 preference points may be awarded for unique categories
11 based on an applicant's experience or background as
12 identified by the commission.

13 (8) Scoring of preferences. The commission shall give
14 preference for original appointment to persons designated
15 in item (1) by adding to the final grade that they receive
16 5 points for the recognized preference achieved. The
17 commission shall determine the number of preference points
18 for each category except (1). The number of preference
19 points for each category shall range from 0 to 5. In
20 determining the number of preference points, the
21 commission shall prescribe that if a candidate earns the
22 maximum number of preference points in all categories, that
23 number may not be less than 10 nor more than 30. The
24 commission shall give preference for original appointment
25 to persons designated in items (2) through (7) by adding
26 the requisite number of points to the final grade for each

1 recognized preference achieved. The numerical result thus
2 attained shall be applied by the commission in determining
3 the final eligibility list and appointment from the
4 eligibility list. The local appointing authority may
5 prescribe the total number of preference points awarded
6 under this Section, but the total number of preference
7 points shall not be less than 10 points or more than 30
8 points.

9 No person entitled to any preference shall be required to
10 claim the credit before any examination held under the
11 provisions of this Section, but the preference shall be given
12 after the posting or publication of the initial eligibility
13 list or register at the request of a person entitled to a
14 credit before any certification or appointments are made from
15 the eligibility register, upon the furnishing of verifiable
16 evidence and proof of qualifying preference credit. Candidates
17 who are eligible for preference credit shall make a claim in
18 writing within 10 days after the posting of the initial
19 eligibility list, or the claim shall be deemed waived. Final
20 eligibility registers shall be established after the awarding
21 of verified preference points. All employment shall be subject
22 to the commission's initial hire background review including,
23 but not limited to, criminal history, employment history, moral
24 character, oral examination, and medical and psychological
25 examinations, all on a pass-fail basis. The medical and
26 psychological examinations must be conducted last, and may only

1 be performed after a conditional offer of employment has been
2 extended.

3 Any person placed on an eligibility list who exceeds the
4 age requirement before being appointed to a fire department
5 shall remain eligible for appointment until the list is
6 abolished, or his or her name has been on the list for a period
7 of 2 years. No person who has attained the age of 35 years
8 shall be inducted into a fire department, except as otherwise
9 provided in this Section.

10 The commission shall strike off the names of candidates for
11 original appointment after the names have been on the list for
12 more than 2 years.

13 (i) Moral character. No person shall be appointed to a fire
14 department unless he or she is a person of good character; not
15 a habitual drunkard, a gambler, or a person who has been
16 convicted of a felony or a crime involving moral turpitude.
17 However, no person shall be disqualified from appointment to
18 the fire department because of the person's record of
19 misdemeanor convictions except those under Sections 11-6,
20 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
21 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
22 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
23 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, or arrest for any cause without
25 conviction thereon. Any such person who is in the department
26 may be removed on charges brought for violating this subsection

1 and after a trial as hereinafter provided.

2 A classifiable set of the fingerprints of every person who
3 is offered employment as a certificated member of an affected
4 fire department whether with or without compensation, shall be
5 furnished to the Illinois Department of State Police and to the
6 Federal Bureau of Investigation by the commission.

7 Whenever a commission is authorized or required by law to
8 consider some aspect of criminal history record information for
9 the purpose of carrying out its statutory powers and
10 responsibilities, then, upon request and payment of fees in
11 conformance with the requirements of Section 2605-400 of the
12 State Police Law of the Civil Administrative Code of Illinois,
13 the Department of State Police is authorized to furnish,
14 pursuant to positive identification, the information contained
15 in State files as is necessary to fulfill the request.

16 (j) Temporary appointments. In order to prevent a stoppage
17 of public business, to meet extraordinary exigencies, or to
18 prevent material impairment of the fire department, the
19 commission may make temporary appointments, to remain in force
20 only until regular appointments are made under the provisions
21 of this Division, but never to exceed 60 days. No temporary
22 appointment of any one person shall be made more than twice in
23 any calendar year.

24 (k) A person who knowingly divulges or receives test
25 questions or answers before a written examination, or otherwise
26 knowingly violates or subverts any requirement of this Section,

1 commits a violation of this Section and may be subject to
2 charges for official misconduct.

3 A person who is the knowing recipient of test information
4 in advance of the examination shall be disqualified from the
5 examination or discharged from the position to which he or she
6 was appointed, as applicable, and otherwise subjected to
7 disciplinary actions.

8 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
9 97-1150, eff. 1-25-13.)

10 (65 ILCS 5/10-2.1-14) (from Ch. 24, par. 10-2.1-14)

11 Sec. 10-2.1-14. Register of eligibles. The board of fire
12 and police commissioners shall prepare and keep a register of
13 persons whose general average standing, upon examination, is
14 not less than the minimum fixed by the rules of the board, and
15 who are otherwise eligible. These persons shall take rank upon
16 the register as candidates in the order of their relative
17 excellence as determined by examination, without reference to
18 priority of time of examination. The board of fire and police
19 commissioners may prepare and keep a second register of persons
20 who have previously been full-time sworn officers of a regular
21 police department in any municipal, county, university, or
22 State law enforcement agency, provided they are certified by
23 the Illinois Law Enforcement Training Standards Board and have
24 been with their respective law enforcement agency within the
25 State for at least 2 years. The persons on this list shall take

1 rank upon the register as candidates in the order of their
2 relative excellence as determined by members of the board of
3 fire and police commissioners. Applicants who have been awarded
4 a certificate attesting to their successful completion of the
5 Minimum Standards Basic Law Enforcement Training Course, as
6 provided in the Illinois Police Training Act, may be given
7 preference in appointment over noncertified applicants.
8 Applicants for appointment to fire departments who are licensed
9 as an EMT, ~~EMT-B~~, EMT-I, AEMT, or paramedic ~~EMT-P~~ under the
10 Emergency Medical Services (EMS) Systems Act, may be given
11 preference in appointment over non-licensed applicants.

12 Within 60 days after each examination, an eligibility list
13 shall be posted by the board, which shall show the final grades
14 of the candidates without reference to priority of time of
15 examination and subject to claim for military credit.
16 Candidates who are eligible for military credit shall make a
17 claim in writing within 10 days after the posting of the
18 eligibility list or such claim shall be deemed waived.
19 Appointment shall be subject to a final physical examination.

20 If a person is placed on an eligibility list and becomes
21 overage before he or she is appointed to a police or fire
22 department, the person remains eligible for appointment until
23 the list is abolished pursuant to authorized procedures.
24 Otherwise no person who has attained the age of 36 years shall
25 be inducted as a member of a police department and no person
26 who has attained the age of 35 years shall be inducted as a

1 member of a fire department, except as otherwise provided in
2 this division. With respect to a police department, a veteran
3 shall be allowed to exceed the maximum age provision of this
4 Section by the number of years served on active military duty,
5 but by no more than 10 years of active military duty.

6 (Source: P.A. 95-931, eff. 1-1-09; 96-472, eff. 8-14-09.)

7 (65 ILCS 5/10-2.1-31)

8 Sec. 10-2.1-31. Emergency medical technician licensure.
9 The corporate authorities of any municipality may require that
10 all firefighters hired by the municipality on or after January
11 1, 2009 (the effective date of Public Act 95-935) ~~this~~
12 ~~amendatory Act of the 95th General Assembly~~ be licensed as an
13 EMT, ~~EMT-B~~, EMT-I, AEMT, or paramedic ~~EMT-P~~ under the Emergency
14 Medical Services (EMS) Systems Act.

15 (Source: P.A. 95-935, eff. 1-1-09.)

16 Section 20. The Fire Protection District Act is amended by
17 changing Sections 16.06b, 16.08b, and 16.13b as follows:

18 (70 ILCS 705/16.06b)

19 Sec. 16.06b. Original appointments; full-time fire
20 department.

21 (a) Applicability. Unless a commission elects to follow the
22 provisions of Section 16.06c, this Section shall apply to all
23 original appointments to an affected full-time fire

1 department. Existing registers of eligibles shall continue to
2 be valid until their expiration dates, or up to a maximum of 2
3 years after the effective date of this amendatory Act of the
4 97th General Assembly.

5 Notwithstanding any statute, ordinance, rule, or other law
6 to the contrary, all original appointments to an affected
7 department to which this Section applies shall be administered
8 in a no less stringent manner than the manner provided for in
9 this Section. Provisions of the Illinois Municipal Code, Fire
10 Protection District Act, fire district ordinances, and rules
11 adopted pursuant to such authority and other laws relating to
12 initial hiring of firefighters in affected departments shall
13 continue to apply to the extent they are compatible with this
14 Section, but in the event of a conflict between this Section
15 and any other law, this Section shall control.

16 A fire protection district that is operating under a court
17 order or consent decree regarding original appointments to a
18 full-time fire department before the effective date of this
19 amendatory Act of the 97th General Assembly is exempt from the
20 requirements of this Section for the duration of the court
21 order or consent decree.

22 (b) Original appointments. All original appointments made
23 to an affected fire department shall be made from a register of
24 eligibles established in accordance with the processes
25 required by this Section. Only persons who meet or exceed the
26 performance standards required by the Section shall be placed

1 on a register of eligibles for original appointment to an
2 affected fire department.

3 Whenever an appointing authority authorizes action to hire
4 a person to perform the duties of a firefighter or to hire a
5 firefighter-paramedic to fill a position that is a new position
6 or vacancy due to resignation, discharge, promotion, death, the
7 granting of a disability or retirement pension, or any other
8 cause, the appointing authority shall appoint to that position
9 the person with the highest ranking on the final eligibility
10 list. If the appointing authority has reason to conclude that
11 the highest ranked person fails to meet the minimum standards
12 for the position or if the appointing authority believes an
13 alternate candidate would better serve the needs of the
14 department, then the appointing authority has the right to pass
15 over the highest ranked person and appoint either: (i) any
16 person who has a ranking in the top 5% of the register of
17 eligibles or (ii) any person who is among the top 5 highest
18 ranked persons on the list of eligibles if the number of people
19 who have a ranking in the top 5% of the register of eligibles
20 is less than 5 people.

21 Any candidate may pass on an appointment once without
22 losing his or her position on the register of eligibles. Any
23 candidate who passes a second time may be removed from the list
24 by the appointing authority provided that such action shall not
25 prejudice a person's opportunities to participate in future
26 examinations, including an examination held during the time a

1 candidate is already on the fire district's register of
2 eligibles.

3 The sole authority to issue certificates of appointment
4 shall be vested in the board of fire commissioners, or board of
5 trustees serving in the capacity of a board of fire
6 commissioners. All certificates of appointment issued to any
7 officer or member of an affected department shall be signed by
8 the chairperson and secretary, respectively, of the commission
9 upon appointment of such officer or member to the affected
10 department by action of the commission. Each person who accepts
11 a certificate of appointment and successfully completes his or
12 her probationary period shall be enrolled as a firefighter and
13 as a regular member of the fire department.

14 For the purposes of this Section, "firefighter" means any
15 person who has been prior to, on, or after the effective date
16 of this amendatory Act of the 97th General Assembly appointed
17 to a fire department or fire protection district or employed by
18 a State university and sworn or commissioned to perform
19 firefighter duties or paramedic duties, or both, except that
20 the following persons are not included: part-time
21 firefighters; auxiliary, reserve, or voluntary firefighters,
22 including paid-on-call firefighters; clerks and dispatchers or
23 other civilian employees of a fire department or fire
24 protection district who are not routinely expected to perform
25 firefighter duties; and elected officials.

26 (c) Qualification for placement on register of eligibles.

1 The purpose of establishing a register of eligibles is to
2 identify applicants who possess and demonstrate the mental
3 aptitude and physical ability to perform the duties required of
4 members of the fire department in order to provide the highest
5 quality of service to the public. To this end, all applicants
6 for original appointment to an affected fire department shall
7 be subject to examination and testing which shall be public,
8 competitive, and open to all applicants unless the district
9 shall by ordinance limit applicants to residents of the
10 district, county or counties in which the district is located,
11 State, or nation. Districts may establish educational,
12 emergency medical service licensure, and other pre-requisites
13 for participation in an examination or for hire as a
14 firefighter. Any fire protection district may charge a fee to
15 cover the costs of the application process.

16 Residency requirements in effect at the time an individual
17 enters the fire service of a district cannot be made more
18 restrictive for that individual during his or her period of
19 service for that district, or be made a condition of promotion,
20 except for the rank or position of fire chief and for no more
21 than 2 positions that rank immediately below that of the chief
22 rank which are appointed positions pursuant to the Fire
23 Department Promotion Act.

24 No person who is 35 years of age or older shall be eligible
25 to take an examination for a position as a firefighter unless
26 the person has had previous employment status as a firefighter

1 in the regularly constituted fire department of the district,
2 except as provided in this Section. The age limitation does not
3 apply to:

4 (1) any person previously employed as a full-time
5 firefighter in a regularly constituted fire department of
6 (i) any municipality or fire protection district located in
7 Illinois, (ii) a fire protection district whose
8 obligations were assumed by a municipality under Section 21
9 of the Fire Protection District Act, or (iii) a
10 municipality whose obligations were taken over by a fire
11 protection district, or

12 (2) any person who has served a fire district as a
13 regularly enrolled volunteer, paid-on-call, or part-time
14 firefighter for the 5 years immediately preceding the time
15 that the district begins to use full-time firefighters to
16 provide all or part of its fire protection service.

17 No person who is under 21 years of age shall be eligible
18 for employment as a firefighter.

19 No applicant shall be examined concerning his or her
20 political or religious opinions or affiliations. The
21 examinations shall be conducted by the commissioners of the
22 district or their designees and agents.

23 No district shall require that any firefighter appointed to
24 the lowest rank serve a probationary employment period of
25 longer than one year of actual active employment, which may
26 exclude periods of training, or injury or illness leaves,

1 including duty related leave, in excess of 30 calendar days.
2 Notwithstanding anything to the contrary in this Section, the
3 probationary employment period limitation may be extended for a
4 firefighter who is required, as a condition of employment, to
5 be a licensed ~~certified~~ paramedic, during which time the sole
6 reason that a firefighter may be discharged without a hearing
7 is for failing to meet the requirements for paramedic licensure
8 ~~certification~~.

9 In the event that any applicant who has been found eligible
10 for appointment and whose name has been placed upon the final
11 eligibility register provided for in this Section has not been
12 appointed to a firefighter position within one year after the
13 date of his or her physical ability examination, the commission
14 may cause a second examination to be made of that applicant's
15 physical ability prior to his or her appointment. If, after the
16 second examination, the physical ability of the applicant shall
17 be found to be less than the minimum standard fixed by the
18 rules of the commission, the applicant shall not be appointed.
19 The applicant's name may be retained upon the register of
20 candidates eligible for appointment and when next reached for
21 certification and appointment that applicant may be again
22 examined as provided in this Section, and if the physical
23 ability of that applicant is found to be less than the minimum
24 standard fixed by the rules of the commission, the applicant
25 shall not be appointed, and the name of the applicant shall be
26 removed from the register.

1 (d) Notice, examination, and testing components. Notice of
2 the time, place, general scope, merit criteria for any
3 subjective component, and fee of every examination shall be
4 given by the commission, by a publication at least 2 weeks
5 preceding the examination: (i) in one or more newspapers
6 published in the district, or if no newspaper is published
7 therein, then in one or more newspapers with a general
8 circulation within the district, or (ii) on the fire protection
9 district's Internet website. Additional notice of the
10 examination may be given as the commission shall prescribe.

11 The examination and qualifying standards for employment of
12 firefighters shall be based on: mental aptitude, physical
13 ability, preferences, moral character, and health. The mental
14 aptitude, physical ability, and preference components shall
15 determine an applicant's qualification for and placement on the
16 final register of eligibles. The examination may also include a
17 subjective component based on merit criteria as determined by
18 the commission. Scores from the examination must be made
19 available to the public.

20 (e) Mental aptitude. No person who does not possess at
21 least a high school diploma or an equivalent high school
22 education shall be placed on a register of eligibles.
23 Examination of an applicant's mental aptitude shall be based
24 upon a written examination. The examination shall be practical
25 in character and relate to those matters that fairly test the
26 capacity of the persons examined to discharge the duties

1 performed by members of a fire department. Written examinations
2 shall be administered in a manner that ensures the security and
3 accuracy of the scores achieved.

4 (f) Physical ability. All candidates shall be required to
5 undergo an examination of their physical ability to perform the
6 essential functions included in the duties they may be called
7 upon to perform as a member of a fire department. For the
8 purposes of this Section, essential functions of the job are
9 functions associated with duties that a firefighter may be
10 called upon to perform in response to emergency calls. The
11 frequency of the occurrence of those duties as part of the fire
12 department's regular routine shall not be a controlling factor
13 in the design of examination criteria or evolutions selected
14 for testing. These physical examinations shall be open,
15 competitive, and based on industry standards designed to test
16 each applicant's physical abilities in the following
17 dimensions:

18 (1) Muscular strength to perform tasks and evolutions
19 that may be required in the performance of duties including
20 grip strength, leg strength, and arm strength. Tests shall
21 be conducted under anaerobic as well as aerobic conditions
22 to test both the candidate's speed and endurance in
23 performing tasks and evolutions. Tasks tested may be based
24 on standards developed, or approved, by the local
25 appointing authority.

26 (2) The ability to climb ladders, operate from heights,

1 walk or crawl in the dark along narrow and uneven surfaces,
2 and operate in proximity to hazardous environments.

3 (3) The ability to carry out critical, time-sensitive,
4 and complex problem solving during physical exertion in
5 stressful and hazardous environments. The testing
6 environment may be hot and dark with tightly enclosed
7 spaces, flashing lights, sirens, and other distractions.

8 The tests utilized to measure each applicant's
9 capabilities in each of these dimensions may be tests based on
10 industry standards currently in use or equivalent tests
11 approved by the Joint Labor-Management Committee of the Office
12 of the State Fire Marshal.

13 Physical ability examinations administered under this
14 Section shall be conducted with a reasonable number of proctors
15 and monitors, open to the public, and subject to reasonable
16 regulations of the commission.

17 (g) Scoring of examination components. Appointing
18 authorities may create a preliminary eligibility register. A
19 person shall be placed on the list based upon his or her
20 passage of the written examination or the passage of the
21 written examination and the physical ability component.
22 Passage of the written examination means a score that is at or
23 above the median score for all applicants participating in the
24 written test. The appointing authority may conduct the physical
25 ability component and any subjective components subsequent to
26 the posting of the preliminary eligibility register.

1 The examination components for an initial eligibility
2 register shall be graded on a 100-point scale. A person's
3 position on the list shall be determined by the following: (i)
4 the person's score on the written examination, (ii) the person
5 successfully passing the physical ability component, and (iii)
6 the person's results on any subjective component as described
7 in subsection (d).

8 In order to qualify for placement on the final eligibility
9 register, an applicant's score on the written examination,
10 before any applicable preference points or subjective points
11 are applied, shall be at or above the median score. The local
12 appointing authority may prescribe the score to qualify for
13 placement on the final eligibility register, but the score
14 shall not be less than the median score.

15 The commission shall prepare and keep a register of persons
16 whose total score is not less than the minimum fixed by this
17 Section and who have passed the physical ability examination.
18 These persons shall take rank upon the register as candidates
19 in the order of their relative excellence based on the highest
20 to the lowest total points scored on the mental aptitude,
21 subjective component, and preference components of the test
22 administered in accordance with this Section. No more than 60
23 days after each examination, an initial eligibility list shall
24 be posted by the commission. The list shall include the final
25 grades of the candidates without reference to priority of the
26 time of examination and subject to claim for preference credit.

1 Commissions may conduct additional examinations, including
2 without limitation a polygraph test, after a final eligibility
3 register is established and before it expires with the
4 candidates ranked by total score without regard to date of
5 examination. No more than 60 days after each examination, an
6 initial eligibility list shall be posted by the commission
7 showing the final grades of the candidates without reference to
8 priority of time of examination and subject to claim for
9 preference credit.

10 (h) Preferences. The following are preferences:

11 (1) Veteran preference. Persons who were engaged in the
12 military service of the United States for a period of at
13 least one year of active duty and who were honorably
14 discharged therefrom, or who are now or have been members
15 on inactive or reserve duty in such military or naval
16 service, shall be preferred for appointment to and
17 employment with the fire department of an affected
18 department.

19 (2) Fire cadet preference. Persons who have
20 successfully completed 2 years of study in fire techniques
21 or cadet training within a cadet program established under
22 the rules of the Joint Labor and Management Committee
23 (JLMC), as defined in Section 50 of the Fire Department
24 Promotion Act, may be preferred for appointment to and
25 employment with the fire department.

