



Sen. Heather A. Steans

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1 AMENDMENT TO SENATE BILL 3414

2 AMENDMENT NO. _____. Amend Senate Bill 3414 by replacing
3 everything after the enacting clause with the following:

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

1 15-107 of the Illinois Pension Code and whose primary duties
2 relate to firefighting.

3 (b) "Informal inquiry" means a meeting by supervisory or
4 command personnel with a fireman upon whom an allegation of
5 misconduct has come to the attention of such supervisory or
6 command personnel, the purpose of which meeting is to mediate a
7 citizen complaint or discuss the facts to determine whether a
8 formal investigation should be commenced.

9 (c) "Formal investigation" means the process of
10 investigation ordered by a commanding officer during which the
11 questioning of a fireman is intended to gather evidence of
12 misconduct which may be the basis for filing charges seeking
13 his or her removal, discharge, or suspension from duty in
14 excess of 24 duty hours.

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

26 (e) "Administrative proceeding" means any non-judicial

1 hearing which is authorized to recommend, approve or order the
2 suspension, removal, or discharge of a fireman.

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

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

6 (50 ILCS 748/3)

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

8 "Volunteer emergency worker" means a firefighter who does
9 not receive monetary compensation for his or her services to a
10 fire department or fire protection district and who does not
11 work for any other fire department or fire protection district
12 for monetary compensation. "Volunteer emergency worker" also
13 means a person who does not receive monetary compensation for
14 his or her services as a volunteer Emergency Medical Technician
15 (licensed as an EMT ~~EMT-B~~, EMT-I, AEMT, or Paramedic ~~EMT-P~~
16 under the Emergency Medical Services (EMS) Systems Act), a
17 volunteer ambulance driver or attendant, or a volunteer
18 "Emergency Medical First Responder", as defined in Sec. 3.50
19 ~~3.60~~ of the Emergency Medical Services (EMT) Systems Act, to a
20 fire department, fire protection district, or other
21 governmental entity and who does not work in one of these
22 capacities for any other fire department, fire protection
23 district, or governmental entity for monetary compensation.
24 "Volunteer emergency worker" also means a person who is a

1 volunteer member of a county or municipal emergency services
2 and disaster agency pursuant to the Illinois Emergency
3 Management Agency Act, an auxiliary policeman appointed
4 pursuant to the Municipal Code, or an auxiliary deputy
5 appointed by a county sheriff pursuant to the Counties Code.

6 "Monetary compensation" does not include a monetary
7 incentive awarded to a firefighter by the board of trustees of
8 a fire protection district under Section 6 of the Fire
9 Protection District Act.

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

11 Section 15. The Illinois Municipal Code is amended by
12 changing Sections 10-1-7, 10-1-7.1, 10-2.1-4, 10-2.1-6.3,
13 10-2.1-14, and 10-2.1-31 as follows:

14 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

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

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

22 (b) Residency requirements in effect at the time an
23 individual enters the fire or police service of a municipality
24 (other than a municipality that has more than 1,000,000

1 inhabitants) cannot be made more restrictive for that
2 individual during his or her period of service for that
3 municipality, or be made a condition of promotion, except for
4 the rank or position of Fire or Police Chief.

5 (c) No person with a record of misdemeanor convictions
6 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
7 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
8 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,
9 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a) (1) and
10 (a) (2) (C) of Section 11-14.3, and subsections (1), (6) and (8)
11 of Section 24-1 of the Criminal Code of 1961 or the Criminal
12 Code of 2012 or arrested for any cause but not convicted on
13 that cause shall be disqualified from taking the examination on
14 grounds of habits or moral character, unless the person is
15 attempting to qualify for a position on the police department,
16 in which case the conviction or arrest may be considered as a
17 factor in determining the person's habits or moral character.

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

1 (e) All employees of a municipality of less than 500,000
2 population (except those who would be excluded from the
3 classified service as provided in this Division 1) who are
4 holding that employment as of the date a municipality adopts
5 this Division 1, or as of July 17, 1959, whichever date is the
6 later, and who have held that employment for at least 2 years
7 immediately before that later date, and all firemen and
8 policemen regardless of length of service who were either
9 appointed to their respective positions by the board of fire
10 and police commissioners under the provisions of Division 2 of
11 this Article or who are serving in a position (except as a
12 temporary employee) in the fire or police department in the
13 municipality on the date a municipality adopts this Division 1,
14 or as of July 17, 1959, whichever date is the later, shall
15 become members of the classified civil service of the
16 municipality without examination.

17 (f) The examinations shall be practical in their character,
18 and shall relate to those matters that will fairly test the
19 relative capacity of the persons examined to discharge the
20 duties of the positions to which they seek to be appointed. The
21 examinations shall include tests of physical qualifications,
22 health, and (when appropriate) manual skill. If an applicant is
23 unable to pass the physical examination solely as the result of
24 an injury received by the applicant as the result of the
25 performance of an act of duty while working as a temporary
26 employee in the position for which he or she is being examined,

1 however, the physical examination shall be waived and the
2 applicant shall be considered to have passed the examination.
3 No questions in any examination shall relate to political or
4 religious opinions or affiliations. Results of examinations
5 and the eligible registers prepared from the results shall be
6 published by the commission within 60 days after any
7 examinations are held.

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

25 (h) In municipalities of 500,000 or more population, no
26 person who has attained his or her 35th birthday shall be

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

6 (i) In municipalities of more than 5,000 but not more than
7 200,000 inhabitants, no person who has attained his or her 35th
8 birthday shall be eligible to take an examination for a
9 position as a fireman or a policeman unless the person has had
10 previous employment status as a policeman or fireman in the
11 regularly constituted police or fire department of the
12 municipality, except as provided in this Section.

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

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

25 (l) No municipality having a population less than 1,000,000
26 shall require that any fireman 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 (m) To the extent that this Section or any other Section in
17 this Division conflicts with Section 10-1-7.1 or 10-1-7.2, then
18 Section 10-1-7.1 or 10-1-7.2 shall control.

19 (Source: P.A. 96-1551, eff. 7-1-11; 97-251, eff. 8-4-11;
20 97-898, eff. 8-6-12; 97-1109, eff. 1-1-13; 97-1150, eff.
21 1-25-13.)