26 (3) Educational preference. Persons who have

1 successfully obtained an associate's degree in the field of
2 fire service or emergency medical services, or a bachelor's
3 degree from an accredited college or university may be
4 preferred for appointment to and employment with the fire
5 department.

6 (4) Paramedic preference. Persons who have obtained a
7 license ~~certification~~ as a paramedic ~~an Emergency Medical~~
8 ~~Technician Paramedic~~ ~~(EMT-P)~~ may be preferred for
9 appointment to and employment with the fire department of
10 an affected department providing emergency medical
11 services.

12 (5) Experience preference. All persons employed by a
13 district who have been paid-on-call or part-time certified
14 Firefighter II, certified Firefighter III, State of
15 Illinois or nationally licensed EMT, ~~EMT-B or~~ EMT-I, AEMT,
16 or licensed paramedic, or any combination of those
17 capacities may be awarded up to a maximum of 5 points.
18 However, the applicant may not be awarded more than 0.5
19 points for each complete year of paid-on-call or part-time
20 service. Applicants from outside the district who were
21 employed as full-time firefighters or
22 firefighter-paramedics by a fire protection district or
23 municipality for at least 2 years may be awarded up to 5
24 experience preference points. However, the applicant may
25 not be awarded more than one point for each complete year
26 of full-time service.

1 Upon request by the commission, the governing body of
2 the district or in the case of applicants from outside the
3 district the governing body of any other fire protection
4 district or any municipality shall certify to the
5 commission, within 10 days after the request, the number of
6 years of successful paid-on-call, part-time, or full-time
7 service of any person. A candidate may not receive the full
8 amount of preference points under this subsection if the
9 amount of points awarded would place the candidate before a
10 veteran on the eligibility list. If more than one candidate
11 receiving experience preference points is prevented from
12 receiving all of their points due to not being allowed to
13 pass a veteran, the candidates shall be placed on the list
14 below the veteran in rank order based on the totals
15 received if all points under this subsection were to be
16 awarded. Any remaining ties on the list shall be determined
17 by lot.

18 (6) Residency preference. Applicants whose principal
19 residence is located within the fire department's
20 jurisdiction may be preferred for appointment to and
21 employment with the fire department.

22 (7) Additional preferences. Up to 5 additional
23 preference points may be awarded for unique categories
24 based on an applicant's experience or background as
25 identified by the commission.

26 (8) Scoring of preferences. The commission shall give

1 preference for original appointment to persons designated
2 in item (1) by adding to the final grade that they receive
3 5 points for the recognized preference achieved. The
4 commission shall determine the number of preference points
5 for each category except (1). The number of preference
6 points for each category shall range from 0 to 5. In
7 determining the number of preference points, the
8 commission shall prescribe that if a candidate earns the
9 maximum number of preference points in all categories, that
10 number may not be less than 10 nor more than 30. The
11 commission shall give preference for original appointment
12 to persons designated in items (2) through (7) by adding
13 the requisite number of points to the final grade for each
14 recognized preference achieved. The numerical result thus
15 attained shall be applied by the commission in determining
16 the final eligibility list and appointment from the
17 eligibility list. The local appointing authority may
18 prescribe the total number of preference points awarded
19 under this Section, but the total number of preference
20 points shall not be less than 10 points or more than 30
21 points.

22 No person entitled to any preference shall be required to
23 claim the credit before any examination held under the
24 provisions of this Section, but the preference shall be given
25 after the posting or publication of the initial eligibility
26 list or register at the request of a person entitled to a

1 credit before any certification or appointments are made from
2 the eligibility register, upon the furnishing of verifiable
3 evidence and proof of qualifying preference credit. Candidates
4 who are eligible for preference credit shall make a claim in
5 writing within 10 days after the posting of the initial
6 eligibility list, or the claim shall be deemed waived. Final
7 eligibility registers shall be established after the awarding
8 of verified preference points. All employment shall be subject
9 to the commission's initial hire background review including,
10 but not limited to, criminal history, employment history, moral
11 character, oral examination, and medical and psychological
12 examinations, all on a pass-fail basis. The medical and
13 psychological examinations must be conducted last, and may only
14 be performed after a conditional offer of employment has been
15 extended.

16 Any person placed on an eligibility list who exceeds the
17 age requirement before being appointed to a fire department
18 shall remain eligible for appointment until the list is
19 abolished, or his or her name has been on the list for a period
20 of 2 years. No person who has attained the age of 35 years
21 shall be inducted into a fire department, except as otherwise
22 provided in this Section.

23 The commission shall strike off the names of candidates for
24 original appointment after the names have been on the list for
25 more than 2 years.

26 (i) Moral character. No person shall be appointed to a fire

1 department unless he or she is a person of good character; not
2 a habitual drunkard, a gambler, or a person who has been
3 convicted of a felony or a crime involving moral turpitude.
4 However, no person shall be disqualified from appointment to
5 the fire department because of the person's record of
6 misdemeanor convictions except those under Sections 11-6,
7 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
8 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
9 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
10 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, or arrest for any cause without
12 conviction thereon. Any such person who is in the department
13 may be removed on charges brought for violating this subsection
14 and after a trial as hereinafter provided.

15 A classifiable set of the fingerprints of every person who
16 is offered employment as a certificated member of an affected
17 fire department whether with or without compensation, shall be
18 furnished to the Illinois Department of State Police and to the
19 Federal Bureau of Investigation by the commission.

20 Whenever a commission is authorized or required by law to
21 consider some aspect of criminal history record information for
22 the purpose of carrying out its statutory powers and
23 responsibilities, then, upon request and payment of fees in
24 conformance with the requirements of Section 2605-400 of the
25 State Police Law of the Civil Administrative Code of Illinois,
26 the Department of State Police is authorized to furnish,

1 pursuant to positive identification, the information contained
2 in State files as is necessary to fulfill the request.

3 (j) Temporary appointments. In order to prevent a stoppage
4 of public business, to meet extraordinary exigencies, or to
5 prevent material impairment of the fire department, the
6 commission may make temporary appointments, to remain in force
7 only until regular appointments are made under the provisions
8 of this Section, but never to exceed 60 days. No temporary
9 appointment of any one person shall be made more than twice in
10 any calendar year.

11 (k) A person who knowingly divulges or receives test
12 questions or answers before a written examination, or otherwise
13 knowingly violates or subverts any requirement of this Section,
14 commits a violation of this Section and may be subject to
15 charges for official misconduct.

16 A person who is the knowing recipient of test information
17 in advance of the examination shall be disqualified from the
18 examination or discharged from the position to which he or she
19 was appointed, as applicable, and otherwise subjected to
20 disciplinary actions.

21 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
22 97-1150, eff. 1-25-13.)

23 (70 ILCS 705/16.08b)

24 Sec. 16.08b. Emergency medical technician licensure. The
25 board of trustees of a fire protection district may require

1 that all firefighters hired on or after January 1, 2005 (the
2 effective date of Public Act 93-952) ~~this amendatory Act of the~~
3 ~~93rd General Assembly~~ by any fire department within the
4 district must be licensed as an EMT ~~EMT-B~~, EMT-I, AEMT, or
5 paramedic ~~EMT-P~~ under the Emergency Medical Services (EMS)
6 Systems Act.

7 (Source: P.A. 93-952, eff. 1-1-05.)

8 (70 ILCS 705/16.13b) (from Ch. 127 1/2, par. 37.13b)

9 Sec. 16.13b. Unless the employer and a labor organization
10 have agreed to a contract provision providing for final and
11 binding arbitration of disputes concerning the existence of
12 just cause for disciplinary action, no officer or member of the
13 fire department of any protection district who has held that
14 position for one year shall be removed or discharged except for
15 just cause, upon written charges specifying the complainant and
16 the basis for the charges, and after a hearing on those charges
17 before the board of fire commissioners, affording the officer
18 or member an opportunity to be heard in his own defense. In
19 such case the appointing authority shall file with the board of
20 trustees the reasons for such removal or discharge, which
21 removal or discharge shall not become effective unless
22 confirmed by a majority vote of the board of trustees. If
23 written charges are brought against an officer or member, the
24 board of fire commissioners shall conduct a fair and impartial
25 hearing of the charges, to be commenced within 30 days of the

1 filing thereof, which hearing may be continued from time to
2 time. The Chief of the department shall bear the burden of
3 proving the guilt of the officer or member by a preponderance
4 of the evidence. In case an officer or member is found guilty,
5 the board may discharge him, or may suspend him not exceeding
6 30 calendar days without pay. The board may suspend any officer
7 or member pending the hearing with or without pay, but in no
8 event shall the suspension pending hearing and the ultimate
9 suspension imposed on the officer or member, if any, exceed 30
10 calendar days without pay in the aggregate. If the board of
11 fire commissioners determines that the charges are not
12 sustained, the officer or member shall be reimbursed for all
13 wages withheld or lost, if any. In the conduct of this hearing,
14 each member of the board shall have power to secure by its
15 subpoena both the attendance and testimony of witnesses and the
16 production of books and papers relevant to the hearing.

17 Notwithstanding any other provision of this Section, a
18 probationary employment period may be extended beyond one year
19 for a firefighter who is required as a condition of employment
20 to be a licensed ~~certified~~ paramedic, during which time the
21 sole reason that a firefighter may be discharged without a
22 hearing is for failing to meet the requirements for paramedic
23 licensure ~~certification~~.

24 The age for mandatory retirement of firemen in the service
25 of any department of such district is 65 years, unless the
26 board of trustees shall by ordinance provide for an earlier

1 mandatory retirement age of not less than 60 years.

2 The provisions of the Administrative Review Law, and all
3 amendments and modifications thereof, and the rules adopted
4 pursuant thereto, shall apply to and govern all proceedings for
5 the judicial review of final administrative decisions of the
6 board of fire commissioners hereunder. The term
7 "administrative decision" is defined as in Section 3-101 of the
8 Code of Civil Procedure.

9 Nothing in this Section shall be construed to prevent the
10 Chief of the fire department from suspending without pay a
11 member of his department for a period of not more than 5
12 consecutive calendar days, but he shall notify the board in
13 writing of such suspension. Any fireman so suspended may appeal
14 to the board of fire commissioners for a review of the
15 suspension within 5 calendar days after such suspension. Upon
16 such appeal, the Chief of the department shall bear the burden
17 of proof in establishing the guilt of the officer or member by
18 a preponderance of the evidence. The board may sustain the
19 action of the Chief of the department, may reduce the
20 suspension to a lesser penalty, or may reverse it with
21 instructions that the officer or member receive his pay and
22 other benefits withheld for the period involved, or may suspend
23 the officer for an additional period of not more than 30 days,
24 or discharge him, depending upon the facts presented.

25 (Source: P.A. 94-135, eff. 7-7-05.)

1 Section 25. The Emergency Medical Services (EMS) Systems
2 Act is amended by changing Sections 3.5, 3.10, 3.15, 3.20,
3 3.25, 3.35, 3.40, 3.45, 3.50, 3.55, 3.65, 3.70, 3.75, 3.80,
4 3.125, 3.130, 3.140, 3.165, 3.170, 3.180, 3.200, 3.205, and
5 3.210 as follows:

6 (210 ILCS 50/3.5)

7 Sec. 3.5. Definitions. As used in this Act:

8 "Department" means the Illinois Department of Public
9 Health.

10 "Director" means the Director of the Illinois Department of
11 Public Health.

12 "Emergency" means a medical condition of recent onset and
13 severity that would lead a prudent layperson, possessing an
14 average knowledge of medicine and health, to believe that
15 urgent or unscheduled medical care is required.

16 "Emergency Medical Services personnel" or "EMS personnel"
17 means persons licensed as an Emergency Medical Responder (EMR),
18 Emergency Medical Dispatcher (EMD), Emergency Medical
19 Technician (EMT), Emergency Medical Technician-Intermediate
20 (EMT-I), Advanced Emergency Medical Technician (AEMT),
21 Paramedic, Emergency Communications Registered Nurse (ECRN),
22 or Pre-Hospital Registered Nurse (PHRN).

23 "Health Care Facility" means a hospital, nursing home,
24 physician's office or other fixed location at which medical and
25 health care services are performed. It does not include

1 "pre-hospital emergency care settings" which utilize EMS
2 personnel ~~EMTs~~ to render pre-hospital emergency care prior to
3 the arrival of a transport vehicle, as defined in this Act.

4 "Hospital" has the meaning ascribed to that term in the
5 Hospital Licensing Act.

6 "Trauma" means any significant injury which involves
7 single or multiple organ systems.

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

9 (210 ILCS 50/3.10)

10 Sec. 3.10. Scope of Services.

11 (a) "Advanced Life Support (ALS) Services" means an
12 advanced level of pre-hospital and inter-hospital emergency
13 care and non-emergency medical services that includes basic
14 life support care, cardiac monitoring, cardiac defibrillation,
15 electrocardiography, intravenous therapy, administration of
16 medications, drugs and solutions, use of adjunctive medical
17 devices, trauma care, and other authorized techniques and
18 procedures, as outlined in the provisions of the National EMS
19 Education Standards relating to Advanced Life Support ~~national~~
20 ~~curriculum of the United States Department of Transportation~~
21 and any modifications to that curriculum specified in rules
22 adopted by the Department pursuant to this Act.

23 That care shall be initiated as authorized by the EMS
24 Medical Director in a Department approved advanced life support
25 EMS System, under the written or verbal direction of a

1 physician licensed to practice medicine in all of its branches
2 or under the verbal direction of an Emergency Communications
3 Registered Nurse.

4 (b) "Intermediate Life Support (ILS) Services" means an
5 intermediate level of pre-hospital and inter-hospital
6 emergency care and non-emergency medical services that
7 includes basic life support care plus intravenous cannulation
8 and fluid therapy, invasive airway management, trauma care, and
9 other authorized techniques and procedures, as outlined in the
10 provisions of the National EMS Education Standards relating to
11 Intermediate Life Support ~~national curriculum of the United~~
12 ~~States Department of Transportation~~ and any modifications to
13 that curriculum specified in rules adopted by the Department
14 pursuant to this Act.

15 That care shall be initiated as authorized by the EMS
16 Medical Director in a Department approved intermediate or
17 advanced life support EMS System, under the written or verbal
18 direction of a physician licensed to practice medicine in all
19 of its branches or under the verbal direction of an Emergency
20 Communications Registered Nurse.

21 (c) "Basic Life Support (BLS) Services" means a basic level
22 of pre-hospital and inter-hospital emergency care and
23 non-emergency medical services that includes airway
24 management, cardiopulmonary resuscitation (CPR), control of
25 shock and bleeding and splinting of fractures, as outlined in
26 the provisions of the National EMS Education Standards relating

1 ~~to~~ Basic Life Support ~~national curriculum of the United States~~
2 ~~Department of Transportation~~ and any modifications to that
3 curriculum specified in rules adopted by the Department
4 pursuant to this Act.

5 That care shall be initiated, where authorized by the EMS
6 Medical Director in a Department approved EMS System, under the
7 written or verbal direction of a physician licensed to practice
8 medicine in all of its branches or under the verbal direction
9 of an Emergency Communications Registered Nurse.

10 (d) "Emergency Medical Responder ~~First Response~~ Services"
11 means a preliminary level of pre-hospital emergency care that
12 includes cardiopulmonary resuscitation (CPR), monitoring vital
13 signs and control of bleeding, as outlined in the Emergency
14 Medical Responder (EMR) curriculum of the National EMS
15 Education Standards ~~First Responder curriculum of the United~~
16 ~~States Department of Transportation~~ and any modifications to
17 that curriculum specified in rules adopted by the Department
18 pursuant to this Act.

19 (e) "Pre-hospital care" means those ~~emergency~~ medical
20 services rendered to ~~emergency~~ patients for analytic,
21 resuscitative, stabilizing, or preventive purposes, precedent
22 to and during transportation of such patients to hospitals.

23 (f) "Inter-hospital care" means those ~~emergency~~ medical
24 services rendered to ~~emergency~~ patients for analytic,
25 resuscitative, stabilizing, or preventive purposes, during
26 transportation of such patients from one hospital to another

1 hospital.

2 (f-5) "Critical care transport" means the pre-hospital or
3 inter-hospital transportation of a critically injured or ill
4 patient by a vehicle service provider, including the provision
5 of medically necessary supplies and services, at a level of
6 service beyond the scope of the Paramedic ~~EMT-paramedic~~. When
7 medically indicated for a patient, as determined by a physician
8 licensed to practice medicine in all of its branches, an
9 advanced practice nurse, or a physician's assistant, in
10 compliance with subsections (b) and (c) of Section 3.155 of
11 this Act, critical care transport may be provided by:

12 (1) Department-approved critical care transport
13 providers, not owned or operated by a hospital, utilizing
14 Paramedics ~~EMT-paramedics~~ with additional training,
15 nurses, or other qualified health professionals; or

16 (2) Hospitals, when utilizing any vehicle service
17 provider or any hospital-owned or operated vehicle service
18 provider. Nothing in Public Act 96-1469 ~~this amendatory Act~~
19 ~~of the 96th General Assembly~~ requires a hospital to use, or
20 to be, a Department-approved critical care transport
21 provider when transporting patients, including those
22 critically injured or ill. Nothing in this Act shall
23 restrict or prohibit a hospital from providing, or
24 arranging for, the medically appropriate transport of any
25 patient, as determined by a physician licensed to practice
26 in all of its branches, an advanced practice nurse, or a

1 physician's assistant.

2 (g) "Non-emergency medical services" means medical care or
3 monitoring rendered to patients whose conditions do not meet
4 this Act's definition of emergency, before or during
5 transportation of such patients to or from health care
6 facilities visited for the purpose of obtaining medical or
7 health care services which are not emergency in nature, using a
8 vehicle regulated by this Act.

9 (g-5) The Department shall have the authority to promulgate
10 minimum standards for critical care transport providers
11 through rules adopted pursuant to this Act. All critical care
12 transport providers must function within a Department-approved
13 EMS System. Nothing in Department rules shall restrict a
14 hospital's ability to furnish personnel, equipment, and
15 medical supplies to any vehicle service provider, including a
16 critical care transport provider. Minimum critical care
17 transport provider standards shall include, but are not limited
18 to:

- 19 (1) Personnel staffing and licensure.
- 20 (2) Education, certification, and experience.
- 21 (3) Medical equipment and supplies.
- 22 (4) Vehicular standards.
- 23 (5) Treatment and transport protocols.
- 24 (6) Quality assurance and data collection.

25 (h) The provisions of this Act shall not apply to the use
26 of an ambulance or SEMSV, unless and until emergency or

1 non-emergency medical services are needed during the use of the
2 ambulance or SEMSV.

3 (Source: P.A. 96-1469, eff. 1-1-11.)

4 (210 ILCS 50/3.15)

5 Sec. 3.15. Emergency Medical Services (EMS) Regions. The
6 ~~Beginning September 1, 1995, the~~ Department shall designate
7 Emergency Medical Services (EMS) Regions within the State,
8 consisting of specific geographic areas encompassing EMS
9 Systems and trauma centers, in which emergency medical
10 services, trauma services, and non-emergency medical services
11 are coordinated under an EMS Region Plan.

12 In designating EMS Regions, the Department shall take into
13 consideration, but not be limited to, the location of existing
14 EMS Systems, Trauma Regions and trauma centers, existing
15 patterns of inter-System transports, population locations and
16 density, transportation modalities, and geographical distance
17 from available trauma and emergency department care.

18 Use of the term Trauma Region to identify a specific
19 geographic area shall be discontinued upon designation of areas
20 as EMS Regions.

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

22 (210 ILCS 50/3.20)

23 Sec. 3.20. Emergency Medical Services (EMS) Systems.

24 (a) "Emergency Medical Services (EMS) System" means an

1 organization of hospitals, vehicle service providers and
2 personnel approved by the Department in a specific geographic
3 area, which coordinates and provides pre-hospital and
4 inter-hospital emergency care and non-emergency medical
5 transports at a BLS, ILS and/or ALS level pursuant to a System
6 program plan submitted to and approved by the Department, and
7 pursuant to the EMS Region Plan adopted for the EMS Region in
8 which the System is located.

9 (b) One hospital in each System program plan must be
10 designated as the Resource Hospital. All other hospitals which
11 are located within the geographic boundaries of a System and
12 which have standby, basic or comprehensive level emergency
13 departments must function in that EMS System as either an
14 Associate Hospital or Participating Hospital and follow all
15 System policies specified in the System Program Plan, including
16 but not limited to the replacement of drugs and equipment used
17 by providers who have delivered patients to their emergency
18 departments. All hospitals and vehicle service providers
19 participating in an EMS System must specify their level of
20 participation in the System Program Plan.