22 (65 ILCS 5/10-1-7.1)

23 Sec. 10-1-7.1. Original appointments; full-time fire
24 department.

25 (a) Applicability. Unless a commission elects to follow the

1 provisions of Section 10-1-7.2, this Section shall apply to all
2 original appointments to an affected full-time fire
3 department. Existing registers of eligibles shall continue to
4 be valid until their expiration dates, or up to a maximum of 2
5 years after the effective date of this amendatory Act of the
6 97th General Assembly.

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

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

24 A municipality that is operating under a court order or
25 consent decree regarding original appointments to a full-time
26 fire department before the effective date of this amendatory

1 Act of the 97th General Assembly is exempt from the
2 requirements of this Section for the duration of the court
3 order or consent decree.

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

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

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

1 person who has a ranking in the top 5% of the register of
2 eligibles or (ii) any person who is among the top 5 highest
3 ranked persons on the list of eligibles if the number of people
4 who have a ranking in the top 5% of the register of eligibles
5 is less than 5 people.

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

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

24 For the purposes of this Section, "firefighter" means any
25 person who has been prior to, on, or after the effective date
26 of this amendatory Act of the 97th General Assembly appointed

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

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

26 Residency requirements in effect at the time an individual

1 enters the fire service of a municipality cannot be made more
2 restrictive for that individual during his or her period of
3 service for that municipality, or be made a condition of
4 promotion, except for the rank or position of fire chief and
5 for no more than 2 positions that rank immediately below that
6 of the chief rank which are appointed positions pursuant to the
7 Fire Department Promotion Act.

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

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

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

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

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

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

19 In the event that any applicant who has been found eligible
20 for appointment and whose name has been placed upon the final
21 eligibility register provided for in this Division 1 has not
22 been appointed to a firefighter position within one year after
23 the date of his or her physical ability examination, the
24 commission may cause a second examination to be made of that
25 applicant's physical ability prior to his or her appointment.
26 If, after the second examination, the physical ability of the

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

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

21 The examination and qualifying standards for employment of
22 firefighters shall be based on: mental aptitude, physical
23 ability, preferences, moral character, and health. The mental
24 aptitude, physical ability, and preference components shall
25 determine an applicant's qualification for and placement on the
26 final register of eligibles. The examination may also include a

1 subjective component based on merit criteria as determined by
2 the commission. Scores from the examination must be made
3 available to the public.

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

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

1 dimensions:

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

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

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

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

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

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

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

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

25 The commission shall prepare and keep a register of persons
26 whose total score is not less than the minimum fixed by this

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

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

20 (h) Preferences. The following are preferences:

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

1 employment with the fire department of an affected
2 department.

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

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

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

22 (5) Experience preference. All persons employed by a
23 municipality who have been paid-on-call or part-time
24 certified Firefighter II, certified Firefighter III, State
25 of Illinois or nationally licensed EMT, ~~EMT-B~~ ~~or~~ EMT-I,
26 AEMT, ~~or licensed~~ paramedic, or any combination of those

1 capacities may be awarded up to a maximum of 5 points.
2 However, the applicant may not be awarded more than 0.5
3 points for each complete year of paid-on-call or part-time
4 service. Applicants from outside the municipality who were
5 employed as full-time firefighters or
6 firefighter-paramedics by a fire protection district or
7 another municipality may be awarded up to 5 experience
8 preference points. However, the applicant may not be
9 awarded more than one point for each complete year of
10 full-time service.

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

1 by lot.

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

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

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

1 eligibility list. The local appointing authority may
2 prescribe the total number of preference points awarded
3 under this Section, but the total number of preference
4 points shall not be less than 10 points or more than 30
5 points.

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

26 Any person placed on an eligibility list who exceeds the

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

7 The commission shall strike off the names of candidates for
8 original appointment after the names have been on the list for
9 more than 2 years.

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

25 A classifiable set of the fingerprints of every person who
26 is offered employment as a certificated member of an affected

1 fire department whether with or without compensation, shall be
2 furnished to the Illinois Department of State Police and to the
3 Federal Bureau of Investigation by the commission.

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

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

21 (k) A person who knowingly divulges or receives test
22 questions or answers before a written examination, or otherwise
23 knowingly violates or subverts any requirement of this Section,
24 commits a violation of this Section and may be subject to
25 charges for official misconduct.

26 A person who is the knowing recipient of test information

1 in advance of the examination shall be disqualified from the
2 examination or discharged from the position to which he or she
3 was appointed, as applicable, and otherwise subjected to
4 disciplinary actions.

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

7 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

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

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

22 If the chief of the fire department or the chief of the
23 police department or both of them are appointed in the manner
24 provided by ordinance, they may be removed or discharged by the
25 appointing authority. In such case the appointing authority

1 shall file with the corporate authorities the reasons for such
2 removal or discharge, which removal or discharge shall not
3 become effective unless confirmed by a majority vote of the
4 corporate authorities.

5 If a member of the department is appointed chief of police
6 or chief of the fire department prior to being eligible to
7 retire on pension, he shall be considered as on furlough from
8 the rank he held immediately prior to his appointment as chief.
9 If he resigns as chief or is discharged as chief prior to
10 attaining eligibility to retire on pension, he shall revert to
11 and be established in whatever rank he currently holds, except
12 for previously appointed positions, and thereafter be entitled
13 to all the benefits and emoluments of that rank, without regard
14 as to whether a vacancy then exists in that rank.

15 All appointments to each department other than that of the
16 lowest rank, however, shall be from the rank next below that to
17 which the appointment is made except as otherwise provided in
18 this Section, and except that the chief of police and the chief
19 of the fire department may be appointed from among members of
20 the police and fire departments, respectively, regardless of
21 rank, unless the council or board of trustees shall have by
22 ordinance as to them otherwise provided. A chief of police or
23 the chief of the fire department, having been appointed from
24 among members of the police or fire department, respectively,
25 shall be permitted, regardless of rank, to take promotional
26 exams and be promoted to a higher classified rank than he

1 currently holds, without having to resign as chief of police or
2 chief of the fire department.