21 (c) The Department shall have the authority and
22 responsibility to:

23 (1) Approve BLS, ILS and ALS level EMS Systems which
24 meet minimum standards and criteria established in rules
25 adopted by the Department pursuant to this Act, including
26 the submission of a Program Plan for Department approval.

1 Beginning September 1, 1997, the Department shall approve
2 the development of a new EMS System only when a local or
3 regional need for establishing such System has been
4 verified by the Department. This shall not be construed as
5 a needs assessment for health planning or other purposes
6 outside of this Act. Following Department approval, EMS
7 Systems must be fully operational within one year from the
8 date of approval.

9 (2) Monitor EMS Systems, based on minimum standards for
10 continuing operation as prescribed in rules adopted by the
11 Department pursuant to this Act, which shall include
12 requirements for submitting Program Plan amendments to the
13 Department for approval.

14 (3) Renew EMS System approvals every 4 years, after an
15 inspection, based on compliance with the standards for
16 continuing operation prescribed in rules adopted by the
17 Department pursuant to this Act.

18 (4) Suspend, revoke, or refuse to renew approval of any
19 EMS System, after providing an opportunity for a hearing,
20 when findings show that it does not meet the minimum
21 standards for continuing operation as prescribed by the
22 Department, or is found to be in violation of its
23 previously approved Program Plan.

24 (5) Require each EMS System to adopt written protocols
25 for the bypassing of or diversion to any hospital, trauma
26 center or regional trauma center, which provide that a

1 person shall not be transported to a facility other than
2 the nearest hospital, regional trauma center or trauma
3 center unless the medical benefits to the patient
4 reasonably expected from the provision of appropriate
5 medical treatment at a more distant facility outweigh the
6 increased risks to the patient from transport to the more
7 distant facility, or the transport is in accordance with
8 the System's protocols for patient choice or refusal.

9 (6) Require that the EMS Medical Director of an ILS or
10 ALS level EMS System be a physician licensed to practice
11 medicine in all of its branches in Illinois, and certified
12 by the American Board of Emergency Medicine or the American
13 Osteopathic Board of ~~Osteopathic~~ Emergency Medicine, and
14 that the EMS Medical Director of a BLS level EMS System be
15 a physician licensed to practice medicine in all of its
16 branches in Illinois, with regular and frequent
17 involvement in pre-hospital emergency medical services. In
18 addition, all EMS Medical Directors shall:

19 (A) Have experience on an EMS vehicle at the
20 highest level available within the System, or make
21 provision to gain such experience within 12 months
22 prior to the date responsibility for the System is
23 assumed or within 90 days after assuming the position;

24 (B) Be thoroughly knowledgeable of all skills
25 included in the scope of practices of all levels of EMS
26 personnel within the System;

1 (C) Have or make provision to gain experience
2 instructing students at a level similar to that of the
3 levels of EMS personnel within the System; and

4 (D) For ILS and ALS EMS Medical Directors,
5 successfully complete a Department-approved EMS
6 Medical Director's Course.

7 (7) Prescribe statewide EMS data elements to be
8 collected and documented by providers in all EMS Systems
9 for all emergency and non-emergency medical services, with
10 a one-year phase-in for commencing collection of such data
11 elements.

12 (8) Define, through rules adopted pursuant to this Act,
13 the terms "Resource Hospital", "Associate Hospital",
14 "Participating Hospital", "Basic Emergency Department",
15 "Standby Emergency Department", "Comprehensive Emergency
16 Department", "EMS Medical Director", "EMS Administrative
17 Director", and "EMS System Coordinator".

18 (A) (Blank). ~~Upon the effective date of this~~
19 ~~amendatory Act of 1995, all existing Project Medical~~
20 ~~Directors shall be considered EMS Medical Directors,~~
21 ~~and all persons serving in such capacities on the~~
22 ~~effective date of this amendatory Act of 1995 shall be~~
23 ~~exempt from the requirements of paragraph (7) of this~~
24 ~~subsection;~~

25 (B) (Blank). ~~Upon the effective date of this~~
26 ~~amendatory Act of 1995, all existing EMS System Project~~

1 ~~Directors shall be considered EMS Administrative~~
2 ~~Directors.~~

3 (9) Investigate the circumstances that caused a
4 hospital in an EMS system to go on bypass status to
5 determine whether that hospital's decision to go on bypass
6 status was reasonable. The Department may impose
7 sanctions, as set forth in Section 3.140 of the Act, upon a
8 Department determination that the hospital unreasonably
9 went on bypass status in violation of the Act.

10 (10) Evaluate the capacity and performance of any
11 freestanding emergency center established under Section
12 32.5 of this Act in meeting emergency medical service needs
13 of the public, including compliance with applicable
14 emergency medical standards and assurance of the
15 availability of and immediate access to the highest quality
16 of medical care possible.

17 (11) Permit limited EMS System participation by
18 facilities operated by the United States Department of
19 Veterans Affairs, Veterans Health Administration. Subject
20 to patient preference, Illinois EMS providers may
21 transport patients to Veterans Health Administration
22 facilities that voluntarily participate in an EMS System.
23 Any Veterans Health Administration facility seeking
24 limited participation in an EMS System shall agree to
25 comply with all Department administrative rules
26 implementing this Section. The Department may promulgate

1 rules, including, but not limited to, the types of Veterans
2 Health Administration facilities that may participate in
3 an EMS System and the limitations of participation.

4 (Source: P.A. 96-1009, eff. 1-1-11; 96-1469, eff. 1-1-11;
5 97-333, eff. 8-12-11.)

6 (210 ILCS 50/3.25)

7 Sec. 3.25. EMS Region Plan; Development.

8 (a) Within 6 months after designation of an EMS Region, an
9 EMS Region Plan addressing at least the information prescribed
10 in Section 3.30 shall be submitted to the Department for
11 approval. The Plan shall be developed by the Region's EMS
12 Medical Directors Committee with advice from the Regional EMS
13 Advisory Committee; portions of the plan concerning trauma
14 shall be developed jointly with the Region's Trauma Center
15 Medical Directors or Trauma Center Medical Directors
16 Committee, whichever is applicable, with advice from the
17 Regional Trauma Advisory Committee, if such Advisory Committee
18 has been established in the Region. Portions of the Plan
19 concerning stroke shall be developed jointly with the Regional
20 Stroke Advisory Subcommittee.

21 (1) A Region's EMS Medical Directors Committee shall be
22 comprised of the Region's EMS Medical Directors, along with
23 the medical advisor to a fire department vehicle service
24 provider. For regions which include a municipal fire
25 department serving a population of over 2,000,000 people,

1 that fire department's medical advisor shall serve on the
2 Committee. For other regions, the fire department vehicle
3 service providers shall select which medical advisor to
4 serve on the Committee on an annual basis.

5 (2) A Region's Trauma Center Medical Directors
6 Committee shall be comprised of the Region's Trauma Center
7 Medical Directors.

8 (b) A Region's Trauma Center Medical Directors may choose
9 to participate in the development of the EMS Region Plan
10 through membership on the Regional EMS Advisory Committee,
11 rather than through a separate Trauma Center Medical Directors
12 Committee. If that option is selected, the Region's Trauma
13 Center Medical Director shall also determine whether a separate
14 Regional Trauma Advisory Committee is necessary for the Region.

15 (c) In the event of disputes over content of the Plan
16 between the Region's EMS Medical Directors Committee and the
17 Region's Trauma Center Medical Directors or Trauma Center
18 Medical Directors Committee, whichever is applicable, the
19 Director of the Illinois Department of Public Health shall
20 intervene through a mechanism established by the Department
21 through rules adopted pursuant to this Act.

22 (d) "Regional EMS Advisory Committee" means a committee
23 formed within an Emergency Medical Services (EMS) Region to
24 advise the Region's EMS Medical Directors Committee and to
25 select the Region's representative to the State Emergency
26 Medical Services Advisory Council, consisting of at least the

1 members of the Region's EMS Medical Directors Committee, the
2 Chair of the Regional Trauma Committee, the EMS System
3 Coordinators from each Resource Hospital within the Region, one
4 administrative representative from an Associate Hospital
5 within the Region, one administrative representative from a
6 Participating Hospital within the Region, one administrative
7 representative from the vehicle service provider which
8 responds to the highest number of calls for emergency service
9 within the Region, one administrative representative of a
10 vehicle service provider from each System within the Region,
11 one individual from each level of license provided in Section
12 3.50 of this Act, one Pre-Hospital Registered Nurse ~~Emergency~~
13 ~~Medical Technician (EMT)/Pre-Hospital RN from each level of~~
14 ~~EMT/Pre-Hospital RN~~ practicing within the Region, and one
15 registered professional nurse currently practicing in an
16 emergency department within the Region. Of the 2 administrative
17 representatives of vehicle service providers, at least one
18 shall be an administrative representative of a private vehicle
19 service provider. The Department's Regional EMS Coordinator
20 for each Region shall serve as a non-voting member of that
21 Region's EMS Advisory Committee.

22 Every 2 years, the members of the Region's EMS Medical
23 Directors Committee shall rotate serving as Committee Chair,
24 and select the Associate Hospital, Participating Hospital and
25 vehicle service providers which shall send representatives to
26 the Advisory Committee, and the EMS personnel

1 ~~EMTs/Pre-Hospital RN~~ and nurse who shall serve on the Advisory
2 Committee.

3 (e) "Regional Trauma Advisory Committee" means a committee
4 formed within an Emergency Medical Services (EMS) Region, to
5 advise the Region's Trauma Center Medical Directors Committee,
6 consisting of at least the Trauma Center Medical Directors and
7 Trauma Coordinators from each Trauma Center within the Region,
8 one EMS Medical Director from a resource hospital within the
9 Region, one EMS System Coordinator from another resource
10 hospital within the Region, one representative each from a
11 public and private vehicle service provider which transports
12 trauma patients within the Region, an administrative
13 representative from each trauma center within the Region, one
14 EMR, EMD, EMT, EMT-I, AEMT, Paramedic, ECRN, or PHRN ~~EMT~~
15 representing the highest level of EMS personnel ~~EMT~~ practicing
16 within the Region, one emergency physician and one Trauma Nurse
17 Specialist (TNS) currently practicing in a trauma center. The
18 Department's Regional EMS Coordinator for each Region shall
19 serve as a non-voting member of that Region's Trauma Advisory
20 Committee.

21 Every 2 years, the members of the Trauma Center Medical
22 Directors Committee shall rotate serving as Committee Chair,
23 and select the vehicle service providers, EMS personnel ~~EMT~~,
24 emergency physician, EMS System Coordinator and TNS who shall
25 serve on the Advisory Committee.

26 (Source: P.A. 96-514, eff. 1-1-10.)

1 (210 ILCS 50/3.35)

2 Sec. 3.35. Emergency Medical Services (EMS) Resource
3 Hospital; Functions. The Resource Hospital of an EMS System
4 shall:

5 (a) Prepare a Program Plan in accordance with the
6 provisions of this Act and minimum standards and criteria
7 established in rules adopted by the Department pursuant to this
8 Act, and submit such Program Plan to the Department for
9 approval.

10 (b) Appoint an EMS Medical Director, who will continually
11 monitor and supervise the System and who will have the
12 responsibility and authority for total management of the System
13 as delegated by the EMS Resource Hospital.

14 The Program Plan shall require the EMS Medical Director to
15 appoint an alternate EMS Medical Director and establish a
16 written protocol addressing the functions to be carried out in
17 his or her absence.

18 (c) Appoint an EMS System Coordinator and EMS
19 Administrative Director in consultation with the EMS Medical
20 Director and in accordance with rules adopted by the Department
21 pursuant to this Act.

22 (d) Identify potential EMS System participants and obtain
23 commitments from them for the provision of services.

24 (e) Educate or coordinate the education of EMS personnel
25 and all other license holders ~~EMT personnel~~ in accordance with

1 the requirements of this Act, rules adopted by the Department
2 pursuant to this Act, and the EMS System Program Plan.

3 (f) Notify the Department of EMS personnel ~~EMT provider~~
4 ~~personnel~~ who have successfully completed the requirements as
5 provided by law for initial licensure, license renewal, and
6 license reinstatement ~~testing and relicensure~~ by the
7 Department, ~~except that an ILS or ALS level System may require~~
8 ~~its EMT B personnel to apply directly to the Department for~~
9 ~~determination of successful completion of relicensure~~
10 ~~requirements.~~

11 (g) Educate or coordinate the education of Emergency
12 Medical Dispatcher candidates, in accordance with the
13 requirements of this Act, rules adopted by the Department
14 pursuant to this Act, and the EMS System Program Plan.

15 (h) Establish or approve protocols for prearrival medical
16 instructions to callers by System Emergency Medical
17 Dispatchers who provide such instructions.

18 (i) Educate or coordinate the education of Pre-Hospital
19 Registered Nurse ~~RN~~ and ECRN candidates, in accordance with the
20 requirements of this Act, rules adopted by the Department
21 pursuant to this Act, and the EMS System Program Plan.

22 (j) Approve Pre-Hospital Registered Nurse ~~RN~~ and ECRN
23 candidates to practice within the System, and reapprove
24 Pre-Hospital Registered Nurses ~~RNs~~ and ECRNs every 4 years in
25 accordance with the requirements of the Department and the
26 System Program Plan.

1 (k) Establish protocols for the use of Pre-Hospital
2 Registered Nurses ~~RNs~~ within the System.

3 (l) Establish protocols for utilizing ECRNs and physicians
4 licensed to practice medicine in all of its branches to monitor
5 telecommunications from, and give voice orders to, EMS
6 personnel, under the authority of the EMS Medical Director.

7 (m) Monitor emergency and non-emergency medical transports
8 within the System, in accordance with rules adopted by the
9 Department pursuant to this Act.

10 (n) Utilize levels of personnel required by the Department
11 to provide emergency care to the sick and injured at the scene
12 of an emergency, during transport to a hospital or during
13 inter-hospital transport and within the hospital emergency
14 department until the responsibility for the care of the patient
15 is assumed by the medical personnel of a hospital emergency
16 department or other facility within the hospital to which the
17 patient is first delivered by System personnel.

18 (o) Utilize levels of personnel required by the Department
19 to provide non-emergency medical services during transport to a
20 health care facility and within the health care facility until
21 the responsibility for the care of the patient is assumed by
22 the medical personnel of the health care facility to which the
23 patient is delivered by System personnel.

24 (p) Establish and implement a program for System
25 participant information and education, in accordance with
26 rules adopted by the Department pursuant to this Act.

1 (q) Establish and implement a program for public
2 information and education, in accordance with rules adopted by
3 the Department pursuant to this Act.

4 (r) Operate in compliance with the EMS Region Plan.
5 (Source: P.A. 89-177, eff. 7-19-95.)

6 (210 ILCS 50/3.40)

7 Sec. 3.40. EMS System Participation Suspensions and Due
8 Process.

9 (a) An EMS Medical Director may suspend from participation
10 within the System any EMS personnel, EMS Lead Instructor (LI),
11 individual, individual provider or other participant
12 considered not to be meeting the requirements of the Program
13 Plan of that approved EMS System.

14 (b) Prior to suspending any individual or entity ~~an EMT or~~
15 ~~other provider,~~ an EMS Medical Director shall provide an ~~the~~
16 ~~EMT or provider with the~~ opportunity for a hearing before the
17 local System review board in accordance with subsection (f) and
18 the rules promulgated by the Department.

19 (1) If the local System review board affirms or
20 modifies the EMS Medical Director's suspension order, the
21 individual or entity ~~EMT or provider~~ shall have the
22 opportunity for a review of the local board's decision by
23 the State EMS Disciplinary Review Board, pursuant to
24 Section 3.45 of this Act.

25 (2) If the local System review board reverses or

1 modifies the EMS Medical Director's ~~suspension~~ order, the
2 EMS Medical Director shall have the opportunity for a
3 review of the local board's decision by the State EMS
4 Disciplinary Review Board, pursuant to Section 3.45 of this
5 Act.

6 (3) The suspension shall commence only upon the
7 occurrence of one of the following:

8 (A) the individual or entity ~~EMT or provider~~ has
9 waived the opportunity for a hearing before the local
10 System review board; or

11 (B) the ~~suspension~~ order has been affirmed or
12 modified by the local system review board and the
13 individual or entity ~~EMT or provider~~ has waived the
14 opportunity for review by the State Board; or

15 (C) the ~~suspension~~ order has been affirmed or
16 modified by the local system review board, and the
17 local board's decision has been affirmed or modified by
18 the State Board.

19 (c) An EMS Medical Director may immediately suspend an EMR,
20 EMD, EMT, EMT-I, AEMT, Paramedic, ECRN, PHRN, LI, or other
21 individual or entity ~~EMT or other provider~~ if he or she finds
22 that ~~the information in his or her possession indicates that~~
23 the continuation in practice by the individual or entity ~~an EMT~~
24 ~~or other provider~~ would constitute an imminent danger to the
25 public. The suspended individual or entity ~~EMT or other~~
26 ~~provider~~ shall be issued an immediate verbal notification

1 followed by a written suspension order ~~to the EMT or other~~
2 ~~provider~~ by the EMS Medical Director which states the length,
3 terms and basis for the suspension.

4 (1) Within 24 hours following the commencement of the
5 suspension, the EMS Medical Director shall deliver to the
6 Department, by messenger, ~~or~~ telefax, or other
7 Department-approved electronic communication, a copy of
8 the suspension order and copies of any written materials
9 which relate to the EMS Medical Director's decision to
10 suspend the individual or entity ~~EMT or provider~~. All
11 medical and patient-specific information, including
12 Department findings with respect to the quality of care
13 rendered, shall be strictly confidential pursuant to the
14 Medical Studies Act.

15 (2) Within 24 hours following the commencement of the
16 suspension, the suspended individual or entity ~~EMT or~~
17 ~~provider~~ may deliver to the Department, by messenger, ~~or~~
18 telefax, or other Department-approved electronic
19 communication, a written response to the suspension order
20 and copies of any written materials which the individual or
21 entity ~~EMT or provider~~ feels are appropriate ~~relate to that~~
22 ~~response~~. All medical and patient-specific information,
23 including Department findings with respect to the quality
24 of care rendered, shall be strictly confidential pursuant
25 to the Medical Studies Act.

26 (3) Within 24 hours following receipt of the EMS

1 Medical Director's suspension order or the individual or
2 entity's ~~EMT or provider's~~ written response, whichever is
3 later, the Director or the Director's designee shall
4 determine whether the suspension should be stayed pending
5 an ~~the EMT's or provider's~~ opportunity for a hearing or
6 review in accordance with this Act, or whether the
7 suspension should continue during the course of that
8 hearing or review. The Director or the Director's designee
9 shall issue this determination to the EMS Medical Director,
10 who shall immediately notify the suspended individual or
11 entity ~~EMT or provider~~. The suspension shall remain in
12 effect during this period of review by the Director or the
13 Director's designee.

14 (d) Upon issuance of a suspension order for reasons
15 directly related to medical care, the EMS Medical Director
16 shall also provide the individual or entity ~~EMT or provider~~
17 with the opportunity for a hearing before the local System
18 review board, in accordance with subsection (f) and the rules
19 promulgated by the Department.

20 (1) If the local System review board affirms or
21 modifies the EMS Medical Director's suspension order, the
22 individual or entity ~~EMT or provider~~ shall have the
23 opportunity for a review of the local board's decision by
24 the State EMS Disciplinary Review Board, pursuant to
25 Section 3.45 of this Act.

26 (2) If the local System review board reverses or

1 modifies the EMS Medical Director's suspension order, the
2 EMS Medical Director shall have the opportunity for a
3 review of the local board's decision by the State EMS
4 Disciplinary Review Board, pursuant to Section 3.45 of this
5 Act.

6 (3) The suspended individual or entity ~~EMT or provider~~
7 may elect to bypass the local System review board and seek
8 direct review of the EMS Medical Director's suspension
9 order by the State EMS Disciplinary Review Board.

10 (e) The Resource Hospital shall designate a local System
11 review board in accordance with the rules of the Department,
12 for the purpose of providing a hearing to any individual or
13 entity ~~individual provider~~ participating within the System who
14 is suspended from participation by the EMS Medical Director.
15 The EMS Medical Director shall arrange for a certified
16 shorthand reporter to make a stenographic record of that
17 hearing and thereafter prepare a transcript of the proceedings.
18 The transcript, all documents or materials received as evidence
19 during the hearing and the local System review board's written
20 decision shall be retained in the custody of the EMS system.
21 The System shall implement a decision of the local System
22 review board unless that decision has been appealed to the
23 State Emergency Medical Services Disciplinary Review Board in
24 accordance with this Act and the rules of the Department.