3 The sole authority to issue certificates of appointment
4 shall be vested in the Board of Fire and Police Commissioners
5 and all certificates of appointments issued to any officer or
6 member of the fire or police department of a municipality shall
7 be signed by the chairman and secretary respectively of the
8 board of fire and police commissioners of such municipality,
9 upon appointment of such officer or member of the fire and
10 police department of such municipality by action of the board
11 of fire and police commissioners. In any municipal fire
12 department that employs full-time firefighters and is subject
13 to a collective bargaining agreement, a person who has not
14 qualified for regular appointment under the provisions of this
15 Division 2.1 shall not be used as a temporary or permanent
16 substitute for classified members of a municipality's fire
17 department or for regular appointment as a classified member of
18 a municipality's fire department unless mutually agreed to by
19 the employee's certified bargaining agent. Such agreement
20 shall be considered a permissive subject of bargaining.
21 Municipal fire departments covered by the changes made by this
22 amendatory Act of the 95th General Assembly that are using
23 non-certificated employees as substitutes immediately prior to
24 the effective date of this amendatory Act of the 95th General
25 Assembly may, by mutual agreement with the certified bargaining
26 agent, continue the existing practice or a modified practice

1 and that agreement shall be considered a permissive subject of
2 bargaining. A home rule unit may not regulate the hiring of
3 temporary or substitute members of the municipality's fire
4 department in a manner that is inconsistent with this Section.
5 This Section is a limitation under subsection (i) of Section 6
6 of Article VII of the Illinois Constitution on the concurrent
7 exercise by home rule units of powers and functions exercised
8 by the State.

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

12 Any full time member of a regular fire or police department
13 of any municipality which comes under the provisions of this
14 Division or adopts this Division 2.1 or which has adopted any
15 of the prior Acts pertaining to fire and police commissioners,
16 is a city officer.

17 Notwithstanding any other provision of this Section, the
18 Chief of Police of a department in a non-home rule municipality
19 of more than 130,000 inhabitants may, without the advice or
20 consent of the Board of Fire and Police Commissioners, appoint
21 up to 6 officers who shall be known as deputy chiefs or
22 assistant deputy chiefs, and whose rank shall be immediately
23 below that of Chief. The deputy or assistant deputy chiefs may
24 be appointed from any rank of sworn officers of that
25 municipality, but no person who is not such a sworn officer may
26 be so appointed. Such deputy chief or assistant deputy chief

1 shall have the authority to direct and issue orders to all
2 employees of the Department holding the rank of captain or any
3 lower rank. A deputy chief of police or assistant deputy chief
4 of police, having been appointed from any rank of sworn
5 officers of that municipality, shall be permitted, regardless
6 of rank, to take promotional exams and be promoted to a higher
7 classified rank than he currently holds, without having to
8 resign as deputy chief of police or assistant deputy chief of
9 police.

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

1 appointed from any rank of sworn full-time officers of that
2 municipality's police department, shall be permitted,
3 regardless of rank, to take promotional exams and be promoted
4 to a higher classified rank than he currently holds, without
5 having to resign as deputy chief of police.

6 No municipality having a population less than 1,000,000
7 shall require that any firefighter appointed to the lowest rank
8 serve a probationary employment period of longer than one year.
9 The limitation on periods of probationary employment provided
10 in this amendatory Act of 1989 is an exclusive power and
11 function of the State. Pursuant to subsection (h) of Section 6
12 of Article VII of the Illinois Constitution, a home rule
13 municipality having a population less than 1,000,000 must
14 comply with this limitation on periods of probationary
15 employment, which is a denial and limitation of home rule
16 powers. Notwithstanding anything to the contrary in this
17 Section, the probationary employment period limitation may be
18 extended for a firefighter who is required, as a condition of
19 employment, to be a licensed ~~certified~~ paramedic, during which
20 time the sole reason that a firefighter may be discharged
21 without a hearing is for failing to meet the requirements for
22 paramedic licensure ~~certification~~.

23 To the extent that this Section or any other Section in
24 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,
25 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

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

1 (65 ILCS 5/10-2.1-6.3)

2 Sec. 10-2.1-6.3. Original appointments; full-time fire
3 department.

4 (a) Applicability. Unless a commission elects to follow the
5 provisions of Section 10-2.1-6.4, this Section shall apply to
6 all original appointments to an affected full-time fire
7 department. Existing registers of eligibles shall continue to
8 be valid until their expiration dates, or up to a maximum of 2
9 years after the effective date of this amendatory Act of the
10 97th General Assembly.

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

21 A home rule or non-home rule municipality may not
22 administer its fire department process for original
23 appointments in a manner that is less stringent than this
24 Section. This Section is a limitation under subsection (i) of
25 Section 6 of Article VII of the Illinois Constitution on the

1 concurrent exercise by home rule units of the powers and
2 functions exercised by the State.

3 A municipality that is operating under a court order or
4 consent decree regarding original appointments to a full-time
5 fire department before the effective date of this amendatory
6 Act of the 97th General Assembly is exempt from the
7 requirements of this Section for the duration of the court
8 order or consent decree.

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

12 (b) Original appointments. All original appointments made
13 to an affected fire department shall be made from a register of
14 eligibles established in accordance with the processes
15 established by this Section. Only persons who meet or exceed
16 the performance standards required by this Section shall be
17 placed on a register of eligibles for original appointment to
18 an affected fire department.

19 Whenever an appointing authority authorizes action to hire
20 a person to perform the duties of a firefighter or to hire a
21 firefighter-paramedic to fill a position that is a new position
22 or vacancy due to resignation, discharge, promotion, death, the
23 granting of a disability or retirement pension, or any other
24 cause, the appointing authority shall appoint to that position
25 the person with the highest ranking on the final eligibility
26 list. If the appointing authority has reason to conclude that

1 the highest ranked person fails to meet the minimum standards
2 for the position or if the appointing authority believes an
3 alternate candidate would better serve the needs of the
4 department, then the appointing authority has the right to pass
5 over the highest ranked person and appoint either: (i) any
6 person who has a ranking in the top 5% of the register of
7 eligibles or (ii) any person who is among the top 5 highest
8 ranked persons on the list of eligibles if the number of people
9 who have a ranking in the top 5% of the register of eligibles
10 is less than 5 people.

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

19 The sole authority to issue certificates of appointment
20 shall be vested in the board of fire and police commissioners.
21 All certificates of appointment issued to any officer or member
22 of an affected department shall be signed by the chairperson
23 and secretary, respectively, of the board upon appointment of
24 such officer or member to the affected department by action of
25 the board. Each person who accepts a certificate of appointment
26 and successfully completes his or her probationary period shall

1 be enrolled as a firefighter and as a regular member of the
2 fire department.

3 For the purposes of this Section, "firefighter" means any
4 person who has been prior to, on, or after the effective date
5 of this amendatory Act of the 97th General Assembly appointed
6 to a fire department or fire protection district or employed by
7 a State university and sworn or commissioned to perform
8 firefighter duties or paramedic duties, or both, except that
9 the following persons are not included: part-time
10 firefighters; auxiliary, reserve, or voluntary firefighters,
11 including paid-on-call firefighters; clerks and dispatchers or
12 other civilian employees of a fire department or fire
13 protection district who are not routinely expected to perform
14 firefighter duties; and elected officials.

15 (c) Qualification for placement on register of eligibles.
16 The purpose of establishing a register of eligibles is to
17 identify applicants who possess and demonstrate the mental
18 aptitude and physical ability to perform the duties required of
19 members of the fire department in order to provide the highest
20 quality of service to the public. To this end, all applicants
21 for original appointment to an affected fire department shall
22 be subject to examination and testing which shall be public,
23 competitive, and open to all applicants unless the municipality
24 shall by ordinance limit applicants to residents of the
25 municipality, county or counties in which the municipality is
26 located, State, or nation. Municipalities may establish

1 educational, emergency medical service licensure, and other
2 pre-requisites for participation in an examination or for hire
3 as a firefighter. Any municipality may charge a fee to cover
4 the costs of the application process.

5 Residency requirements in effect at the time an individual
6 enters the fire service of a municipality cannot be made more
7 restrictive for that individual during his or her period of
8 service for that municipality, or be made a condition of
9 promotion, except for the rank or position of fire chief and
10 for no more than 2 positions that rank immediately below that
11 of the chief rank which are appointed positions pursuant to the
12 Fire Department Promotion Act.

13 No person who is 35 years of age or older shall be eligible
14 to take an examination for a position as a firefighter unless
15 the person has had previous employment status as a firefighter
16 in the regularly constituted fire department of the
17 municipality, except as provided in this Section. The age
18 limitation does not apply to:

- 19 (1) any person previously employed as a full-time
20 firefighter in a regularly constituted fire department of
21 (i) any municipality or fire protection district located in
22 Illinois, (ii) a fire protection district whose
23 obligations were assumed by a municipality under Section 21
24 of the Fire Protection District Act, or (iii) a
25 municipality whose obligations were taken over by a fire
26 protection district, or

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

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

8 No applicant shall be examined concerning his or her
9 political or religious opinions or affiliations. The
10 examinations shall be conducted by the commissioners of the
11 municipality or their designees and agents.

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

24 In the event that any applicant who has been found eligible
25 for appointment and whose name has been placed upon the final
26 eligibility register provided for in this Section has not been

1 appointed to a firefighter position within one year after the
2 date of his or her physical ability examination, the commission
3 may cause a second examination to be made of that applicant's
4 physical ability prior to his or her appointment. If, after the
5 second examination, the physical ability of the applicant shall
6 be found to be less than the minimum standard fixed by the
7 rules of the commission, the applicant shall not be appointed.
8 The applicant's name may be retained upon the register of
9 candidates eligible for appointment and when next reached for
10 certification and appointment that applicant may be again
11 examined as provided in this Section, and if the physical
12 ability of that applicant is found to be less than the minimum
13 standard fixed by the rules of the commission, the applicant
14 shall not be appointed, and the name of the applicant shall be
15 removed from the register.

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

26 The examination and qualifying standards for employment of

1 firefighters shall be based on: mental aptitude, physical
2 ability, preferences, moral character, and health. The mental
3 aptitude, physical ability, and preference components shall
4 determine an applicant's qualification for and placement on the
5 final register of eligibles. The examination may also include a
6 subjective component based on merit criteria as determined by
7 the commission. Scores from the examination must be made
8 available to the public.

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

19 (f) Physical ability. All candidates shall be required to
20 undergo an examination of their physical ability to perform the
21 essential functions included in the duties they may be called
22 upon to perform as a member of a fire department. For the
23 purposes of this Section, essential functions of the job are
24 functions associated with duties that a firefighter may be
25 called upon to perform in response to emergency calls. The
26 frequency of the occurrence of those duties as part of the fire

1 department's regular routine shall not be a controlling factor
2 in the design of examination criteria or evolutions selected
3 for testing. These physical examinations shall be open,
4 competitive, and based on industry standards designed to test
5 each applicant's physical abilities in the following
6 dimensions:

7 (1) Muscular strength to perform tasks and evolutions
8 that may be required in the performance of duties including
9 grip strength, leg strength, and arm strength. Tests shall
10 be conducted under anaerobic as well as aerobic conditions
11 to test both the candidate's speed and endurance in
12 performing tasks and evolutions. Tasks tested may be based
13 on standards developed, or approved, by the local
14 appointing authority.

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

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

23 The tests utilized to measure each applicant's
24 capabilities in each of these dimensions may be tests based on
25 industry standards currently in use or equivalent tests
26 approved by the Joint Labor-Management Committee of the Office

1 of the State Fire Marshal.

2 Physical ability examinations administered under this
3 Section shall be conducted with a reasonable number of proctors
4 and monitors, open to the public, and subject to reasonable
5 regulations of the commission.

6 (g) Scoring of examination components. Appointing
7 authorities may create a preliminary eligibility register. A
8 person shall be placed on the list based upon his or her
9 passage of the written examination or the passage of the
10 written examination and the physical ability component.
11 Passage of the written examination means a score that is at or
12 above the median score for all applicants participating in the
13 written test. The appointing authority may conduct the physical
14 ability component and any subjective components subsequent to
15 the posting of the preliminary eligibility register.

16 The examination components for an initial eligibility
17 register shall be graded on a 100-point scale. A person's
18 position on the list shall be determined by the following: (i)
19 the person's score on the written examination, (ii) the person
20 successfully passing the physical ability component, and (iii)
21 the person's results on any subjective component as described
22 in subsection (d).

23 In order to qualify for placement on the final eligibility
24 register, an applicant's score on the written examination,
25 before any applicable preference points or subjective points
26 are applied, shall be at or above the median score. The local

1 appointing authority may prescribe the score to qualify for
2 placement on the final eligibility register, but the score
3 shall not be less than the median score.