25 (f) The Resource Hospital shall implement a decision of the
26 State Emergency Medical Services Disciplinary Review Board

1 which has been rendered in accordance with this Act and the
2 rules of the Department.

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

4 (210 ILCS 50/3.45)

5 Sec. 3.45. State Emergency Medical Services Disciplinary
6 Review Board.

7 (a) The Governor shall appoint a State Emergency Medical
8 Services Disciplinary Review Board, composed of an EMS Medical
9 Director, an EMS System Coordinator, a Paramedic ~~an Emergency~~
10 ~~Medical Technician-Paramedic (EMT-P)~~, an Emergency Medical
11 Technician (EMT) ~~Technician-Basic (EMT-B)~~, and the following
12 members, who shall only review cases in which a party is from
13 the same professional category: a Pre-Hospital Registered
14 Nurse RN, an ECRN, a Trauma Nurse Specialist, an Emergency
15 Medical Technician-Intermediate (EMT-I), an Advanced Emergency
16 Medical Technician (AEMT), a representative from a private
17 vehicle service provider, a representative from a public
18 vehicle service provider, and an emergency physician who
19 monitors telecommunications from and gives voice orders to EMS
20 personnel. The Governor shall also appoint one alternate for
21 each member of the Board, from the same professional category
22 as the member of the Board.

23 (b) ~~The~~ Of the members first appointed, 2 members shall be
24 ~~appointed for a term of one year, 2 members shall be appointed~~
25 ~~for a term of 2 years and the remaining~~ members shall be

1 appointed for a term of 3 years. ~~The terms of subsequent~~
2 ~~appointments shall be 3 years.~~ All appointees shall serve until
3 their successors are appointed. The alternate members shall be
4 appointed and serve in the same fashion as the members of the
5 Board. If a member resigns his or her appointment, the
6 corresponding alternate shall serve the remainder of that
7 member's term until a subsequent member is appointed by the
8 Governor.

9 (c) The function of the Board is to review and affirm,
10 reverse or modify disciplinary orders ~~to suspend an EMT or~~
11 ~~other individual provider from participating within an EMS~~
12 ~~System.~~

13 (d) Any An individual or entity, ~~individual provider or~~
14 ~~other participant~~ who received an immediate suspension from an
15 EMS Medical Director may request the Board to reverse or modify
16 the suspension order. If the suspension had been affirmed or
17 modified by a local System review board, the suspended
18 individual or entity ~~participant~~ may request the Board to
19 reverse or modify the local board's decision.

20 (e) Any An individual or entity, ~~individual provider or~~
21 ~~other participant~~ who received a non-immediate suspension
22 order from an EMS Medical Director which was affirmed or
23 modified by a local System review board may request the Board
24 to reverse or modify the local board's decision.

25 (f) An EMS Medical Director whose suspension order was
26 reversed or modified by a local System review board may request

1 the Board to reverse or modify the local board's decision.

2 (g) The Board shall ~~regularly~~ meet on the first Tuesday of
3 every month, unless no requests for review have been submitted.
4 Additional meetings of the Board shall be scheduled ~~as~~
5 ~~necessary~~ to ensure ~~insure~~ that a request for direct review of
6 an immediate suspension order is scheduled within 14 days after
7 the Department receives the request for review or as soon
8 thereafter as a quorum is available. The Board shall meet in
9 Springfield or Chicago, whichever location is closer to the
10 majority of the members or alternates attending the meeting.
11 The Department shall reimburse the members and alternates of
12 the Board for reasonable travel expenses incurred in attending
13 meetings of the Board.

14 (h) A request for review shall be submitted in writing to
15 the Chief of the Department's Division of Emergency Medical
16 Services and Highway Safety, within 10 days after receiving the
17 local board's decision or the EMS Medical Director's suspension
18 order, whichever is applicable, a copy of which shall be
19 enclosed.

20 (i) At its regularly scheduled meetings, the Board shall
21 review requests which have been received by the Department at
22 least 10 working days prior to the Board's meeting date.
23 Requests for review which are received less than 10 working
24 days prior to a scheduled meeting shall be considered at the
25 Board's next scheduled meeting, except that requests for direct
26 review of an immediate suspension order may be scheduled up to

1 3 working days prior to the Board's meeting date.

2 (j) A quorum shall be required for the Board to meet, which
3 shall consist of 3 members or alternates, including the EMS
4 Medical Director or alternate and the member or alternate from
5 the same professional category as the subject of the suspension
6 order. At each meeting of the Board, the members or alternates
7 present shall select a Chairperson to conduct the meeting.

8 (k) Deliberations for decisions of the State EMS
9 Disciplinary Review Board shall be conducted in closed session.
10 Department staff may attend for the purpose of providing
11 clerical assistance, but no other persons may be in attendance
12 except for the parties to the dispute being reviewed by the
13 Board and their attorneys, unless by request of the Board.

14 (l) The Board shall review the transcript, evidence and
15 written decision of the local review board or the written
16 decision and supporting documentation of the EMS Medical
17 Director, whichever is applicable, along with any additional
18 written or verbal testimony or argument offered by the parties
19 to the dispute.

20 (m) At the conclusion of its review, the Board shall issue
21 its decision and the basis for its decision on a form provided
22 by the Department, and shall submit to the Department its
23 written decision together with the record of the local System
24 review board. The Department shall promptly issue a copy of the
25 Board's decision to all affected parties. The Board's decision
26 shall be binding on all parties.

1 (Source: P.A. 89-177, eff. 7-19-95; 90-144, eff. 7-23-97.)

2 (210 ILCS 50/3.50)

3 Sec. 3.50. Emergency Medical Services personnel licensure
4 levels ~~Technician (EMT) Licensure~~.

5 (a) "Emergency Medical Technician ~~Technician Basic~~" or
6 "EMT ~~EMT-B~~" means a person who has successfully completed a
7 course of instruction in basic life support as prescribed by
8 the Department, is currently licensed by the Department in
9 accordance with standards prescribed by this Act and rules
10 adopted by the Department pursuant to this Act, and practices
11 within an EMS System.

12 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"
13 means a person who has successfully completed a course ~~of~~
14 ~~instruction~~ in intermediate life support as approved
15 ~~prescribed~~ by the Department, is currently licensed by the
16 Department in accordance with standards prescribed by this Act
17 and rules adopted by the Department pursuant to this Act, and
18 practices within an Intermediate or Advanced Life Support EMS
19 System.

20 (b-5) "Advanced Emergency Medical Technician" or "AEMT"
21 means a person who has successfully completed a course in basic
22 and limited advanced emergency medical care as approved by the
23 Department, is currently licensed by the Department in
24 accordance with standards prescribed by this Act and rules
25 adopted by the Department pursuant to this Act, and practices

1 within an Intermediate or Advanced Life Support EMS System.

2 (c) "~~Paramedic Emergency Medical Technician-Paramedic~~" or
3 "~~EMT-P~~" means a person who has successfully completed a course
4 ~~of instruction~~ in advanced life support care as approved
5 ~~prescribed~~ by the Department, is licensed by the Department in
6 accordance with standards prescribed by this Act and rules
7 adopted by the Department pursuant to this Act, and practices
8 within an Advanced Life Support EMS System.

9 (c-5) "Emergency Medical Responder" or "EMR" means a person
10 who has successfully completed a course in emergency medical
11 response as approved by the Department and provides emergency
12 medical response services prior to the arrival of an ambulance
13 or specialized emergency medical services vehicle, in
14 accordance with the level of care established by the National
15 EMS Educational Standards Emergency Medical Responder course
16 as modified by the Department. An Emergency Medical Responder
17 who provides services as part of an EMS System response plan
18 shall comply with the applicable sections of the Program Plan,
19 as approved by the Department, of that EMS System. The
20 Department shall have the authority to adopt rules governing
21 the curriculum, practice, and necessary equipment applicable
22 to Emergency Medical Responders.

23 On the effective date of this amendatory Act of the 98th
24 General Assembly, a person who is licensed by the Department as
25 a First Responder and has completed a Department-approved
26 course in first responder defibrillator training based on, or

1 equivalent to, the National EMS Educational Standards or other
2 standards previously recognized by the Department shall be
3 eligible for licensure as an Emergency Medical Responder upon
4 meeting the licensure requirements and submitting an
5 application to the Department.

6 (c-10) All EMS Systems and licensees shall be fully
7 compliant with the National EMS Education Standards, as
8 modified by the Department in administrative rules, within 24
9 months after the effective date of this amendatory Act of the
10 98th General Assembly.

11 (d) The Department shall have the authority and
12 responsibility to:

13 (1) Prescribe education and training requirements,
14 which includes training in the use of epinephrine, for all
15 levels of EMS personnel except for EMRs EMT, based on the
16 National EMS Educational Standards ~~respective national~~
17 ~~curricula of the United States Department of~~
18 ~~Transportation~~ and any modifications to those ~~such~~
19 curricula specified by the Department through rules
20 adopted pursuant to this Act.

21 (2) Prescribe licensure testing requirements for all
22 levels of EMS personnel ~~EMT~~, which shall include a
23 requirement that all phases of instruction, training, and
24 field experience be completed before taking the
25 appropriate ~~EMT~~ licensure examination. Candidates may
26 elect to take the appropriate National Registry ~~of~~

1 ~~Emergency Medical Technicians~~ examination in lieu of the
2 Department's examination, but are responsible for making
3 their own arrangements for taking the National Registry
4 examination. In prescribing licensure testing requirements
5 for honorably discharged members of the armed forces of the
6 United States under this paragraph (2), the Department
7 shall ensure that a candidate's military emergency medical
8 training, emergency medical curriculum completed, and
9 clinical experience, as described in paragraph (2.5), are
10 recognized.

11 (2.5) Review applications for EMS personnel ~~EMT~~
12 licensure from honorably discharged members of the armed
13 forces of the United States with military emergency medical
14 training. Applications shall be filed with the Department
15 within one year after military discharge and shall contain:
16 (i) proof of successful completion of military emergency
17 medical training; (ii) a detailed description of the
18 emergency medical curriculum completed; and (iii) a
19 detailed description of the applicant's clinical
20 experience. The Department may request additional and
21 clarifying information. The Department shall evaluate the
22 application, including the applicant's training and
23 experience, consistent with the standards set forth under
24 subsections (a), (b), (c), and (d) of Section 3.10. If the
25 application clearly demonstrates that the training and
26 experience meets such standards, the Department shall

1 offer the applicant the opportunity to successfully
2 complete a Department-approved EMS personnel ~~EMT~~
3 examination for the class of license for which the
4 applicant is qualified. Upon passage of an examination, the
5 Department shall issue a license, which shall be subject to
6 all provisions of this Act that are otherwise applicable to
7 the class of EMS personnel ~~EMT~~ license issued.

8 (3) License individuals as an EMR, EMT ~~EMT-B~~, EMT-I,
9 AEMT, or Paramedic ~~EMT-P~~ who have met the Department's
10 education, training and examination requirements.

11 (4) Prescribe annual continuing education and
12 relicensure requirements for all EMS personnel licensure
13 levels ~~levels of EMT~~.

14 (5) Relicense individuals as an EMD, EMR, EMT ~~EMT-B~~,
15 EMT-I, AEMT, or Paramedic ~~EMT-P~~ every 4 years, based on
16 their compliance with continuing education and relicensure
17 requirements as required by the Department pursuant to this
18 Act. Every 4 years, a Paramedic ~~an EMT-P~~ shall have 100
19 hours of approved continuing education, an EMT-I and an
20 advanced EMT shall have 80 hours of approved continuing
21 education, and an EMT ~~EMT-B~~ shall have 60 hours of approved
22 continuing education. An Illinois licensed EMR, EMD, EMT,
23 EMT-I, AEMT, Paramedic, ECRN, or PHRN ~~Emergency Medical~~
24 ~~Technician~~ whose license has been expired for less than 36
25 months may apply for reinstatement by the Department.
26 Reinstatement shall require that the applicant (i) submit

1 satisfactory proof of completion of continuing medical
2 education and clinical requirements to be prescribed by the
3 Department in an administrative rule; (ii) submit a
4 positive recommendation from an Illinois EMS Medical
5 Director attesting to the applicant's qualifications for
6 retesting; and (iii) pass a Department approved test for
7 the level of EMS personnel ~~EMT~~ license sought to be
8 reinstated.

9 (6) Grant inactive status to any EMR, EMD, EMT, EMT-I,
10 AEMT, Paramedic, ECRN, or PHRN ~~EMT~~ who qualifies, based on
11 standards and procedures established by the Department in
12 rules adopted pursuant to this Act.

13 (7) Charge a fee for EMS personnel ~~EMT~~ examination,
14 licensure, and license renewal.

15 (8) Suspend, revoke, or refuse to issue or renew the
16 license of any licensee, after an opportunity for an
17 impartial hearing before a neutral administrative law
18 judge appointed by the Director, where the preponderance of
19 the evidence shows one or more of the following:

20 (A) The licensee has not met continuing education
21 or relicensure requirements as prescribed by the
22 Department;

23 (B) The licensee has failed to maintain
24 proficiency in the level of skills for which he or she
25 is licensed;

26 (C) The licensee, during the provision of medical

1 services, engaged in dishonorable, unethical, or
2 unprofessional conduct of a character likely to
3 deceive, defraud, or harm the public;

4 (D) The licensee has failed to maintain or has
5 violated standards of performance and conduct as
6 prescribed by the Department in rules adopted pursuant
7 to this Act or his or her EMS System's Program Plan;

8 (E) The licensee is physically impaired to the
9 extent that he or she cannot physically perform the
10 skills and functions for which he or she is licensed,
11 as verified by a physician, unless the person is on
12 inactive status pursuant to Department regulations;

13 (F) The licensee is mentally impaired to the extent
14 that he or she cannot exercise the appropriate
15 judgment, skill and safety for performing the
16 functions for which he or she is licensed, as verified
17 by a physician, unless the person is on inactive status
18 pursuant to Department regulations;

19 (G) The licensee has violated this Act or any rule
20 adopted by the Department pursuant to this Act; or

21 (H) The licensee has been convicted (or entered a
22 plea of guilty or nolo-contendere) by a court of
23 competent jurisdiction of a Class X, Class 1, or Class
24 2 felony in this State or an out-of-state equivalent
25 offense.

26 (d-5) An EMR, EMD, EMT, EMT-I, AEMT, Paramedic, ECRN, or

1 ~~PHRN An EMT~~ who is a member of the Illinois National Guard or
2 an Illinois State Trooper or who exclusively serves as a
3 volunteer for units of local government with a population base
4 of less than 5,000 or as a volunteer for a not-for-profit
5 organization that serves a service area with a population base
6 of less than 5,000 may submit an application to the Department
7 for a waiver of the fees described under paragraph (7) of
8 subsection (d) of this Section on a form prescribed by the
9 Department.

10 The education requirements prescribed by the Department
11 under this Section ~~subsection~~ must allow for the suspension of
12 those requirements in the case of a member of the armed
13 services or reserve forces of the United States or a member of
14 the Illinois National Guard who is on active duty pursuant to
15 an executive order of the President of the United States, an
16 act of the Congress of the United States, or an order of the
17 Governor at the time that the member would otherwise be
18 required to fulfill a particular education requirement. Such a
19 person must fulfill the education requirement within 6 months
20 after his or her release from active duty.

21 (e) In the event that any rule of the Department or an EMS
22 Medical Director that requires testing for drug use as a
23 condition of the applicable EMS personnel license ~~for EMT~~
24 ~~licensure~~ conflicts with or duplicates a provision of a
25 collective bargaining agreement that requires testing for drug
26 use, that rule shall not apply to any person covered by the

1 collective bargaining agreement.

2 (Source: P.A. 97-333, eff. 8-12-11; 97-509, eff. 8-23-11;
3 97-813, eff. 7-13-12; 97-1014, eff. 1-1-13; 98-53, eff. 1-1-14;
4 98-463, eff. 8-16-13.)

5 (210 ILCS 50/3.55)

6 Sec. 3.55. Scope of practice.

7 (a) Any person currently licensed as an EMR, EMT ~~EMT-B,~~
8 EMT-I, AEMT, or Paramedic ~~EMT-P~~ may perform emergency and
9 non-emergency medical services as defined in this Act, in
10 accordance with his or her level of education, training and
11 licensure, the standards of performance and conduct prescribed
12 by the Department in rules adopted pursuant to this Act, and
13 the requirements of the EMS System in which he or she
14 practices, as contained in the approved Program Plan for that
15 System. The Director may, by written order, temporarily modify
16 individual scopes of practice in response to public health
17 emergencies for periods not exceeding 180 days.

18 (a-5) EMS personnel ~~A person currently approved as a First~~
19 ~~Responder or licensed as an EMT-B, EMT-I, or EMT-P~~ who have ~~has~~
20 successfully completed a Department approved course in
21 automated defibrillator operation and who are ~~is~~ functioning
22 within a Department approved EMS System may utilize such
23 automated defibrillator according to the standards of
24 performance and conduct prescribed by the Department in rules
25 adopted pursuant to this Act and the requirements of the EMS

1 System in which they practice ~~he or she practices~~, as contained
2 in the approved Program Plan for that System.

3 (a-7) An EMT ~~A person currently licensed as an EMT B,~~
4 ~~EMT-I, AEMT, or Paramedic EMT-P~~ who has successfully completed
5 a Department approved course in the administration of
6 epinephrine, shall be required to carry epinephrine with him or
7 her as part of the EMS personnel ~~EMT~~ medical supplies whenever
8 he or she is performing official ~~the~~ duties as determined by
9 the EMS System ~~of an emergency medical technician~~.

10 (b) An EMR, EMT ~~A person currently licensed as an EMT B,~~
11 ~~EMT-I, AEMT, or Paramedic EMT-P~~ may ~~only~~ practice as an EMR,
12 EMT, EMT-I, AEMT, or Paramedic ~~EMT~~ or utilize his or her EMR,
13 EMT, EMT-I, AEMT, or Paramedic ~~EMT~~ license in pre-hospital or
14 inter-hospital emergency care settings or non-emergency
15 medical transport situations, under the written or verbal
16 direction of the EMS Medical Director. For purposes of this
17 Section, a "pre-hospital emergency care setting" may include a
18 location, that is not a health care facility, which utilizes
19 EMS personnel ~~EMTs~~ to render pre-hospital emergency care prior
20 to the arrival of a transport vehicle. The location shall
21 include communication equipment and all of the portable
22 equipment and drugs appropriate for the EMR, EMT, EMT-I, AEMT,
23 or Paramedic's ~~EMT's~~ level of care, as required by this Act,
24 rules adopted by the Department pursuant to this Act, and the
25 protocols of the EMS Systems, and shall operate only with the
26 approval and under the direction of the EMS Medical Director.

1 This Section shall not prohibit an EMR, EMT ~~EMT-B~~, EMT-I,
2 AEMT, or Paramedic ~~EMT-P~~ from practicing within an emergency
3 department or other health care setting for the purpose of
4 receiving continuing education or training approved by the EMS
5 Medical Director. This Section shall also not prohibit an EMT
6 ~~EMT-B~~, EMT-I, AEMT, or Paramedic ~~EMT-P~~ from seeking credentials
7 other than his or her EMT, EMT-I, AEMT, or Paramedic license
8 and utilizing such credentials to work in emergency departments
9 or other health care settings under the jurisdiction of that
10 employer.

11 (c) An EMT ~~A person currently licensed as an EMT-B, EMT-I,~~
12 AEMT, or Paramedic ~~EMT-P~~ may honor Do Not Resuscitate (DNR)
13 orders and powers of attorney for health care only in
14 accordance with rules adopted by the Department pursuant to
15 this Act and protocols of the EMS System in which he or she
16 practices.

17 (d) A student enrolled in a Department approved EMS
18 personnel ~~emergency medical technician~~ program, while
19 fulfilling the clinical training and in-field supervised
20 experience requirements mandated for licensure or approval by
21 the System and the Department, may perform prescribed
22 procedures under the direct supervision of a physician licensed
23 to practice medicine in all of its branches, a qualified
24 registered professional nurse, or a qualified EMS personnel
25 ~~EMT~~, only when authorized by the EMS Medical Director.

26 (Source: P.A. 92-376, eff. 8-15-01.)

1 (210 ILCS 50/3.65)

2 Sec. 3.65. EMS Lead Instructor.

3 (a) "EMS Lead Instructor" means a person who has
4 successfully completed a course of education as approved
5 ~~prescribed~~ by the Department, and who is currently approved by
6 the Department to coordinate or teach education, training and
7 continuing education courses, in accordance with standards
8 prescribed by this Act and rules adopted by the Department
9 pursuant to this Act.