4 The commission shall prepare and keep a register of persons
5 whose total score is not less than the minimum fixed by this
6 Section and who have passed the physical ability examination.
7 These persons shall take rank upon the register as candidates
8 in the order of their relative excellence based on the highest
9 to the lowest total points scored on the mental aptitude,
10 subjective component, and preference components of the test
11 administered in accordance with this Section. No more than 60
12 days after each examination, an initial eligibility list shall
13 be posted by the commission. The list shall include the final
14 grades of the candidates without reference to priority of the
15 time of examination and subject to claim for preference credit.

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

25 (h) Preferences. The following are preferences:

26 (1) Veteran preference. Persons who were engaged in the

1 military service of the United States for a period of at
2 least one year of active duty and who were honorably
3 discharged therefrom, or who are now or have been members
4 on inactive or reserve duty in such military or naval
5 service, shall be preferred for appointment to and
6 employment with the fire department of an affected
7 department.

8 (2) Fire cadet preference. Persons who have
9 successfully completed 2 years of study in fire techniques
10 or cadet training within a cadet program established under
11 the rules of the Joint Labor and Management Committee
12 (JLMC), as defined in Section 50 of the Fire Department
13 Promotion Act, may be preferred for appointment to and
14 employment with the fire department.

15 (3) Educational preference. Persons who have
16 successfully obtained an associate's degree in the field of
17 fire service or emergency medical services, or a bachelor's
18 degree from an accredited college or university may be
19 preferred for appointment to and employment with the fire
20 department.

21 (4) Paramedic preference. Persons who have obtained a
22 license ~~certification~~ as a paramedic ~~an Emergency Medical~~
23 ~~Technician-Paramedic~~ ~~(EMT-P)~~ shall be preferred for
24 appointment to and employment with the fire department of
25 an affected department providing emergency medical
26 services.

1 (5) Experience preference. All persons employed by a
2 municipality who have been paid-on-call or part-time
3 certified Firefighter II, State of Illinois or nationally
4 licensed EMT, ~~EMT-B~~ or EMT-I, AEMT, or any combination of
5 those capacities shall be awarded 0.5 point for each year
6 of successful service in one or more of those capacities,
7 up to a maximum of 5 points. Certified Firefighter III and
8 State of Illinois or nationally licensed paramedics shall
9 be awarded one point per year up to a maximum of 5 points.
10 Applicants from outside the municipality who were employed
11 as full-time firefighters or firefighter-paramedics by a
12 fire protection district or another municipality for at
13 least 2 years shall be awarded 5 experience preference
14 points. These additional points presuppose a rating scale
15 totaling 100 points available for the eligibility list. If
16 more or fewer points are used in the rating scale for the
17 eligibility list, the points awarded under this subsection
18 shall be increased or decreased by a factor equal to the
19 total possible points available for the examination
20 divided by 100.

21 Upon request by the commission, the governing body of
22 the municipality or in the case of applicants from outside
23 the municipality the governing body of any fire protection
24 district or any other municipality shall certify to the
25 commission, within 10 days after the request, the number of
26 years of successful paid-on-call, part-time, or full-time

1 service of any person. A candidate may not receive the full
2 amount of preference points under this subsection if the
3 amount of points awarded would place the candidate before a
4 veteran on the eligibility list. If more than one candidate
5 receiving experience preference points is prevented from
6 receiving all of their points due to not being allowed to
7 pass a veteran, the candidates shall be placed on the list
8 below the veteran in rank order based on the totals
9 received if all points under this subsection were to be
10 awarded. Any remaining ties on the list shall be determined
11 by lot.

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

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

20 (8) Scoring of preferences. The commission shall give
21 preference for original appointment to persons designated
22 in item (1) by adding to the final grade that they receive
23 5 points for the recognized preference achieved. The
24 commission shall determine the number of preference points
25 for each category except (1). The number of preference
26 points for each category shall range from 0 to 5. In

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

16 No person entitled to any preference shall be required to
17 claim the credit before any examination held under the
18 provisions of this Section, but the preference shall be given
19 after the posting or publication of the initial eligibility
20 list or register at the request of a person entitled to a
21 credit before any certification or appointments are made from
22 the eligibility register, upon the furnishing of verifiable
23 evidence and proof of qualifying preference credit. Candidates
24 who are eligible for preference credit shall make a claim in
25 writing within 10 days after the posting of the initial
26 eligibility list, or the claim shall be deemed waived. Final

1 eligibility registers shall be established after the awarding
2 of verified preference points. All employment shall be subject
3 to the commission's initial hire background review including,
4 but not limited to, criminal history, employment history, moral
5 character, oral examination, and medical and psychological
6 examinations, all on a pass-fail basis. The medical and
7 psychological examinations must be conducted last, and may only
8 be performed after a conditional offer of employment has been
9 extended.

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

17 The commission shall strike off the names of candidates for
18 original appointment after the names have been on the list for
19 more than 2 years.

20 (i) Moral character. No person shall be appointed to a fire
21 department unless he or she is a person of good character; not
22 a habitual drunkard, a gambler, or a person who has been
23 convicted of a felony or a crime involving moral turpitude.
24 However, no person shall be disqualified from appointment to
25 the fire department because of the person's record of
26 misdemeanor convictions except those under Sections 11-6,

1 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
2 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
3 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
4 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, or arrest for any cause without
6 conviction thereon. Any such person who is in the department
7 may be removed on charges brought for violating this subsection
8 and after a trial as hereinafter provided.

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

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

23 (j) Temporary appointments. In order to prevent a stoppage
24 of public business, to meet extraordinary exigencies, or to
25 prevent material impairment of the fire department, the
26 commission may make temporary appointments, to remain in force

1 only until regular appointments are made under the provisions
2 of this Division, but never to exceed 60 days. No temporary
3 appointment of any one person shall be made more than twice in
4 any calendar year.

5 (k) A person who knowingly divulges or receives test
6 questions or answers before a written examination, or otherwise
7 knowingly violates or subverts any requirement of this Section,
8 commits a violation of this Section and may be subject to
9 charges for official misconduct.

10 A person who is the knowing recipient of test information
11 in advance of the examination shall be disqualified from the
12 examination or discharged from the position to which he or she
13 was appointed, as applicable, and otherwise subjected to
14 disciplinary actions.

15 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
16 97-1150, eff. 1-25-13.)

17 (65 ILCS 5/10-2.1-14) (from Ch. 24, par. 10-2.1-14)

18 Sec. 10-2.1-14. Register of eligibles. The board of fire
19 and police commissioners shall prepare and keep a register of
20 persons whose general average standing, upon examination, is
21 not less than the minimum fixed by the rules of the board, and
22 who are otherwise eligible. These persons shall take rank upon
23 the register as candidates in the order of their relative
24 excellence as determined by examination, without reference to
25 priority of time of examination. The board of fire and police

1 commissioners may prepare and keep a second register of persons
2 who have previously been full-time sworn officers of a regular
3 police department in any municipal, county, university, or
4 State law enforcement agency, provided they are certified by
5 the Illinois Law Enforcement Training Standards Board and have
6 been with their respective law enforcement agency within the
7 State for at least 2 years. The persons on this list shall take
8 rank upon the register as candidates in the order of their
9 relative excellence as determined by members of the board of
10 fire and police commissioners. Applicants who have been awarded
11 a certificate attesting to their successful completion of the
12 Minimum Standards Basic Law Enforcement Training Course, as
13 provided in the Illinois Police Training Act, may be given
14 preference in appointment over noncertified applicants.
15 Applicants for appointment to fire departments who are licensed
16 as an EMT, ~~EMT-B~~, EMT-I, AEMT, or paramedic ~~EMT-P~~ under the
17 Emergency Medical Services (EMS) Systems Act, may be given
18 preference in appointment over non-licensed applicants.

19 Within 60 days after each examination, an eligibility list
20 shall be posted by the board, which shall show the final grades
21 of the candidates without reference to priority of time of
22 examination and subject to claim for military credit.
23 Candidates who are eligible for military credit shall make a
24 claim in writing within 10 days after the posting of the
25 eligibility list or such claim shall be deemed waived.
26 Appointment shall be subject to a final physical examination.

1 If a person is placed on an eligibility list and becomes
2 overage before he or she is appointed to a police or fire
3 department, the person remains eligible for appointment until
4 the list is abolished pursuant to authorized procedures.
5 Otherwise no person who has attained the age of 36 years shall
6 be inducted as a member of a police department and no person
7 who has attained the age of 35 years shall be inducted as a
8 member of a fire department, except as otherwise provided in
9 this division. With respect to a police department, a veteran
10 shall be allowed to exceed the maximum age provision of this
11 Section by the number of years served on active military duty,
12 but by no more than 10 years of active military duty.

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

14 (65 ILCS 5/10-2.1-31)

15 Sec. 10-2.1-31. Emergency medical technician licensure.
16 The corporate authorities of any municipality may require that
17 all firefighters hired by the municipality on or after January
18 1, 2009 (the effective date of Public Act 95-935) ~~this~~
19 ~~amendatory Act of the 95th General Assembly~~ be licensed as an
20 EMT, ~~EMT-B~~, EMT-I, AEMT, or paramedic ~~EMT-P~~ under the Emergency
21 Medical Services (EMS) Systems Act.

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

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

1 (70 ILCS 705/16.06b)

2 Sec. 16.06b. Original appointments; full-time fire
3 department.

4 (a) Applicability. Unless a commission elects to follow the
5 provisions of Section 16.06c, this Section shall apply to all
6 original appointments to an affected full-time fire
7 department. Existing registers of eligibles shall continue to
8 be valid until their expiration dates, or up to a maximum of 2
9 years after the effective date of this amendatory Act of the
10 97th General Assembly.

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

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

1 requirements of this Section for the duration of the court
2 order or consent decree.

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

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

1 is less than 5 people.

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

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

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

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

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

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

1 except for the rank or position of fire chief and for no more
2 than 2 positions that rank immediately below that of the chief
3 rank which are appointed positions pursuant to the Fire
4 Department Promotion Act.

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

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

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

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

26 No applicant shall be examined concerning his or her

1 political or religious opinions or affiliations. The
2 examinations shall be conducted by the commissioners of the
3 district or their designees and agents.

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

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

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

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

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

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

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

25 (1) Muscular strength to perform tasks and evolutions
26 that may be required in the performance of duties including

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

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

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

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

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

24 (g) Scoring of examination components. Appointing
25 authorities may create a preliminary eligibility register. A
26 person shall be placed on the list based upon his or her

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

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

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

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

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

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

17 (h) Preferences. The following are preferences:

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

26 (2) Fire cadet preference. Persons who have

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

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

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

19 (5) Experience preference. All persons employed by a
20 district who have been paid-on-call or part-time certified
21 Firefighter II, certified Firefighter III, State of
22 Illinois or nationally licensed EMT, ~~EMT-B~~ ~~or~~ EMT-I, AEMT,
23 or licensed paramedic, or any combination of those
24 capacities may be awarded up to a maximum of 5 points.
25 However, the applicant may not be awarded more than 0.5
26 points for each complete year of paid-on-call or part-time

1 service. Applicants from outside the district who were
2 employed as full-time firefighters or
3 firefighter-paramedics by a fire protection district or
4 municipality for at least 2 years may be awarded up to 5
5 experience preference points. However, the applicant may
6 not be awarded more than one point for each complete year
7 of full-time service.

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

25 (6) Residency preference. Applicants whose principal
26 residence is located within the fire department's

1 jurisdiction may be preferred for appointment to and
2 employment with the fire department.

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

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

1 points shall not be less than 10 points or more than 30
2 points.

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

23 Any person placed on an eligibility list who exceeds the
24 age requirement before being appointed to a fire department
25 shall remain eligible for appointment until the list is
26 abolished, or his or her name has been on the list for a period

1 of 2 years. No person who has attained the age of 35 years
2 shall be inducted into a fire department, except as otherwise
3 provided in this Section.

4 The commission shall strike off the names of candidates for
5 original appointment after the names have been on the list for
6 more than 2 years.

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

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

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

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

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

23 A person who is the knowing recipient of test information
24 in advance of the examination shall be disqualified from the
25 examination or discharged from the position to which he or she
26 was appointed, as applicable, and otherwise subjected to

1 disciplinary actions.

2 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
3 97-1150, eff. 1-25-13.)