10 (b) The Department shall have the authority and
11 responsibility to:

12 (1) Prescribe education requirements for EMS Lead
13 Instructor candidates through rules adopted pursuant to
14 this Act.

15 (2) Prescribe testing requirements for EMS Lead
16 Instructor candidates through rules adopted pursuant to
17 this Act.

18 (3) Charge each candidate for EMS Lead Instructor a fee
19 to be submitted with an application for an examination, an
20 application for licensure ~~certification~~, and an
21 application for licensure ~~recertification~~.

22 (4) Approve individuals as EMS Lead Instructors who
23 have met the Department's education and testing
24 requirements.

25 (5) Require that all education, training and

1 continuing education courses for EMT ~~EMT-B~~, EMT-I, AEMT,
2 Paramedic, PHRN ~~EMT-P~~, ~~Pre-Hospital RN~~, ECRN, EMR, ~~First~~
3 ~~Responder~~ and Emergency Medical Dispatcher be coordinated
4 by at least one approved EMS Lead Instructor. A program
5 which includes education, training or continuing education
6 for more than one type of personnel may use one EMS Lead
7 Instructor to coordinate the program, and a single EMS Lead
8 Instructor may simultaneously coordinate more than one
9 program or course.

10 (6) Provide standards and procedures for awarding EMS
11 Lead Instructor approval to persons previously approved by
12 the Department to coordinate such courses, based on
13 qualifications prescribed by the Department through rules
14 adopted pursuant to this Act.

15 (7) Suspend, ~~or~~ revoke, or refuse to issue or renew the
16 approval of an EMS Lead Instructor, after an opportunity
17 for a hearing, when findings show one or more of the
18 following:

19 (A) The EMS Lead Instructor has failed to conduct a
20 course in accordance with the curriculum prescribed by
21 this Act and rules adopted by the Department pursuant
22 to this Act; or

23 (B) The EMS Lead Instructor has failed to comply
24 with protocols prescribed by the Department through
25 rules adopted pursuant to this Act.

26 (Source: P.A. 96-1469, eff. 1-1-11.)

1 (210 ILCS 50/3.70)

2 Sec. 3.70. Emergency Medical Dispatcher.

3 (a) "Emergency Medical Dispatcher" means a person who has
4 successfully completed a training course in emergency medical
5 dispatching ~~meeting or exceeding the national curriculum of the~~
6 ~~United States Department of Transportation~~ in accordance with
7 rules adopted by the Department pursuant to this Act, who
8 accepts calls from the public for emergency medical services
9 and dispatches designated emergency medical services personnel
10 and vehicles. The Emergency Medical Dispatcher must use the
11 Department-approved emergency medical dispatch priority
12 reference system (EMDPRS) protocol selected for use by its
13 agency and approved by its EMS medical director. This protocol
14 must be used by an emergency medical dispatcher in an emergency
15 medical dispatch agency to dispatch aid to medical emergencies
16 which includes systematized caller interrogation questions;
17 systematized prearrival support instructions; and systematized
18 coding protocols that match the dispatcher's evaluation of the
19 injury or illness severity with the vehicle response mode and
20 vehicle response configuration and includes an appropriate
21 training curriculum and testing process consistent with the
22 specific EMDPRS protocol used by the emergency medical dispatch
23 agency. Prearrival support instructions shall be provided in a
24 non-discriminatory manner and shall be provided in accordance
25 with the EMDPRS established by the EMS medical director of the

1 EMS system in which the EMD operates. If the dispatcher
2 operates under the authority of an Emergency Telephone System
3 Board established under the Emergency Telephone System Act, the
4 protocols shall be established by such Board in consultation
5 with the EMS Medical Director. ~~Persons who have already~~
6 ~~completed a course of instruction in emergency medical dispatch~~
7 ~~based on, equivalent to or exceeding the national curriculum of~~
8 ~~the United States Department of Transportation, or as otherwise~~
9 ~~approved by the Department, shall be considered Emergency~~
10 ~~Medical Dispatchers on the effective date of this amendatory~~
11 ~~Act.~~

12 (b) The Department shall have the authority and
13 responsibility to:

14 (1) Require licensure and relicensure ~~certification~~
15 ~~and recertification~~ of a person who meets the training and
16 other requirements as an emergency medical dispatcher
17 pursuant to this Act.

18 (2) Require licensure and relicensure ~~certification~~
19 ~~and recertification~~ of a person, organization, or
20 government agency that operates an emergency medical
21 dispatch agency that meets the minimum standards
22 prescribed by the Department for an emergency medical
23 dispatch agency pursuant to this Act.

24 (3) Prescribe minimum education and continuing
25 education requirements for the Emergency Medical
26 Dispatcher, which meet standards specified by ~~the national~~

1 ~~curriculum of the United States Department of~~
2 ~~Transportation, through~~ rules adopted pursuant to this
3 Act.

4 (4) Require each EMS Medical Director to report to the
5 Department whenever an action has taken place that may
6 require the revocation or suspension of a license
7 ~~certificate~~ issued by the Department.

8 (5) Require each EMD to provide prearrival
9 instructions in compliance with protocols selected and
10 approved by the system's EMS medical director and approved
11 by the Department.

12 (6) Require the Emergency Medical Dispatcher to keep
13 the Department currently informed as to the entity or
14 agency that employs or supervises his activities as an
15 Emergency Medical Dispatcher.

16 (7) Establish an annual relicensure ~~recertification~~
17 requirement that requires ~~at least 12 hours of~~ medical
18 dispatch-specific continuing education as prescribed by
19 the Department through rules adopted pursuant to this Act
20 ~~each year.~~

21 (8) Approve all EMDPRS protocols used by emergency
22 medical dispatch agencies to assure compliance with
23 national standards.

24 (9) Require that Department-approved emergency medical
25 dispatch training programs are conducted in accordance
26 with national standards.

1 (10) Require that the emergency medical dispatch
2 agency be operated in accordance with national standards,
3 including, but not limited to, (i) the use on every request
4 for medical assistance of an emergency medical dispatch
5 priority reference system (EMDPRS) in accordance with
6 Department-approved policies and procedures and (ii) under
7 the approval and supervision of the EMS medical director,
8 the establishment of a continuous quality improvement
9 program.

10 (11) Require that a person may not represent himself or
11 herself, nor may an agency or business represent an agent
12 or employee of that agency or business, as an emergency
13 medical dispatcher unless licensed ~~certified~~ by the
14 Department as an emergency medical dispatcher.

15 (12) Require that a person, organization, or
16 government agency not represent itself as an emergency
17 medical dispatch agency unless the person, organization,
18 or government agency is certified by the Department as an
19 emergency medical dispatch agency.

20 (13) Require that a person, organization, or
21 government agency may not offer or conduct a training
22 course that is represented as a course for an emergency
23 medical dispatcher unless the person, organization, or
24 agency is approved by the Department to offer or conduct
25 that course.

26 (14) Require that Department-approved emergency

1 medical dispatcher training programs are conducted by
2 instructors licensed by the Department who:

3 (i) are, at a minimum, licensed ~~certified~~ as
4 emergency medical dispatchers;

5 (ii) have completed a Department-approved course
6 on methods of instruction;

7 (iii) have previous experience in a medical
8 dispatch agency; and

9 (iv) have demonstrated experience as an EMS
10 instructor.

11 (15) Establish criteria for modifying or waiving
12 Emergency Medical Dispatcher requirements based on (i) the
13 scope and frequency of dispatch activities and the
14 dispatcher's access to training or (ii) whether the
15 previously-attended dispatcher training program merits
16 automatic relicensure ~~recertification~~ for the dispatcher.

17 (16) Charge each Emergency Medical Dispatcher
18 applicant a fee for licensure and license renewal.

19 (c) The Department shall have the authority to suspend,
20 revoke, or refuse to issue or renew the license of an EMD when,
21 after notice and the opportunity for an impartial hearing, the
22 Department demonstrates that the licensee has violated this
23 Act, violated the rules adopted by the Department, or failed to
24 comply with the applicable standard of care.

25 (Source: P.A. 96-1469, eff. 1-1-11.)

1 (210 ILCS 50/3.75)

2 Sec. 3.75. Trauma Nurse Specialist (TNS) licensure
3 Certification.

4 (a) "Trauma Nurse Specialist" or "TNS" means a registered
5 professional nurse with an unencumbered Registered Nurse (RN)
6 license in the state in which he or she practices who has
7 successfully completed supplemental education and testing
8 requirements as prescribed by the Department, and is licensed
9 ~~certified~~ by the Department in accordance with rules adopted by
10 the Department pursuant to this Act.

11 (b) The Department shall have the authority and
12 responsibility to:

13 (1) Establish criteria for TNS training sites, through
14 rules adopted pursuant to this Act;

15 (2) Prescribe education and testing requirements for
16 TNS candidates, which shall include an opportunity for
17 licensure ~~certification~~ based on examination only, through
18 rules adopted pursuant to this Act;

19 (3) Charge each candidate for TNS licensure
20 ~~certification~~ a fee to be submitted with an application for
21 a licensure ~~certification~~ examination, an application for
22 licensure ~~certification~~, and an application for
23 relicensure ~~recertification~~;

24 (4) License ~~Certify~~ an individual as a TNS who has met
25 the Department's education and testing requirements;

26 (5) Prescribe relicensure ~~recertification~~ requirements

1 through rules adopted pursuant to this Act;

2 (6) Relicense ~~Recertify~~ an individual as a TNS every 4
3 years, based on compliance with relicensure
4 ~~recertification~~ requirements;

5 (7) Grant inactive status to any TNS who qualifies,
6 based on standards and procedures established by the
7 Department in rules adopted pursuant to this Act; and

8 (8) Suspend, revoke, or refuse to issue or renew ~~deny~~
9 ~~renewal of the~~ license ~~certification~~ of a TNS, after an
10 opportunity for hearing by the Department, if findings show
11 that the TNS has failed to maintain proficiency in the
12 level of skills for which the TNS is licensed ~~certified~~ or
13 has failed to comply with relicensure ~~recertification~~
14 requirements.

15 (Source: P.A. 96-1469, eff. 1-1-11.)

16 (210 ILCS 50/3.80)

17 Sec. 3.80. Pre-Hospital Registered Nurse ~~RN~~ and Emergency
18 Communications Registered Nurse.

19 (a) Emergency Communications Registered Nurse or "ECRN"
20 means a registered professional nurse with an unencumbered
21 Registered Nurse (RN) license in the state in which he or she
22 practices ~~licensed under the Nurse Practice Act~~ who has
23 successfully completed supplemental education in accordance
24 with rules adopted by the Department, and who is approved by an
25 EMS Medical Director to monitor telecommunications from and

1 give voice orders to EMS System personnel, under the authority
2 of the EMS Medical Director and in accordance with System
3 protocols.

4 ~~Upon the effective date of this amendatory Act of 1995, all~~
5 ~~existing Registered Professional Nurse/MICNs shall be~~
6 ~~considered ECRNs.~~

7 (b) "Pre-Hospital Registered Nurse" or "PHRN"
8 ~~"Pre Hospital RN"~~ means a registered professional nurse with an
9 unencumbered Registered Nurse (RN) license in the state in which
10 he or she practices ~~licensed under the Nurse Practice Act~~ who
11 has successfully completed supplemental education in
12 accordance with rules adopted by the Department pursuant to
13 this Act, and who is approved by an EMS Medical Director to
14 practice within an Illinois EMS System ~~as emergency medical~~
15 ~~services personnel~~ for pre-hospital and inter-hospital
16 emergency care and non-emergency medical transports.

17 ~~Upon the effective date of this amendatory Act of 1995, all~~
18 ~~existing Registered Professional Nurse/Field RNs shall be~~
19 ~~considered Pre Hospital RNs.~~

20 (c) The Department shall have the authority and
21 responsibility to:

22 (1) Prescribe education and continuing education
23 requirements for Pre-Hospital Registered Nurse ~~RN~~ and ECRN
24 candidates through rules adopted pursuant to this Act:

25 (A) Education for Pre-Hospital Registered Nurse ~~RN~~
26 shall include extrication, telecommunications, and

1 pre-hospital cardiac, medical, and trauma care;

2 (B) Education for ECRN shall include
3 telecommunications, System standing medical orders and
4 the procedures and protocols established by the EMS
5 Medical Director;

6 (C) A Pre-Hospital Registered Nurse ~~PN~~ candidate
7 who is fulfilling clinical training and in-field
8 supervised experience requirements may perform
9 prescribed procedures under the direct supervision of
10 a physician licensed to practice medicine in all of its
11 branches, a qualified registered professional nurse or
12 a qualified EMT, only when authorized by the EMS
13 Medical Director;

14 (D) An EMS Medical Director may impose in-field
15 supervised field experience requirements on System
16 ECRNs as part of their training or continuing
17 education, in which they perform prescribed procedures
18 under the direct supervision of a physician licensed to
19 practice medicine in all of its branches, a qualified
20 registered professional nurse, or qualified EMS
21 personnel ~~EMT~~, only when authorized by the EMS Medical
22 Director;

23 (2) Require EMS Medical Directors to reapprove
24 Pre-Hospital Registered Nurses ~~PNs~~ and ECRNs every 4 years,
25 based on compliance with continuing education requirements
26 prescribed by the Department through rules adopted

1 pursuant to this Act;

2 (3) Allow EMS Medical Directors to grant inactive
3 status to any Pre-Hospital Registered Nurse ~~RN~~ or ECRN who
4 qualifies, based on standards and procedures established
5 by the Department in rules adopted pursuant to this Act;

6 (4) Require a Pre-Hospital Registered Nurse ~~RN~~ to honor
7 Do Not Resuscitate (DNR) orders and powers of attorney for
8 health care only in accordance with rules adopted by the
9 Department pursuant to this Act and protocols of the EMS
10 System in which he or she practices;

11 (5) Charge each Pre-Hospital Registered Nurse ~~RN~~
12 applicant and ECRN applicant a fee for licensure and
13 relicensure ~~certification and recertification~~.

14 (d) The Department shall have the authority to suspend,
15 revoke, or refuse to issue or renew a Department-issued PHRN or
16 ECRN license when, after notice and the opportunity for a
17 hearing, the Department demonstrates that the licensee has
18 violated this Act, violated the rules adopted by the
19 Department, or failed to comply with the applicable standards
20 of care.

21 (Source: P.A. 95-639, eff. 10-5-07; 96-1469, eff. 1-1-11.)

22 (210 ILCS 50/3.130)

23 Sec. 3.130. Facility, system, and equipment violations;
24 Plans of Correction. Except for emergency suspension orders, or
25 actions initiated pursuant to Sections 3.117(a), 3.117(b), and

1 3.90(b)(10) of this Act, prior to initiating an action in
2 response to a facility, system, or equipment violation ~~for~~
3 ~~suspension, revocation, denial, nonrenewal, or imposition of a~~
4 ~~fine pursuant to this Act~~, the Department shall:

5 (a) Issue a Notice of Violation which specifies the
6 Department's allegations of noncompliance and requests a plan
7 of correction to be submitted within 10 days after receipt of
8 the Notice of Violation;

9 (b) Review and approve or reject the plan of correction. If
10 the Department rejects the plan of correction, it shall send
11 notice of the rejection and the reason for the rejection. The
12 party shall have 10 days after receipt of the notice of
13 rejection in which to submit a modified plan;

14 (c) Impose a plan of correction if a modified plan is not
15 submitted in a timely manner or if the modified plan is
16 rejected by the Department;

17 (d) Issue a Notice of Intent to fine, suspend, revoke,
18 nonrenew or deny if the party has failed to comply with the
19 imposed plan of correction, and provide the party with an
20 opportunity to request an administrative hearing. The Notice of
21 Intent shall be effected by certified mail or by personal
22 service, shall set forth the particular reasons for the
23 proposed action, and shall provide the party with 15 days in
24 which to request a hearing.

25 (Source: P.A. 96-514, eff. 1-1-10; 96-1469, eff. 1-1-11.)

1 (210 ILCS 50/3.140)

2 Sec. 3.140. Violations; Fines.

3 (a) The Department shall have the authority to impose fines
4 on any licensed vehicle service provider, stretcher van
5 provider, designated trauma center, resource hospital,
6 associate hospital, or participating hospital.

7 (b) The Department shall adopt rules pursuant to this Act
8 which establish a system of fines related to the type and level
9 of violation or repeat violation, including but not limited to:

10 (1) A fine not exceeding \$10,000 for a violation which
11 created a condition or occurrence presenting a substantial
12 probability that death or serious harm to an individual
13 will or did result therefrom; and

14 (2) A fine not exceeding \$5,000 for a violation which
15 creates or created a condition or occurrence which
16 threatens the health, safety or welfare of an individual.

17 (c) A Notice of Intent to Impose Fine may be issued in
18 conjunction with or in lieu of a Notice of Intent to Suspend,
19 Revoke, Nonrenew or Deny, and shall conform to the requirements
20 specified in Section 3.130(d) of this Act. All Hearings
21 conducted pursuant to a Notice of Intent to Impose Fine shall
22 conform to the requirements specified in Section 3.135 of this
23 Act.

24 (d) All fines collected pursuant to this Section shall be
25 deposited into the EMS Assistance Fund.

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

1 (210 ILCS 50/3.165)

2 Sec. 3.165. Misrepresentation.

3 (a) No person shall hold himself or herself out to be or
4 engage in the practice of an EMS Medical Director, EMS
5 Administrative Director, EMS System Coordinator, EMR, EMD,
6 EMT, EMT-I, AEMT, Paramedic, ECRN, PHRN, TNS, or LI ~~EMT, Trauma~~
7 ~~Nurse Specialist, Pre Hospital RN, Emergency Communications~~
8 ~~Registered Nurse, EMS Lead Instructor, Emergency Medical~~
9 ~~Dispatcher or First Responder~~ without being licensed,
10 certified, approved or otherwise authorized pursuant to this
11 Act.

12 (b) A hospital or other entity which employs or utilizes an
13 EMR, EMD, EMT, EMT-I, AEMT, or Paramedic ~~EMT~~ in a manner which
14 is outside the scope of his or her ~~EMT~~ license shall not use
15 the words "EMR", "EMT", "EMT-I", "AEMT", or "Paramedic"
16 ~~"emergency medical technician", "EMT" or "paramedic"~~ in that
17 person's job description or title, or in any other manner hold
18 that person out to be so licensed ~~an emergency medical~~
19 ~~technician~~.

20 (c) No provider or participant within an EMS System shall
21 hold itself out as providing a type or level of service that
22 has not been approved by that System's EMS Medical Director.

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

24 (210 ILCS 50/3.170)

1 Sec. 3.170. Falsification of Documents. No person shall
2 fabricate any license or knowingly enter any false information
3 on any application form, run sheet, record or other document
4 required to be completed or submitted pursuant to this Act or
5 any rule adopted pursuant to this Act, or knowingly submit any
6 application form, run sheet, record or other document which
7 contains false information.

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

9 (210 ILCS 50/3.180)

10 Sec. 3.180. Injunctions. Notwithstanding the existence or
11 pursuit of any other remedy, the Director may, through the
12 Attorney General, seek an injunction:

13 (a) To restrain or prevent any person or entity from
14 functioning, practicing or operating without a license,
15 certification, classification, approval, permit, designation
16 or authorization required by this Act;

17 (b) To restrain or prevent any person, institution or
18 governmental unit from representing itself to be a trauma
19 center after the effective date of this amendatory Act of 1995
20 without designation as such pursuant to this Act;

21 (c) To restrain or prevent any hospital or other entity
22 which employs or utilizes an EMR, EMT, EMT-I, AEMT, or
23 Paramedic ~~EMT~~ in a manner which is outside the scope of his or
24 her ~~EMT~~ license from representing that person to be an EMR,
25 EMT, EMT-I, AEMT, or Paramedic ~~EMT~~.

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

2 (210 ILCS 50/3.200)

3 Sec. 3.200. State Emergency Medical Services Advisory
4 Council.

5 (a) There shall be established within the Department of
6 Public Health a State Emergency Medical Services Advisory
7 Council, which shall serve as an advisory body to the
8 Department on matters related to this Act.