4 (70 ILCS 705/16.08b)

5 Sec. 16.08b. Emergency medical technician licensure. The
6 board of trustees of a fire protection district may require
7 that all firefighters hired on or after January 1, 2005 (the
8 effective date of Public Act 93-952) ~~this amendatory Act of the~~
9 ~~93rd General Assembly~~ by any fire department within the
10 district must be licensed as an EMT ~~EMT-B~~, EMT-I, AEMT, or
11 paramedic ~~EMT-P~~ under the Emergency Medical Services (EMS)
12 Systems Act.

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

14 (70 ILCS 705/16.13b) (from Ch. 127 1/2, par. 37.13b)

15 Sec. 16.13b. Unless the employer and a labor organization
16 have agreed to a contract provision providing for final and
17 binding arbitration of disputes concerning the existence of
18 just cause for disciplinary action, no officer or member of the
19 fire department of any protection district who has held that
20 position for one year shall be removed or discharged except for
21 just cause, upon written charges specifying the complainant and
22 the basis for the charges, and after a hearing on those charges
23 before the board of fire commissioners, affording the officer
24 or member an opportunity to be heard in his own defense. In

1 such case the appointing authority shall file with the board of
2 trustees the reasons for such removal or discharge, which
3 removal or discharge shall not become effective unless
4 confirmed by a majority vote of the board of trustees. If
5 written charges are brought against an officer or member, the
6 board of fire commissioners shall conduct a fair and impartial
7 hearing of the charges, to be commenced within 30 days of the
8 filing thereof, which hearing may be continued from time to
9 time. The Chief of the department shall bear the burden of
10 proving the guilt of the officer or member by a preponderance
11 of the evidence. In case an officer or member is found guilty,
12 the board may discharge him, or may suspend him not exceeding
13 30 calendar days without pay. The board may suspend any officer
14 or member pending the hearing with or without pay, but in no
15 event shall the suspension pending hearing and the ultimate
16 suspension imposed on the officer or member, if any, exceed 30
17 calendar days without pay in the aggregate. If the board of
18 fire commissioners determines that the charges are not
19 sustained, the officer or member shall be reimbursed for all
20 wages withheld or lost, if any. In the conduct of this hearing,
21 each member of the board shall have power to secure by its
22 subpoena both the attendance and testimony of witnesses and the
23 production of books and papers relevant to the hearing.

24 Notwithstanding any other provision of this Section, a
25 probationary employment period may be extended beyond one year
26 for a firefighter who is required as a condition of employment

1 to be a licensed ~~certified~~ paramedic, during which time the
2 sole reason that a firefighter may be discharged without a
3 hearing is for failing to meet the requirements for paramedic
4 licensure ~~certification~~.

5 The age for mandatory retirement of firemen in the service
6 of any department of such district is 65 years, unless the
7 board of trustees shall by ordinance provide for an earlier
8 mandatory retirement age of not less than 60 years.

9 The provisions of the Administrative Review Law, and all
10 amendments and modifications thereof, and the rules adopted
11 pursuant thereto, shall apply to and govern all proceedings for
12 the judicial review of final administrative decisions of the
13 board of fire commissioners hereunder. The term
14 "administrative decision" is defined as in Section 3-101 of the
15 Code of Civil Procedure.

16 Nothing in this Section shall be construed to prevent the
17 Chief of the fire department from suspending without pay a
18 member of his department for a period of not more than 5
19 consecutive calendar days, but he shall notify the board in
20 writing of such suspension. Any fireman so suspended may appeal
21 to the board of fire commissioners for a review of the
22 suspension within 5 calendar days after such suspension. Upon
23 such appeal, the Chief of the department shall bear the burden
24 of proof in establishing the guilt of the officer or member by
25 a preponderance of the evidence. The board may sustain the
26 action of the Chief of the department, may reduce the

1 suspension to a lesser penalty, or may reverse it with
2 instructions that the officer or member receive his pay and
3 other benefits withheld for the period involved, or may suspend
4 the officer for an additional period of not more than 30 days,
5 or discharge him, depending upon the facts presented.

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

7 Section 25. The Emergency Medical Services (EMS) Systems
8 Act is amended by changing Sections 3.5, 3.10, 3.15, 3.20,
9 3.25, 3.35, 3.40, 3.45, 3.50, 3.55, 3.65, 3.70, 3.75, 3.80,
10 3.125, 3.130, 3.140, 3.165, 3.170, 3.180, 3.200, 3.205, and
11 3.210 as follows:

12 (210 ILCS 50/3.5)

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

14 "Department" means the Illinois Department of Public
15 Health.

16 "Director" means the Director of the Illinois Department of
17 Public Health.

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

22 "Emergency Medical Services personnel" or "EMS personnel"
23 means persons licensed as an Emergency Medical Responder (EMR),
24 Emergency Medical Dispatcher (EMD), Emergency Medical

1 Technician (EMT), Emergency Medical Technician-Intermediate
2 (EMT-I), Advanced Emergency Medical Technician (AEMT),
3 Paramedic, Emergency Communications Registered Nurse (ECRN),
4 or Pre-Hospital Registered Nurse (PHRN).

5 "Health Care Facility" means a hospital, nursing home,
6 physician's office or other fixed location at which medical and
7 health care services are performed. It does not include
8 "pre-hospital emergency care settings" which utilize EMS
9 personnel ~~EMTs~~ to render pre-hospital emergency care prior to
10 the arrival of a transport vehicle, as defined in this Act.

11 "Hospital" has the meaning ascribed to that term in the
12 Hospital Licensing Act.

13 "Trauma" means any significant injury which involves
14 single or multiple organ systems.

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

16 (210 ILCS 50/3.10)

17 Sec. 3.10. Scope of Services.

18 (a) "Advanced Life Support (ALS) Services" means an
19 advanced level of pre-hospital and inter-hospital emergency
20 care and non-emergency medical services that includes basic
21 life support care, cardiac monitoring, cardiac defibrillation,
22 electrocardiography, intravenous therapy, administration of
23 medications, drugs and solutions, use of adjunctive medical
24 devices, trauma care, and other authorized techniques and
25 procedures, as outlined in the provisions of the National EMS

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

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

11 (b) "Intermediate Life Support (ILS) Services" means an
12 intermediate level of pre-hospital and inter-hospital
13 emergency care and non-emergency medical services that
14 includes basic life support care plus intravenous cannulation
15 and fluid therapy, invasive airway management, trauma care, and
16 other authorized techniques and procedures, as outlined in the
17 Intermediate Life Support national curriculum of the United
18 States Department of Transportation and any modifications to
19 that curriculum specified in rules adopted by the Department
20 pursuant to this Act.