9 (b) Membership of the Council shall include one
10 representative from each EMS Region, to be appointed by each
11 region's EMS Regional Advisory Committee. The Governor shall
12 appoint additional members to the Council as necessary to
13 insure that the Council includes one representative from each
14 of the following categories:

- 15 (1) EMS Medical Director,
16 (2) Trauma Center Medical Director,
17 (3) Licensed, practicing physician with regular and
18 frequent involvement in the provision of emergency care,
19 (4) Licensed, practicing physician with special
20 expertise in the surgical care of the trauma patient,
21 (5) EMS System Coordinator,
22 (6) TNS,
23 (7) Paramedic ~~EMT-P~~,
24 (7.5) AEMT,
25 (8) EMT-I,

- 1 (9) EMT ~~EMT-B~~,
- 2 (10) Private vehicle service provider,
- 3 (11) Law enforcement officer,
- 4 (12) Chief of a public vehicle service provider,
- 5 (13) Statewide firefighters' union member affiliated
- 6 with a vehicle service provider,
- 7 (14) Administrative representative from a fire
- 8 department vehicle service provider in a municipality with
- 9 a population of over 2 million people;
- 10 (15) Administrative representative from a Resource
- 11 Hospital or EMS System Administrative Director.

12 (c) Members ~~Of the members first appointed, 5 members shall~~

13 ~~be appointed for a term of one year, 5 members shall be~~

14 appointed for a term of ~~2 years, and the remaining members~~

15 ~~shall be appointed for a term of 3 years. The terms of~~

16 ~~subsequent appointees shall be 3 years.~~ All appointees shall

17 serve until their successors are appointed and qualified.

18 (d) The Council shall be provided a 90-day period in which

19 to review and comment, in consultation with the subcommittee to

20 which the rules are relevant, upon all rules proposed by the

21 Department pursuant to this Act, except for rules adopted

22 pursuant to Section 3.190(a) of this Act, rules submitted to

23 the State Trauma Advisory Council and emergency rules adopted

24 pursuant to Section 5-45 of the Illinois Administrative

25 Procedure Act. The 90-day review and comment period may

26 commence upon the Department's submission of the proposed rules

1 to the individual Council members, if the Council is not
2 meeting at the time the proposed rules are ready for Council
3 review. Any non-emergency rules adopted prior to the Council's
4 90-day review and comment period shall be null and void. If the
5 Council fails to advise the Department within its 90-day review
6 and comment period, the rule shall be considered acted upon.

7 (e) Council members shall be reimbursed for reasonable
8 travel expenses incurred during the performance of their duties
9 under this Section.

10 (f) The Department shall provide administrative support to
11 the Council for the preparation of the agenda and minutes for
12 Council meetings and distribution of proposed rules to Council
13 members.

14 (g) The Council shall act pursuant to bylaws which it
15 adopts, which shall include the annual election of a Chair and
16 Vice-Chair.

17 (h) The Director or his designee shall be present at all
18 Council meetings.

19 (i) Nothing in this Section shall preclude the Council from
20 reviewing and commenting on proposed rules which fall under the
21 purview of the State Trauma Advisory Council.

22 (Source: P.A. 96-514, eff. 1-1-10.)

23 (210 ILCS 50/3.205)

24 Sec. 3.205. State Trauma Advisory Council.

25 (a) There shall be established within the Department of

1 Public Health a State Trauma Advisory Council, which shall
2 serve as an advisory body to the Department on matters related
3 to trauma care and trauma centers.

4 (b) Membership of the Council shall include one
5 representative from each Regional Trauma Advisory Committee,
6 to be appointed by each Committee. The Governor shall appoint
7 the following additional members:

8 (1) An EMS Medical Director,

9 (2) A trauma center medical director,

10 (3) A trauma surgeon,

11 (4) A trauma nurse coordinator,

12 (5) A representative from a private vehicle service
13 provider,

14 (6) A representative from a public vehicle service
15 provider,

16 (7) A member of the State EMS Advisory Council, and

17 (8) A neurosurgeon.

18 (c) ~~Members~~ ~~Of the members first appointed, 5 members shall~~
19 ~~be appointed for a term of one year, 5 members shall be~~
20 ~~appointed for a term of 2 years, and the remaining members~~
21 ~~shall be appointed for a term of 3 years. The terms of~~
22 ~~subsequent appointees shall be 3 years.~~ All appointees shall
23 serve until their successors are appointed and qualified.

24 (d) The Council shall be provided a 90-day period in which
25 to review and comment upon all rules proposed by the Department
26 pursuant to this Act concerning trauma care, except for

1 emergency rules adopted pursuant to Section 5-45 of the
2 Illinois Administrative Procedure Act. The 90-day review and
3 comment period may commence upon the Department's submission of
4 the proposed rules to the individual Council members, if the
5 Council is not meeting at the time the proposed rules are ready
6 for Council review. Any non-emergency rules adopted prior to
7 the Council's 90-day review and comment period shall be null
8 and void. If the Council fails to advise the Department within
9 its 90-day review and comment period, the rule shall be
10 considered acted upon;

11 (e) Council members shall be reimbursed for reasonable
12 travel expenses incurred during the performance of their duties
13 under this Section.

14 (f) The Department shall provide administrative support to
15 the Council for the preparation of the agenda and minutes for
16 Council meetings and distribution of proposed rules to Council
17 members.

18 (g) The Council shall act pursuant to bylaws which it
19 adopts, which shall include the annual election of a Chair and
20 Vice-Chair.

21 (h) The Director or his designee shall be present at all
22 Council meetings.

23 (i) Nothing in this Section shall preclude the Council from
24 reviewing and commenting on proposed rules which fall under the
25 purview of the State EMS Advisory Council.

26 (Source: P.A. 90-655, eff. 7-30-98; 91-743, eff. 6-2-00.)

1 (210 ILCS 50/3.210)

2 Sec. 3.210. EMS Medical Consultant. If the Chief of the
3 Department's Division of Emergency Medical Services and
4 Highway Safety is not a physician licensed to practice medicine
5 in all of its branches, with extensive emergency medical
6 services experience, and certified by the American Board of
7 Emergency Medicine or the Osteopathic American Board of
8 ~~Osteopathic~~ Emergency Medicine, then the Director shall
9 appoint such a physician to serve as EMS Medical Consultant to
10 the Division Chief.

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

12 Section 30. The Boxing and Full-contact Martial Arts Act is
13 amended by changing Section 12 as follows:

14 (225 ILCS 105/12) (from Ch. 111, par. 5012)

15 (Section scheduled to be repealed on January 1, 2022)

16 Sec. 12. Professional or amateur contests.

17 (a) The professional or amateur contest, or a combination
18 of both, shall be held in an area where adequate neurosurgical
19 facilities are immediately available for skilled emergency
20 treatment of an injured professional or amateur.

21 (b) Each professional or amateur shall be examined before
22 the contest and promptly after each bout by a physician. The
23 physician shall determine, prior to the contest, if each

1 professional or amateur is physically fit to compete in the
2 contest. After the bout the physician shall examine the
3 professional or amateur to determine possible injury. If the
4 professional's or amateur's physical condition so indicates,
5 the physician shall recommend to the Department immediate
6 medical suspension. The physician or a licensed paramedic
7 ~~emergency medical technician paramedic (EMT-P)~~ must check the
8 vital signs of all contestants as established by rule.

9 (c) The physician may, at any time during the professional
10 or amateur bout, stop the professional or amateur bout to
11 examine a professional or amateur contestant and may direct the
12 referee to terminate the bout when, in the physician's opinion,
13 continuing the bout could result in serious injury to the
14 professional or amateur. If the professional's or amateur's
15 physical condition so indicates, the physician shall recommend
16 to the Department immediate medical suspension. The physician
17 shall certify to the condition of the professional or amateur
18 in writing, over his signature on forms provided by the
19 Department. Such reports shall be submitted to the Department
20 in a timely manner.

21 (d) No professional or amateur contest, or a combination of
22 both, shall be allowed to begin or be held unless at least one
23 physician, at least one EMT and one paramedic ~~EMT-P~~, and one
24 ambulance have been contracted with solely for the care of
25 professionals or amateurs who are competing as defined by rule.

26 (e) No professional boxing bout shall be more than 12

1 rounds in length. The rounds shall not be more than 3 minutes
2 each with a one minute interval between them, and no
3 professional boxer shall be allowed to participate in more than
4 one contest within a 7-day period.

5 The number and length of rounds for all other professional
6 or amateur boxing or full-contact martial arts contests, or a
7 combination of both, shall be determined by rule.

8 (f) The number and types of officials required for each
9 professional or amateur contest, or a combination of both,
10 shall be determined by rule.

11 (g) The Department or its representative shall have
12 discretion to declare a price, remuneration, or purse or any
13 part of it belonging to the professional withheld if in the
14 judgment of the Department or its representative the
15 professional is not honestly competing.

16 (h) The Department shall have the authority to prevent a
17 professional or amateur contest, or a combination of both, from
18 being held and shall have the authority to stop a professional
19 or amateur contest, or a combination of both, for noncompliance
20 with any part of this Act or rules or when, in the judgment of
21 the Department, or its representative, continuation of the
22 event would endanger the health, safety, and welfare of the
23 professionals or amateurs or spectators. The Department's
24 authority to stop a contest on the basis that the professional
25 or amateur contest, or a combination of both, would endanger
26 the health, safety, and welfare of the professionals or

1 amateurs or spectators shall extend to any professional or
2 amateur contest, or a combination of both, regardless of
3 whether that amateur contest is exempted from the prohibition
4 in Section 6 of this Act. Department staff, or its
5 representative, may be present at any full-contact martial arts
6 contest with scheduled amateur bouts.

7 (Source: P.A. 97-119, eff. 7-14-11.)

8 Section 35. The Abandoned Newborn Infant Protection Act is
9 amended by changing Section 10 as follows:

10 (325 ILCS 2/10)

11 Sec. 10. Definitions. In this Act:

12 "Abandon" has the same meaning as in the Abused and
13 Neglected Child Reporting Act.

14 "Abused child" has the same meaning as in the Abused and
15 Neglected Child Reporting Act.

16 "Child-placing agency" means a licensed public or private
17 agency that receives a child for the purpose of placing or
18 arranging for the placement of the child in a foster family
19 home or other facility for child care, apart from the custody
20 of the child's parents.

21 "Department" or "DCFS" means the Illinois Department of
22 Children and Family Services.

23 "Emergency medical facility" means a freestanding
24 emergency center or trauma center, as defined in the Emergency

1 Medical Services (EMS) Systems Act.

2 "Emergency medical professional" includes licensed
3 physicians, and any emergency medical technician
4 ~~technician-basic~~, emergency medical technician-intermediate,
5 advanced emergency medical technician, paramedic ~~emergency~~
6 ~~medical-technician-paramedic~~, trauma nurse specialist, and
7 pre-hospital registered nurse RN, as defined in the Emergency
8 Medical Services (EMS) Systems Act.

9 "Fire station" means a fire station within the State with
10 at least one staff person.

11 "Hospital" has the same meaning as in the Hospital
12 Licensing Act.

13 "Legal custody" means the relationship created by a court
14 order in the best interest of a newborn infant that imposes on
15 the infant's custodian the responsibility of physical
16 possession of the infant, the duty to protect, train, and
17 discipline the infant, and the duty to provide the infant with
18 food, shelter, education, and medical care, except as these are
19 limited by parental rights and responsibilities.

20 "Neglected child" has the same meaning as in the Abused and
21 Neglected Child Reporting Act.

22 "Newborn infant" means a child who a licensed physician
23 reasonably believes is 30 days old or less at the time the
24 child is initially relinquished to a hospital, police station,
25 fire station, or emergency medical facility, and who is not an
26 abused or a neglected child.

1 "Police station" means a municipal police station, a county
2 sheriff's office, a campus police department located on any
3 college or university owned or controlled by the State or any
4 private college or private university that is not owned or
5 controlled by the State when employees of the campus police
6 department are present, or any of the district headquarters of
7 the Illinois State Police.

8 "Relinquish" means to bring a newborn infant, who a
9 licensed physician reasonably believes is 30 days old or less,
10 to a hospital, police station, fire station, or emergency
11 medical facility and to leave the infant with personnel of the
12 facility, if the person leaving the infant does not express an
13 intent to return for the infant or states that he or she will
14 not return for the infant. In the case of a mother who gives
15 birth to an infant in a hospital, the mother's act of leaving
16 that newborn infant at the hospital (i) without expressing an
17 intent to return for the infant or (ii) stating that she will
18 not return for the infant is not a "relinquishment" under this
19 Act.

20 "Temporary protective custody" means the temporary
21 placement of a newborn infant within a hospital or other
22 medical facility out of the custody of the infant's parent.

23 (Source: P.A. 96-345, eff. 1-1-10; 97-293, eff. 8-11-11.)

24 Section 40. The Coal Mine Medical Emergencies Act is
25 amended by changing Section 2 as follows:

1 (410 ILCS 15/2) (from Ch. 96 1/2, par. 3952)

2 Sec. 2. As used in this Act, unless the context clearly
3 otherwise requires:

4 (a) "Emergency medical technician" means a person who has
5 successfully completed the course on emergency first-aid care
6 and transportation of the sick and injured recommended by the
7 American Academy of Orthopedic Surgeons, or the equivalent
8 thereof, and has been licensed ~~certified~~ by the Department of
9 Public Health to provide emergency care.

10 (b) "Mine" means any surface coal mine or underground coal
11 mine, as defined in Section 1.03 of "The Coal Mining Act of
12 1953".

13 (Source: P.A. 80-294.)

14 Section 45. The AIDS Confidentiality Act is amended by
15 changing Sections 7 and 9 as follows:

16 (410 ILCS 305/7) (from Ch. 111 1/2, par. 7307)

17 Sec. 7. (a) Notwithstanding the provisions of Sections 4, 5
18 and 6 of this Act, informed consent is not required for a
19 health care provider or health facility to perform a test when
20 the health care provider or health facility procures,
21 processes, distributes or uses a human body part donated for a
22 purpose specified under the Illinois Anatomical Gift Act, or
23 semen provided prior to the effective date of this Act for the

1 purpose of artificial insemination, and such a test is
2 necessary to assure medical acceptability of such gift or semen
3 for the purposes intended.

4 (b) Informed consent is not required for a health care
5 provider or health facility to perform a test when a health
6 care provider or employee of a health facility, or a
7 firefighter or an EMT-A, EMT, EMT-I, AEMT, or paramedic ~~EMT-P~~,
8 is involved in an accidental direct skin or mucous membrane
9 contact with the blood or bodily fluids of an individual which
10 is of a nature that may transmit HIV, as determined by a
11 physician in his medical judgment. Should such test prove to be
12 positive, the patient and the health care provider, health
13 facility employee, firefighter, EMT-A, EMT, EMT-I, AEMT, or
14 paramedic ~~EMT-P~~ shall be provided appropriate counseling
15 consistent with this Act.

16 (c) Informed consent is not required for a health care
17 provider or health facility to perform a test when a law
18 enforcement officer is involved in the line of duty in a direct
19 skin or mucous membrane contact with the blood or bodily fluids
20 of an individual which is of a nature that may transmit HIV, as
21 determined by a physician in his medical judgment. Should such
22 test prove to be positive, the patient shall be provided
23 appropriate counseling consistent with this Act. For purposes
24 of this subsection (c), "law enforcement officer" means any
25 person employed by the State, a county or a municipality as a
26 policeman, peace officer, auxiliary policeman, correctional

1 officer or in some like position involving the enforcement of
2 the law and protection of the public interest at the risk of
3 that person's life.

4 (Source: P.A. 95-7, eff. 6-1-08.)

5 (410 ILCS 305/9) (from Ch. 111 1/2, par. 7309)

6 Sec. 9. No person may disclose or be compelled to disclose
7 the identity of any person upon whom a test is performed, or
8 the results of such a test in a manner which permits
9 identification of the subject of the test, except to the
10 following persons:

11 (a) The subject of the test or the subject's legally
12 authorized representative. A physician may notify the spouse of
13 the test subject, if the test result is positive and has been
14 confirmed pursuant to rules adopted by the Department, provided
15 that the physician has first sought unsuccessfully to persuade
16 the patient to notify the spouse or that, a reasonable time
17 after the patient has agreed to make the notification, the
18 physician has reason to believe that the patient has not
19 provided the notification. This paragraph shall not create a
20 duty or obligation under which a physician must notify the
21 spouse of the test results, nor shall such duty or obligation
22 be implied. No civil liability or criminal sanction under this
23 Act shall be imposed for any disclosure or non-disclosure of a
24 test result to a spouse by a physician acting in good faith
25 under this paragraph. For the purpose of any proceedings, civil

1 or criminal, the good faith of any physician acting under this
2 paragraph shall be presumed.

3 (b) Any person designated in a legally effective release of
4 the test results executed by the subject of the test or the
5 subject's legally authorized representative.

6 (c) An authorized agent or employee of a health facility or
7 health care provider if the health facility or health care
8 provider itself is authorized to obtain the test results, the
9 agent or employee provides patient care or handles or processes
10 specimens of body fluids or tissues, and the agent or employee
11 has a need to know such information.

12 (d) The Department and local health authorities serving a
13 population of over 1,000,000 residents or other local health
14 authorities as designated by the Department, in accordance with
15 rules for reporting and controlling the spread of disease, as
16 otherwise provided by State law. The Department, local health
17 authorities, and authorized representatives shall not disclose
18 information and records held by them relating to known or
19 suspected cases of AIDS or HIV infection, publicly or in any
20 action of any kind in any court or before any tribunal, board,
21 or agency. AIDS and HIV infection data shall be protected from
22 disclosure in accordance with the provisions of Sections 8-2101
23 through 8-2105 of the Code of Civil Procedure.

24 (e) A health facility or health care provider which
25 procures, processes, distributes or uses: (i) a human body part
26 from a deceased person with respect to medical information

1 regarding that person; or (ii) semen provided prior to the
2 effective date of this Act for the purpose of artificial
3 insemination.

4 (f) Health facility staff committees for the purposes of
5 conducting program monitoring, program evaluation or service
6 reviews.

7 (f-5) A court in accordance with the provisions of Section
8 12-5.01 of the Criminal Code of 2012.

9 (g) (Blank).

10 (h) Any health care provider or employee of a health
11 facility, and any firefighter or EMT-A, EMT, AEMT, paramedic
12 ~~EMT-P~~, or EMT-I, involved in an accidental direct skin or
13 mucous membrane contact with the blood or bodily fluids of an
14 individual which is of a nature that may transmit HIV, as
15 determined by a physician in his medical judgment.

16 (i) Any law enforcement officer, as defined in subsection
17 (c) of Section 7, involved in the line of duty in a direct skin
18 or mucous membrane contact with the blood or bodily fluids of
19 an individual which is of a nature that may transmit HIV, as
20 determined by a physician in his medical judgment.

21 (j) A temporary caretaker of a child taken into temporary
22 protective custody by the Department of Children and Family
23 Services pursuant to Section 5 of the Abused and Neglected
24 Child Reporting Act, as now or hereafter amended.

25 (k) In the case of a minor under 18 years of age whose test
26 result is positive and has been confirmed pursuant to rules

1 adopted by the Department, the health care provider who ordered
2 the test shall make a reasonable effort to notify the minor's
3 parent or legal guardian if, in the professional judgment of
4 the health care provider, notification would be in the best
5 interest of the child and the health care provider has first
6 sought unsuccessfully to persuade the minor to notify the
7 parent or legal guardian or a reasonable time after the minor
8 has agreed to notify the parent or legal guardian, the health
9 care provider has reason to believe that the minor has not made
10 the notification. This subsection shall not create a duty or
11 obligation under which a health care provider must notify the
12 minor's parent or legal guardian of the test results, nor shall
13 a duty or obligation be implied. No civil liability or criminal
14 sanction under this Act shall be imposed for any notification
15 or non-notification of a minor's test result by a health care
16 provider acting in good faith under this subsection. For the
17 purpose of any proceeding, civil or criminal, the good faith of
18 any health care provider acting under this subsection shall be
19 presumed.

20 (Source: P.A. 96-328, eff. 8-11-09; 97-1046, eff. 8-21-12;
21 97-1150, eff. 1-25-13.)

22 Section 50. The Burn Injury Reporting Act is amended by
23 changing Section 5 as follows:

24 (425 ILCS 7/5)

1 Sec. 5. Burn injury reporting.

2 (a) Every case of a burn injury treated in a hospital as
3 described in this Act may be reported to the Office of the
4 State Fire Marshal. The hospital's administrator, manager,
5 superintendent, or his or her designee deciding to report under
6 this Act shall make an oral report of every burn injury in a
7 timely manner as soon as treatment permits, except as provided
8 in subsection (c) of this Section, that meets one of the
9 following criteria:

10 (1) a person receives a serious second-degree burn or a
11 third degree burn, but not a radiation burn, to 10% or more
12 of the person's body as a whole;

13 (2) a person sustains a burn to the upper respiratory
14 tract or occurring laryngeal edema due to the inhalation of
15 superheated air;

16 (3) a person sustains any burn injury likely to result
17 in death; or

18 (4) a person sustains any other burn injury not
19 excluded by subsection (c).

20 (b) The oral report shall consist of notification by
21 telephone to the Office of the State Fire Marshal using a
22 toll-free number established by the Office of the State Fire
23 Marshal for this purpose.

24 (c) A hospital's administrator, manager, superintendent,
25 or his or her designee deciding to report under this Act shall
26 not report any of the following burn injuries:

1 (1) a burn injury of an emergency medical ~~a first~~
2 responder, as defined in Section 3.50 ~~3.60~~ of the Emergency
3 Medical Services (EMS) Systems Act, sustained in the line
4 of duty;

5 (2) a burn injury caused by lighting;

6 (3) a burn injury caused by a motor vehicle accident;

7 or

8 (4) a burn injury caused by an identifiable industrial
9 accident or work-related accident.

10 (Source: P.A. 94-828, eff. 1-1-07.)

11 Section 55. The Illinois Vehicle Code is amended by
12 changing Sections 11-501.01 11-501.2 and as follows:

13 (625 ILCS 5/11-501.01)

14 Sec. 11-501.01. Additional administrative sanctions.

15 (a) After a finding of guilt and prior to any final
16 sentencing or an order for supervision, for an offense based
17 upon an arrest for a violation of Section 11-501 or a similar
18 provision of a local ordinance, individuals shall be required
19 to undergo a professional evaluation to determine if an
20 alcohol, drug, or intoxicating compound abuse problem exists
21 and the extent of the problem, and undergo the imposition of
22 treatment as appropriate. Programs conducting these
23 evaluations shall be licensed by the Department of Human
24 Services. The cost of any professional evaluation shall be paid

1 for by the individual required to undergo the professional
2 evaluation.

3 (b) Any person who is found guilty of or pleads guilty to
4 violating Section 11-501, including any person receiving a
5 disposition of court supervision for violating that Section,
6 may be required by the Court to attend a victim impact panel
7 offered by, or under contract with, a county State's Attorney's
8 office, a probation and court services department, Mothers
9 Against Drunk Driving, or the Alliance Against Intoxicated
10 Motorists. All costs generated by the victim impact panel shall
11 be paid from fees collected from the offender or as may be
12 determined by the court.

13 (c) Every person found guilty of violating Section 11-501,
14 whose operation of a motor vehicle while in violation of that
15 Section proximately caused any incident resulting in an
16 appropriate emergency response, shall be liable for the expense
17 of an emergency response as provided in subsection (i) of this
18 Section.

19 (d) The Secretary of State shall revoke the driving
20 privileges of any person convicted under Section 11-501 or a
21 similar provision of a local ordinance.

22 (e) The Secretary of State shall require the use of
23 ignition interlock devices on all vehicles owned by a person
24 who has been convicted of a second or subsequent offense of
25 Section 11-501 or a similar provision of a local ordinance. The
26 person must pay to the Secretary of State DUI Administration

1 Fund an amount not to exceed \$30 for each month that he or she
2 uses the device. The Secretary shall establish by rule and
3 regulation the procedures for certification and use of the
4 interlock system, the amount of the fee, and the procedures,
5 terms, and conditions relating to these fees.

6 (f) In addition to any other penalties and liabilities, a
7 person who is found guilty of or pleads guilty to violating
8 Section 11-501, including any person placed on court
9 supervision for violating Section 11-501, shall be assessed
10 \$750, payable to the circuit clerk, who shall distribute the
11 money as follows: \$350 to the law enforcement agency that made
12 the arrest, and \$400 shall be forwarded to the State Treasurer
13 for deposit into the General Revenue Fund. If the person has
14 been previously convicted of violating Section 11-501 or a
15 similar provision of a local ordinance, the fine shall be
16 \$1,000, and the circuit clerk shall distribute \$200 to the law
17 enforcement agency that made the arrest and \$800 to the State
18 Treasurer for deposit into the General Revenue Fund. In the
19 event that more than one agency is responsible for the arrest,
20 the amount payable to law enforcement agencies shall be shared
21 equally. Any moneys received by a law enforcement agency under
22 this subsection (f) shall be used for enforcement and
23 prevention of driving while under the influence of alcohol,
24 other drug or drugs, intoxicating compound or compounds or any
25 combination thereof, as defined by Section 11-501 of this Code,
26 including but not limited to the purchase of law enforcement

1 equipment and commodities that will assist in the prevention of
2 alcohol related criminal violence throughout the State; police
3 officer training and education in areas related to alcohol
4 related crime, including but not limited to DUI training; and
5 police officer salaries, including but not limited to salaries
6 for hire back funding for safety checkpoints, saturation
7 patrols, and liquor store sting operations. Any moneys received
8 by the Department of State Police under this subsection (f)
9 shall be deposited into the State Police DUI Fund and shall be
10 used to purchase law enforcement equipment that will assist in
11 the prevention of alcohol related criminal violence throughout
12 the State.

13 (g) The Secretary of State Police DUI Fund is created as a
14 special fund in the State treasury. All moneys received by the
15 Secretary of State Police under subsection (f) of this Section
16 shall be deposited into the Secretary of State Police DUI Fund
17 and, subject to appropriation, shall be used for enforcement
18 and prevention of driving while under the influence of alcohol,
19 other drug or drugs, intoxicating compound or compounds or any
20 combination thereof, as defined by Section 11-501 of this Code,
21 including but not limited to the purchase of law enforcement
22 equipment and commodities to assist in the prevention of
23 alcohol related criminal violence throughout the State; police
24 officer training and education in areas related to alcohol
25 related crime, including but not limited to DUI training; and
26 police officer salaries, including but not limited to salaries

1 for hire back funding for safety checkpoints, saturation
2 patrols, and liquor store sting operations.

3 (h) Whenever an individual is sentenced for an offense
4 based upon an arrest for a violation of Section 11-501 or a
5 similar provision of a local ordinance, and the professional
6 evaluation recommends remedial or rehabilitative treatment or
7 education, neither the treatment nor the education shall be the
8 sole disposition and either or both may be imposed only in
9 conjunction with another disposition. The court shall monitor
10 compliance with any remedial education or treatment
11 recommendations contained in the professional evaluation.
12 Programs conducting alcohol or other drug evaluation or
13 remedial education must be licensed by the Department of Human
14 Services. If the individual is not a resident of Illinois,
15 however, the court may accept an alcohol or other drug
16 evaluation or remedial education program in the individual's
17 state of residence. Programs providing treatment must be
18 licensed under existing applicable alcoholism and drug
19 treatment licensure standards.

20 (i) In addition to any other fine or penalty required by
21 law, an individual convicted of a violation of Section 11-501,
22 Section 5-7 of the Snowmobile Registration and Safety Act,
23 Section 5-16 of the Boat Registration and Safety Act, or a
24 similar provision, whose operation of a motor vehicle,
25 snowmobile, or watercraft while in violation of Section 11-501,
26 Section 5-7 of the Snowmobile Registration and Safety Act,

1 Section 5-16 of the Boat Registration and Safety Act, or a
2 similar provision proximately caused an incident resulting in
3 an appropriate emergency response, shall be required to make
4 restitution to a public agency for the costs of that emergency
5 response. The restitution may not exceed \$1,000 per public
6 agency for each emergency response. As used in this subsection
7 (i), "emergency response" means any incident requiring a
8 response by a police officer, a firefighter carried on the
9 rolls of a regularly constituted fire department, or an
10 ambulance. With respect to funds designated for the Department
11 of State Police, the moneys shall be remitted by the circuit
12 court clerk to the State Police within one month after receipt
13 for deposit into the State Police DUI Fund. With respect to
14 funds designated for the Department of Natural Resources, the
15 Department of Natural Resources shall deposit the moneys into
16 the Conservation Police Operations Assistance Fund.

17 (j) A person that is subject to a chemical test or tests of
18 blood under subsection (a) of Section 11-501.1 or subdivision
19 (c)(2) of Section 11-501.2 of this Code, whether or not that
20 person consents to testing, shall be liable for the expense up
21 to \$500 for blood withdrawal by a physician authorized to
22 practice medicine, a licensed physician assistant, a licensed
23 advanced practice nurse, a registered nurse, a trained
24 phlebotomist, a licensed ~~certified~~ paramedic, or a qualified
25 person other than a police officer approved by the Department
26 of State Police to withdraw blood, who responds, whether at a

1 law enforcement facility or a health care facility, to a police
2 department request for the drawing of blood based upon refusal
3 of the person to submit to a lawfully requested breath test or
4 probable cause exists to believe the test would disclose the
5 ingestion, consumption, or use of drugs or intoxicating
6 compounds if:

7 (1) the person is found guilty of violating Section
8 11-501 of this Code or a similar provision of a local
9 ordinance; or

10 (2) the person pleads guilty to or stipulates to facts
11 supporting a violation of Section 11-503 of this Code or a
12 similar provision of a local ordinance when the plea or
13 stipulation was the result of a plea agreement in which the
14 person was originally charged with violating Section
15 11-501 of this Code or a similar local ordinance.

16 (Source: P.A. 97-931, eff. 1-1-13; 97-1050, eff. 1-1-13;
17 98-292, eff. 1-1-14; 98-463, eff. 8-16-13.)

18 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

19 Sec. 11-501.2. Chemical and other tests.

20 (a) Upon the trial of any civil or criminal action or
21 proceeding arising out of an arrest for an offense as defined
22 in Section 11-501 or a similar local ordinance or proceedings
23 pursuant to Section 2-118.1, evidence of the concentration of
24 alcohol, other drug or drugs, or intoxicating compound or
25 compounds, or any combination thereof in a person's blood or

1 breath at the time alleged, as determined by analysis of the
2 person's blood, urine, breath or other bodily substance, shall
3 be admissible. Where such test is made the following provisions
4 shall apply:

5 1. Chemical analyses of the person's blood, urine,
6 breath or other bodily substance to be considered valid
7 under the provisions of this Section shall have been
8 performed according to standards promulgated by the
9 Department of State Police by a licensed physician,
10 registered nurse, trained phlebotomist, licensed ~~certified~~
11 paramedic, or other individual possessing a valid permit
12 issued by that Department for this purpose. The Director of
13 State Police is authorized to approve satisfactory
14 techniques or methods, to ascertain the qualifications and
15 competence of individuals to conduct such analyses, to
16 issue permits which shall be subject to termination or
17 revocation at the discretion of that Department and to
18 certify the accuracy of breath testing equipment. The
19 Department of State Police shall prescribe regulations as
20 necessary to implement this Section.

21 2. When a person in this State shall submit to a blood
22 test at the request of a law enforcement officer under the
23 provisions of Section 11-501.1, only a physician
24 authorized to practice medicine, a licensed physician
25 assistant, a licensed advanced practice nurse, a
26 registered nurse, trained phlebotomist, or licensed

1 ~~certified~~ paramedic, or other qualified person approved by
2 the Department of State Police may withdraw blood for the
3 purpose of determining the alcohol, drug, or alcohol and
4 drug content therein. This limitation shall not apply to
5 the taking of breath or urine specimens.

6 When a blood test of a person who has been taken to an
7 adjoining state for medical treatment is requested by an
8 Illinois law enforcement officer, the blood may be
9 withdrawn only by a physician authorized to practice
10 medicine in the adjoining state, a licensed physician
11 assistant, a licensed advanced practice nurse, a
12 registered nurse, a trained phlebotomist acting under the
13 direction of the physician, or licensed ~~certified~~
14 paramedic. The law enforcement officer requesting the test
15 shall take custody of the blood sample, and the blood
16 sample shall be analyzed by a laboratory certified by the
17 Department of State Police for that purpose.

18 3. The person tested may have a physician, or a
19 qualified technician, chemist, registered nurse, or other
20 qualified person of their own choosing administer a
21 chemical test or tests in addition to any administered at
22 the direction of a law enforcement officer. The failure or
23 inability to obtain an additional test by a person shall
24 not preclude the admission of evidence relating to the test
25 or tests taken at the direction of a law enforcement
26 officer.

1 4. Upon the request of the person who shall submit to a
2 chemical test or tests at the request of a law enforcement
3 officer, full information concerning the test or tests
4 shall be made available to the person or such person's
5 attorney.

6 5. Alcohol concentration shall mean either grams of
7 alcohol per 100 milliliters of blood or grams of alcohol
8 per 210 liters of breath.

9 (a-5) Law enforcement officials may use standardized field
10 sobriety tests approved by the National Highway Traffic Safety
11 Administration when conducting investigations of a violation
12 of Section 11-501 or similar local ordinance by drivers
13 suspected of driving under the influence of cannabis. The
14 General Assembly finds that standardized field sobriety tests
15 approved by the National Highway Traffic Safety Administration
16 are divided attention tasks that are intended to determine if a
17 person is under the influence of cannabis. The purpose of these
18 tests is to determine the effect of the use of cannabis on a
19 person's capacity to think and act with ordinary care and
20 therefore operate a motor vehicle safely. Therefore, the
21 results of these standardized field sobriety tests,
22 appropriately administered, shall be admissible in the trial of
23 any civil or criminal action or proceeding arising out of an
24 arrest for a cannabis-related offense as defined in Section
25 11-501 or a similar local ordinance or proceedings under
26 Section 2-118.1. Where a test is made the following provisions

1 shall apply:

2 1. The person tested may have a physician, or a
3 qualified technician, chemist, registered nurse, or other
4 qualified person of their own choosing administer a
5 chemical test or tests in addition to the standardized
6 field sobriety test or tests administered at the direction
7 of a law enforcement officer. The failure or inability to
8 obtain an additional test by a person does not preclude the
9 admission of evidence relating to the test or tests taken
10 at the direction of a law enforcement officer.

11 2. Upon the request of the person who shall submit to a
12 standardized field sobriety test or tests at the request of
13 a law enforcement officer, full information concerning the
14 test or tests shall be made available to the person or the
15 person's attorney.

16 3. At the trial of any civil or criminal action or
17 proceeding arising out of an arrest for an offense as
18 defined in Section 11-501 or a similar local ordinance or
19 proceedings under Section 2-118.1 in which the results of
20 these standardized field sobriety tests are admitted, the
21 cardholder may present and the trier of fact may consider
22 evidence that the card holder lacked the physical capacity
23 to perform the standardized field sobriety tests.

24 (b) Upon the trial of any civil or criminal action or
25 proceeding arising out of acts alleged to have been committed
26 by any person while driving or in actual physical control of a

1 vehicle while under the influence of alcohol, the concentration
2 of alcohol in the person's blood or breath at the time alleged
3 as shown by analysis of the person's blood, urine, breath, or
4 other bodily substance shall give rise to the following
5 presumptions:

6 1. If there was at that time an alcohol concentration
7 of 0.05 or less, it shall be presumed that the person was
8 not under the influence of alcohol.

9 2. If there was at that time an alcohol concentration
10 in excess of 0.05 but less than 0.08, such facts shall not
11 give rise to any presumption that the person was or was not
12 under the influence of alcohol, but such fact may be
13 considered with other competent evidence in determining
14 whether the person was under the influence of alcohol.

15 3. If there was at that time an alcohol concentration
16 of 0.08 or more, it shall be presumed that the person was
17 under the influence of alcohol.

18 4. The foregoing provisions of this Section shall not
19 be construed as limiting the introduction of any other
20 relevant evidence bearing upon the question whether the
21 person was under the influence of alcohol.

22 (c) 1. If a person under arrest refuses to submit to a
23 chemical test under the provisions of Section 11-501.1,
24 evidence of refusal shall be admissible in any civil or
25 criminal action or proceeding arising out of acts alleged to
26 have been committed while the person under the influence of

1 alcohol, other drug or drugs, or intoxicating compound or
2 compounds, or any combination thereof was driving or in actual
3 physical control of a motor vehicle.

4 2. Notwithstanding any ability to refuse under this Code to
5 submit to these tests or any ability to revoke the implied
6 consent to these tests, if a law enforcement officer has
7 probable cause to believe that a motor vehicle driven by or in
8 actual physical control of a person under the influence of
9 alcohol, other drug or drugs, or intoxicating compound or
10 compounds, or any combination thereof has caused the death or
11 personal injury to another, the law enforcement officer shall
12 request, and that person shall submit, upon the request of a
13 law enforcement officer, to a chemical test or tests of his or
14 her blood, breath or urine for the purpose of determining the
15 alcohol content thereof or the presence of any other drug or
16 combination of both.

17 This provision does not affect the applicability of or
18 imposition of driver's license sanctions under Section
19 11-501.1 of this Code.

20 3. For purposes of this Section, a personal injury includes
21 any Type A injury as indicated on the traffic accident report
22 completed by a law enforcement officer that requires immediate
23 professional attention in either a doctor's office or a medical
24 facility. A Type A injury includes severe bleeding wounds,
25 distorted extremities, and injuries that require the injured
26 party to be carried from the scene.

1 (Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11;
2 97-813, eff. 7-13-12; 98-122, eff. 1-1-14.)

3 Section 60. The Good Samaritan Act is amended by changing
4 Sections 68 and 70 as follows:

5 (745 ILCS 49/68)

6 Sec. 68. Disaster Relief Volunteers. Any firefighter,
7 licensed emergency medical technician (EMT), emergency medical
8 technician-intermediate (EMT-I), advanced emergency medical
9 technician (AEMT), or paramedic as defined by Section 3.50 of
10 the Emergency Medical Services (EMS) Systems Act, physician,
11 dentist, podiatric physician, optometrist, pharmacist,
12 advanced practice nurse, physician assistant, or nurse who in
13 good faith and without fee or compensation provides health care
14 services as a disaster relief volunteer shall not, as a result
15 of his or her acts or omissions, except willful and wanton
16 misconduct on the part of the person, in providing health care
17 services, be liable to a person to whom the health care
18 services are provided for civil damages. This immunity applies
19 to health care services that are provided without fee or
20 compensation during or within 10 days following the end of a
21 disaster or catastrophic event.

22 The immunity provided in this Section only applies to a
23 disaster relief volunteer who provides health care services in
24 relief of an earthquake, hurricane, tornado, nuclear attack,

1 terrorist attack, epidemic, or pandemic without fee or
2 compensation for providing the volunteer health care services.

3 The provisions of this Section shall not apply to any
4 health care facility as defined in Section 8-2001 of the Code
5 of Civil Procedure or to any practitioner, who is not a
6 disaster relief volunteer, providing health care services in a
7 hospital or health care facility.

8 (Source: P.A. 98-214, eff. 8-9-13.)

9 (745 ILCS 49/70)

10 Sec. 70. Law enforcement officers, firemen, Emergency
11 Medical Technicians (EMTs) and First Responders; exemption
12 from civil liability for emergency care. Any law enforcement
13 officer or fireman as defined in Section 2 of the Line of Duty
14 Compensation Act, and any "emergency medical responder",
15 "emergency medical technician (EMT)", "emergency medical
16 technician-intermediate", "advanced emergency medical
17 technician", or "paramedic" as defined in Section 3.50 of the
18 Emergency Medical Services (EMS) Systems Act, ~~and any "first~~
19 ~~responder" as defined in Section 3.60 of the Emergency Medical~~
20 ~~Services (EMS) Systems Act,~~ who in good faith provides
21 emergency care without fee or compensation to any person shall
22 not, as a result of his or her acts or omissions, except
23 willful and wanton misconduct on the part of the person, in
24 providing the care, be liable to a person to whom such care is
25 provided for civil damages.

1 (Source: P.A. 93-1047, eff. 10-18-04; 94-826, eff. 1-1-07.)

2 Section 65. The Workers' Compensation Act is amended by
3 changing Section 6 as follows:

4 (820 ILCS 305/6) (from Ch. 48, par. 138.6)

5 Sec. 6. (a) Every employer within the provisions of this
6 Act, shall, under the rules and regulations prescribed by the
7 Commission, post printed notices in their respective places of
8 employment in such number and at such places as may be
9 determined by the Commission, containing such information
10 relative to this Act as in the judgment of the Commission may
11 be necessary to aid employees to safeguard their rights under
12 this Act in event of injury.

13 In addition thereto, the employer shall post in a
14 conspicuous place on the place of the employment a printed or
15 typewritten notice stating whether he is insured or whether he
16 has qualified and is operating as a self-insured employer. In
17 the event the employer is insured, the notice shall state the
18 name and address of his insurance carrier, the number of the
19 insurance policy, its effective date and the date of
20 termination. In the event of the termination of the policy for
21 any reason prior to the termination date stated, the posted
22 notice shall promptly be corrected accordingly. In the event
23 the employer is operating as a self-insured employer the notice
24 shall state the name and address of the company, if any,

1 servicing the compensation payments of the employer, and the
2 name and address of the person in charge of making compensation
3 payments.

4 (b) Every employer subject to this Act shall maintain
5 accurate records of work-related deaths, injuries and illness
6 other than minor injuries requiring only first aid treatment
7 and which do not involve medical treatment, loss of
8 consciousness, restriction of work or motion, or transfer to
9 another job and file with the Commission, in writing, a report
10 of all accidental deaths, injuries and illnesses arising out of
11 and in the course of the employment resulting in the loss of
12 more than 3 scheduled work days. In the case of death such
13 report shall be made no later than 2 working days following the
14 accidental death. In all other cases such report shall be made
15 between the 15th and 25th of each month unless required to be
16 made sooner by rule of the Commission. In case the injury
17 results in permanent disability, a further report shall be made
18 as soon as it is determined that such permanent disability has
19 resulted or will result from the injury. All reports shall
20 state the date of the injury, including the time of day or
21 night, the nature of the employer's business, the name,
22 address, age, sex, conjugal condition of the injured person,
23 the specific occupation of the injured person, the direct cause
24 of the injury and the nature of the accident, the character of
25 the injury, the length of disability, and in case of death the
26 length of disability before death, the wages of the injured

1 person, whether compensation has been paid to the injured
2 person, or to his or her legal representative or his heirs or
3 next of kin, the amount of compensation paid, the amount paid
4 for physicians', surgeons' and hospital bills, and by whom
5 paid, and the amount paid for funeral or burial expenses if
6 known. The reports shall be made on forms and in the manner as
7 prescribed by the Commission and shall contain such further
8 information as the Commission shall deem necessary and require.
9 The making of these reports releases the employer from making
10 such reports to any other officer of the State and shall
11 satisfy the reporting provisions as contained in the "Health
12 and Safety Act" and "An Act in relation to safety inspections
13 and education in industrial and commercial establishments and
14 to repeal an Act therein named", approved July 18, 1955, as now
15 or hereafter amended. The reports filed with the Commission
16 pursuant to this Section shall be made available by the
17 Commission to the Director of Labor or his representatives and
18 to all other departments of the State of Illinois which shall
19 require such information for the proper discharge of their
20 official duties. Failure to file with the Commission any of the
21 reports required in this Section is a petty offense.

22 Except as provided in this paragraph, all reports filed
23 hereunder shall be confidential and any person having access to
24 such records filed with the Illinois Workers' Compensation
25 Commission as herein required, who shall release any
26 information therein contained including the names or otherwise

1 identify any persons sustaining injuries or disabilities, or
2 give access to such information to any unauthorized person,
3 shall be subject to discipline or discharge, and in addition
4 shall be guilty of a Class B misdemeanor. The Commission shall
5 compile and distribute to interested persons aggregate
6 statistics, taken from the reports filed hereunder. The
7 aggregate statistics shall not give the names or otherwise
8 identify persons sustaining injuries or disabilities or the
9 employer of any injured or disabled person.

10 (c) Notice of the accident shall be given to the employer
11 as soon as practicable, but not later than 45 days after the
12 accident. Provided:

13 (1) In case of the legal disability of the employee or
14 any dependent of a deceased employee who may be entitled to
15 compensation under the provisions of this Act, the
16 limitations of time by this Act provided do not begin to
17 run against such person under legal disability until a
18 guardian has been appointed.

19 (2) In cases of injuries sustained by exposure to
20 radiological materials or equipment, notice shall be given
21 to the employer within 90 days subsequent to the time that
22 the employee knows or suspects that he has received an
23 excessive dose of radiation.

24 No defect or inaccuracy of such notice shall be a bar to
25 the maintenance of proceedings on arbitration or otherwise by
26 the employee unless the employer proves that he is unduly

1 prejudiced in such proceedings by such defect or inaccuracy.

2 Notice of the accident shall give the approximate date and
3 place of the accident, if known, and may be given orally or in
4 writing.

5 (d) Every employer shall notify each injured employee who
6 has been granted compensation under the provisions of Section 8
7 of this Act of his rights to rehabilitation services and advise
8 him of the locations of available public rehabilitation centers
9 and any other such services of which the employer has
10 knowledge.

11 In any case, other than one where the injury was caused by
12 exposure to radiological materials or equipment or asbestos
13 unless the application for compensation is filed with the
14 Commission within 3 years after the date of the accident, where
15 no compensation has been paid, or within 2 years after the date
16 of the last payment of compensation, where any has been paid,
17 whichever shall be later, the right to file such application
18 shall be barred.

19 In any case of injury caused by exposure to radiological
20 materials or equipment or asbestos, unless application for
21 compensation is filed with the Commission within 25 years after
22 the last day that the employee was employed in an environment
23 of hazardous radiological activity or asbestos, the right to
24 file such application shall be barred.

25 If in any case except one where the injury was caused by
26 exposure to radiological materials or equipment or asbestos,

1 the accidental injury results in death application for
2 compensation for death may be filed with the Commission within
3 3 years after the date of death where no compensation has been
4 paid or within 2 years after the date of the last payment of
5 compensation where any has been paid, whichever shall be later,
6 but not thereafter.

7 If an accidental injury caused by exposure to radiological
8 material or equipment or asbestos results in death within 25
9 years after the last day that the employee was so exposed
10 application for compensation for death may be filed with the
11 Commission within 3 years after the date of death, where no
12 compensation has been paid, or within 2 years after the date of
13 the last payment of compensation where any has been paid,
14 whichever shall be later, but not thereafter.

15 (e) Any contract or agreement made by any employer or his
16 agent or attorney with any employee or any other beneficiary of
17 any claim under the provisions of this Act within 7 days after
18 the injury shall be presumed to be fraudulent.

19 (f) Any condition or impairment of health of an employee
20 employed as a firefighter, emergency medical technician (EMT),
21 emergency medical technician-intermediate (EMT-I), advanced
22 emergency medical technician (AEMT), or paramedic which
23 results directly or indirectly from any bloodborne pathogen,
24 lung or respiratory disease or condition, heart or vascular
25 disease or condition, hypertension, tuberculosis, or cancer
26 resulting in any disability (temporary, permanent, total, or

1 partial) to the employee shall be rebuttably presumed to arise
2 out of and in the course of the employee's firefighting, EMT,
3 or paramedic employment and, further, shall be rebuttably
4 presumed to be causally connected to the hazards or exposures
5 of the employment. This presumption shall also apply to any
6 hernia or hearing loss suffered by an employee employed as a
7 firefighter, EMT, EMT-I, AEMT, or paramedic. However, this
8 presumption shall not apply to any employee who has been
9 employed as a firefighter, EMT, or paramedic for less than 5
10 years at the time he or she files an Application for Adjustment
11 of Claim concerning this condition or impairment with the
12 Illinois Workers' Compensation Commission. The rebuttable
13 presumption established under this subsection, however, does
14 not apply to an emergency medical technician (EMT), emergency
15 medical technician-intermediate (EMT-I), advanced emergency
16 medical technician (AEMT), or paramedic employed by a private
17 employer if the employee spends the preponderance of his or her
18 work time for that employer engaged in medical transfers
19 between medical care facilities or non-emergency medical
20 transfers to or from medical care facilities. The changes made
21 to this subsection by Public Act 98-291 ~~this amendatory Act of~~
22 ~~the 98th General Assembly~~ shall be narrowly construed. The
23 Finding and Decision of the Illinois Workers' Compensation
24 Commission under only the rebuttable presumption provision of
25 this subsection shall not be admissible or be deemed res
26 judicata in any disability claim under the Illinois Pension

1 Code arising out of the same medical condition; however, this
2 sentence makes no change to the law set forth in Krohe v. City
3 of Bloomington, 204 Ill.2d 392.

4 (Source: P.A. 98-291, eff. 1-1-14.)

5 Section 70. The Workers' Occupational Diseases Act is
6 amended by changing Sections 1 and 3 as follows:

7 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

8 Sec. 1. This Act shall be known and may be cited as the
9 "Workers' Occupational Diseases Act".

10 (a) The term "employer" as used in this Act shall be
11 construed to be:

12 1. The State and each county, city, town, township,
13 incorporated village, school district, body politic, or
14 municipal corporation therein.

15 2. Every person, firm, public or private corporation,
16 including hospitals, public service, eleemosynary,
17 religious or charitable corporations or associations, who
18 has any person in service or under any contract for hire,
19 express or implied, oral or written.

20 3. Where an employer operating under and subject to the
21 provisions of this Act loans an employee to another such
22 employer and such loaned employee sustains a compensable
23 occupational disease in the employment of such borrowing
24 employer and where such borrowing employer does not provide

1 or pay the benefits or payments due such employee, such
2 loaning employer shall be liable to provide or pay all
3 benefits or payments due such employee under this Act and
4 as to such employee the liability of such loaning and
5 borrowing employers shall be joint and several, provided
6 that such loaning employer shall in the absence of
7 agreement to the contrary be entitled to receive from such
8 borrowing employer full reimbursement for all sums paid or
9 incurred pursuant to this paragraph together with
10 reasonable attorneys' fees and expenses in any hearings
11 before the Illinois Workers' Compensation Commission or in
12 any action to secure such reimbursement. Where any benefit
13 is provided or paid by such loaning employer, the employee
14 shall have the duty of rendering reasonable co-operation in
15 any hearings, trials or proceedings in the case, including
16 such proceedings for reimbursement.

17 Where an employee files an Application for Adjustment
18 of Claim with the Illinois Workers' Compensation
19 Commission alleging that his or her claim is covered by the
20 provisions of the preceding paragraph, and joining both the
21 alleged loaning and borrowing employers, they and each of
22 them, upon written demand by the employee and within 7 days
23 after receipt of such demand, shall have the duty of filing
24 with the Illinois Workers' Compensation Commission a
25 written admission or denial of the allegation that the
26 claim is covered by the provisions of the preceding

1 paragraph and in default of such filing or if any such
2 denial be ultimately determined not to have been bona fide
3 then the provisions of Paragraph K of Section 19 of this
4 Act shall apply.

5 An employer whose business or enterprise or a
6 substantial part thereof consists of hiring, procuring or
7 furnishing employees to or for other employers operating
8 under and subject to the provisions of this Act for the
9 performance of the work of such other employers and who
10 pays such employees their salary or wage notwithstanding
11 that they are doing the work of such other employers shall
12 be deemed a loaning employer within the meaning and
13 provisions of this Section.

14 (b) The term "employee" as used in this Act, shall be
15 construed to mean:

16 1. Every person in the service of the State, county,
17 city, town, township, incorporated village or school
18 district, body politic or municipal corporation therein,
19 whether by election, appointment or contract of hire,
20 express or implied, oral or written, including any official
21 of the State, or of any county, city, town, township,
22 incorporated village, school district, body politic or
23 municipal corporation therein and except any duly
24 appointed member of the fire department in any city whose
25 population exceeds 500,000 according to the last Federal or
26 State census, and except any member of a fire insurance

1 patrol maintained by a board of underwriters in this State.
2 One employed by a contractor who has contracted with the
3 State, or a county, city, town, township, incorporated
4 village, school district, body politic or municipal
5 corporation therein, through its representatives, shall
6 not be considered as an employee of the State, county,
7 city, town, township, incorporated village, school
8 district, body politic or municipal corporation which made
9 the contract.

10 2. Every person in the service of another under any
11 contract of hire, express or implied, oral or written, who
12 contracts an occupational disease while working in the
13 State of Illinois, or who contracts an occupational disease
14 while working outside of the State of Illinois but where
15 the contract of hire is made within the State of Illinois,
16 and any person whose employment is principally localized
17 within the State of Illinois, regardless of the place where
18 the disease was contracted or place where the contract of
19 hire was made, including aliens, and minors who, for the
20 purpose of this Act, except Section 3 hereof, shall be
21 considered the same and have the same power to contract,
22 receive payments and give quittances therefor, as adult
23 employees. An employee or his or her dependents under this
24 Act who shall have a cause of action by reason of an
25 occupational disease, disablement or death arising out of
26 and in the course of his or her employment may elect or

1 pursue his or her remedy in the State where the disease was
2 contracted, or in the State where the contract of hire is
3 made, or in the State where the employment is principally
4 localized.

5 (c) "Commission" means the Illinois Workers' Compensation
6 Commission created by the Workers' Compensation Act, approved
7 July 9, 1951, as amended.

8 (d) In this Act the term "Occupational Disease" means a
9 disease arising out of and in the course of the employment or
10 which has become aggravated and rendered disabling as a result
11 of the exposure of the employment. Such aggravation shall arise
12 out of a risk peculiar to or increased by the employment and
13 not common to the general public.

14 A disease shall be deemed to arise out of the employment if
15 there is apparent to the rational mind, upon consideration of
16 all the circumstances, a causal connection between the
17 conditions under which the work is performed and the
18 occupational disease. The disease need not to have been
19 foreseen or expected but after its contraction it must appear
20 to have had its origin or aggravation in a risk connected with
21 the employment and to have flowed from that source as a
22 rational consequence.

23 An employee shall be conclusively deemed to have been
24 exposed to the hazards of an occupational disease when, for any
25 length of time however short, he or she is employed in an
26 occupation or process in which the hazard of the disease

1 exists; provided however, that in a claim of exposure to atomic
2 radiation, the fact of such exposure must be verified by the
3 records of the central registry of radiation exposure
4 maintained by the Department of Public Health or by some other
5 recognized governmental agency maintaining records of such
6 exposures whenever and to the extent that the records are on
7 file with the Department of Public Health or the agency.

8 Any injury to or disease or death of an employee arising
9 from the administration of a vaccine, including without
10 limitation smallpox vaccine, to prepare for, or as a response
11 to, a threatened or potential bioterrorist incident to the
12 employee as part of a voluntary inoculation program in
13 connection with the person's employment or in connection with
14 any governmental program or recommendation for the inoculation
15 of workers in the employee's occupation, geographical area, or
16 other category that includes the employee is deemed to arise
17 out of and in the course of the employment for all purposes
18 under this Act. This paragraph added by Public Act 93-829 is
19 declarative of existing law and is not a new enactment.

20 The employer liable for the compensation in this Act
21 provided shall be the employer in whose employment the employee
22 was last exposed to the hazard of the occupational disease
23 claimed upon regardless of the length of time of such last
24 exposure, except, in cases of silicosis or asbestosis, the only
25 employer liable shall be the last employer in whose employment
26 the employee was last exposed during a period of 60 days or

1 more after the effective date of this Act, to the hazard of
2 such occupational disease, and, in such cases, an exposure
3 during a period of less than 60 days, after the effective date
4 of this Act, shall not be deemed a last exposure. If a miner
5 who is suffering or suffered from pneumoconiosis was employed
6 for 10 years or more in one or more coal mines there shall,
7 effective July 1, 1973 be a rebuttable presumption that his or
8 her pneumoconiosis arose out of such employment.

9 If a deceased miner was employed for 10 years or more in
10 one or more coal mines and died from a respirable disease there
11 shall, effective July 1, 1973, be a rebuttable presumption that
12 his or her death was due to pneumoconiosis.

13 Any condition or impairment of health of an employee
14 employed as a firefighter, emergency medical technician (EMT),
15 emergency medical technician-intermediate (EMT-I), advanced
16 emergency medical technician (AEMT), or paramedic which
17 results directly or indirectly from any bloodborne pathogen,
18 lung or respiratory disease or condition, heart or vascular
19 disease or condition, hypertension, tuberculosis, or cancer
20 resulting in any disability (temporary, permanent, total, or
21 partial) to the employee shall be rebuttably presumed to arise
22 out of and in the course of the employee's firefighting, EMT,
23 EMT-I, AEMT, or paramedic employment and, further, shall be
24 rebuttably presumed to be causally connected to the hazards or
25 exposures of the employment. This presumption shall also apply
26 to any hernia or hearing loss suffered by an employee employed

1 as a firefighter, EMT, EMT-I, AEMT, or paramedic. However, this
2 presumption shall not apply to any employee who has been
3 employed as a firefighter, EMT, EMT-I, AEMT, or paramedic for
4 less than 5 years at the time he or she files an Application
5 for Adjustment of Claim concerning this condition or impairment
6 with the Illinois Workers' Compensation Commission. The
7 rebuttable presumption established under this subsection,
8 however, does not apply to an emergency medical technician
9 (EMT), emergency medical technician-intermediate (EMT-I),
10 advanced emergency medical technician (AEMT), or paramedic
11 employed by a private employer if the employee spends the
12 preponderance of his or her work time for that employer engaged
13 in medical transfers between medical care facilities or
14 non-emergency medical transfers to or from medical care
15 facilities. The changes made to this subsection by this
16 amendatory Act of the 98th General Assembly shall be narrowly
17 construed. The Finding and Decision of the Illinois Workers'
18 Compensation Commission under only the rebuttable presumption
19 provision of this paragraph shall not be admissible or be
20 deemed res judicata in any disability claim under the Illinois
21 Pension Code arising out of the same medical condition;
22 however, this sentence makes no change to the law set forth in
23 *Krohe v. City of Bloomington*, 204 Ill.2d 392.

24 The insurance carrier liable shall be the carrier whose
25 policy was in effect covering the employer liable on the last
26 day of the exposure rendering such employer liable in

1 accordance with the provisions of this Act.

2 (e) "Disablement" means an impairment or partial
3 impairment, temporary or permanent, in the function of the body
4 or any of the members of the body, or the event of becoming
5 disabled from earning full wages at the work in which the
6 employee was engaged when last exposed to the hazards of the
7 occupational disease by the employer from whom he or she claims
8 compensation, or equal wages in other suitable employment; and
9 "disability" means the state of being so incapacitated.

10 (f) No compensation shall be payable for or on account of
11 any occupational disease unless disablement, as herein
12 defined, occurs within two years after the last day of the last
13 exposure to the hazards of the disease, except in cases of
14 occupational disease caused by berylliosis or by the inhalation
15 of silica dust or asbestos dust and, in such cases, within 3
16 years after the last day of the last exposure to the hazards of
17 such disease and except in the case of occupational disease
18 caused by exposure to radiological materials or equipment, and
19 in such case, within 25 years after the last day of last
20 exposure to the hazards of such disease.

21 (Source: P.A. 98-291, eff. 1-1-14.)

22 (210 ILCS 50/3.60 rep.)

23 Section 75. The Emergency Medical Services (EMS) Systems
24 Act is amended by repealing Section 3.60.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

Statutes amended in order of appearance

- 50 ILCS 745/2 from Ch. 85, par. 2502
- 50 ILCS 748/3
- 65 ILCS 5/10-1-7 from Ch. 24, par. 10-1-7
- 65 ILCS 5/10-1-7.1
- 65 ILCS 5/10-2.1-4 from Ch. 24, par. 10-2.1-4
- 65 ILCS 5/10-2.1-6.3
- 65 ILCS 5/10-2.1-14 from Ch. 24, par. 10-2.1-14
- 65 ILCS 5/10-2.1-31
- 70 ILCS 705/16.06b
- 70 ILCS 705/16.08b
- 70 ILCS 705/16.13b from Ch. 127 1/2, par. 37.13b
- 210 ILCS 50/3.5
- 210 ILCS 50/3.10
- 210 ILCS 50/3.15
- 210 ILCS 50/3.20
- 210 ILCS 50/3.25
- 210 ILCS 50/3.35
- 210 ILCS 50/3.40
- 210 ILCS 50/3.45
- 210 ILCS 50/3.50
- 210 ILCS 50/3.55
- 210 ILCS 50/3.65
- 210 ILCS 50/3.70

1	210 ILCS 50/3.75	
2	210 ILCS 50/3.80	
3	210 ILCS 50/3.130	
4	210 ILCS 50/3.140	
5	210 ILCS 50/3.165	
6	210 ILCS 50/3.170	
7	210 ILCS 50/3.180	
8	210 ILCS 50/3.200	
9	210 ILCS 50/3.205	
10	210 ILCS 50/3.210	
11	225 ILCS 105/12	from Ch. 111, par. 5012
12	325 ILCS 2/10	
13	410 ILCS 15/2	from Ch. 96 1/2, par. 3952
14	410 ILCS 305/7	from Ch. 111 1/2, par. 7307
15	410 ILCS 305/9	from Ch. 111 1/2, par. 7309
16	425 ILCS 7/5	
17	625 ILCS 5/11-501.01	
18	625 ILCS 5/11-501.2	from Ch. 95 1/2, par. 11-501.2
19	745 ILCS 49/68	
20	745 ILCS 49/70	
21	820 ILCS 305/6	from Ch. 48, par. 138.6
22	820 ILCS 310/1	from Ch. 48, par. 172.36
23	210 ILCS 50/3.60 rep.	