21 That care shall be initiated as authorized by the EMS
22 Medical Director in a Department approved intermediate or
23 advanced life support EMS System, under the written or verbal
24 direction of a physician licensed to practice medicine in all
25 of its branches or under the verbal direction of an Emergency
26 Communications Registered Nurse.

1 (c) "Basic Life Support (BLS) Services" means a basic level
2 of pre-hospital and inter-hospital emergency care and
3 non-emergency medical services that includes airway
4 management, cardiopulmonary resuscitation (CPR), control of
5 shock and bleeding and splinting of fractures, as outlined in
6 the provisions of the National EMS Education Standards relating
7 to Basic Life Support ~~national curriculum of the United States~~
8 ~~Department of Transportation~~ and any modifications to that
9 curriculum specified in rules adopted by the Department
10 pursuant to this Act.

11 That care shall be initiated, where authorized by the EMS
12 Medical Director in a Department approved EMS System, under the
13 written or verbal direction of a physician licensed to practice
14 medicine in all of its branches or under the verbal direction
15 of an Emergency Communications Registered Nurse.

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

25 (e) "Pre-hospital care" means those ~~emergency~~ medical
26 services rendered to ~~emergency~~ patients for analytic,

1 resuscitative, stabilizing, or preventive purposes, precedent
2 to and during transportation of such patients to health care
3 facilities ~~hospitals~~.

4 (f) "Inter-hospital care" means those ~~emergency~~ medical
5 services rendered to ~~emergency~~ patients for analytic,
6 resuscitative, stabilizing, or preventive purposes, during
7 transportation of such patients from one hospital to another
8 hospital.

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

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

23 (2) Hospitals, when utilizing any vehicle service
24 provider or any hospital-owned or operated vehicle service
25 provider. Nothing in Public Act 96-1469 ~~this amendatory Act~~
26 ~~of the 96th General Assembly~~ requires a hospital to use, or

1 to be, a Department-approved critical care transport
2 provider when transporting patients, including those
3 critically injured or ill. Nothing in this Act shall
4 restrict or prohibit a hospital from providing, or
5 arranging for, the medically appropriate transport of any
6 patient, as determined by a physician licensed to practice
7 in all of its branches, an advanced practice nurse, or a
8 physician's assistant.

9 (g) "Non-emergency medical services" means medical care or
10 monitoring rendered to patients whose conditions do not meet
11 this Act's definition of emergency, before or during
12 transportation of such patients to or from health care
13 facilities visited for the purpose of obtaining medical or
14 health care services which are not emergency in nature, using a
15 vehicle regulated by this Act.

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

26 (1) Personnel staffing and licensure.

1 (2) Education, certification, and experience.

2 (3) Medical equipment and supplies.

3 (4) Vehicular standards.

4 (5) Treatment and transport protocols.

5 (6) Quality assurance and data collection.

6 (h) The provisions of this Act shall not apply to the use
7 of an ambulance or SEMSV, unless and until emergency or
8 non-emergency medical services are needed during the use of the
9 ambulance or SEMSV.

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

11 (210 ILCS 50/3.15)

12 Sec. 3.15. Emergency Medical Services (EMS) Regions. The
13 ~~Beginning September 1, 1995, the~~ Department shall designate
14 Emergency Medical Services (EMS) Regions within the State,
15 consisting of specific geographic areas encompassing EMS
16 Systems and trauma centers, in which emergency medical
17 services, trauma services, and non-emergency medical services
18 are coordinated under an EMS Region Plan.

19 In designating EMS Regions, the Department shall take into
20 consideration, but not be limited to, the location of existing
21 EMS Systems, Trauma Regions and trauma centers, existing
22 patterns of inter-System transports, population locations and
23 density, transportation modalities, and geographical distance
24 from available trauma and emergency department care.

25 Use of the term Trauma Region to identify a specific

1 geographic area shall be discontinued upon designation of areas
2 as EMS Regions.

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

4 (210 ILCS 50/3.20)

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

6 (a) "Emergency Medical Services (EMS) System" means an
7 organization of hospitals, vehicle service providers and
8 personnel approved by the Department in a specific geographic
9 area, which coordinates and provides pre-hospital and
10 inter-hospital emergency care and non-emergency medical
11 transports at a BLS, ILS and/or ALS level pursuant to a System
12 program plan submitted to and approved by the Department, and
13 pursuant to the EMS Region Plan adopted for the EMS Region in
14 which the System is located.

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

1 participation in the System Program Plan.

2 (c) The Department shall have the authority and
3 responsibility to:

4 (1) Approve BLS, ILS and ALS level EMS Systems which
5 meet minimum standards and criteria established in rules
6 adopted by the Department pursuant to this Act, including
7 the submission of a Program Plan for Department approval.
8 Beginning September 1, 1997, the Department shall approve
9 the development of a new EMS System only when a local or
10 regional need for establishing such System has been
11 verified by the Department. This shall not be construed as
12 a needs assessment for health planning or other purposes
13 outside of this Act. Following Department approval, EMS
14 Systems must be fully operational within one year from the
15 date of approval.

16 (2) Monitor EMS Systems, based on minimum standards for
17 continuing operation as prescribed in rules adopted by the
18 Department pursuant to this Act, which shall include
19 requirements for submitting Program Plan amendments to the
20 Department for approval.

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

25 (4) Suspend, revoke, or refuse to renew approval of any
26 EMS System, after providing an opportunity for a hearing,

1 when findings show that it does not meet the minimum
2 standards for continuing operation as prescribed by the
3 Department, or is found to be in violation of its
4 previously approved Program Plan.

5 (5) Require each EMS System to adopt written protocols
6 for the bypassing of or diversion to any hospital, trauma
7 center or regional trauma center, which provide that a
8 person shall not be transported to a facility other than
9 the nearest hospital, regional trauma center or trauma
10 center unless the medical benefits to the patient
11 reasonably expected from the provision of appropriate
12 medical treatment at a more distant facility outweigh the
13 increased risks to the patient from transport to the more
14 distant facility, or the transport is in accordance with
15 the System's protocols for patient choice or refusal.

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

26 (A) Have experience on an EMS vehicle at the

1 highest level available within the System, or make
2 provision to gain such experience within 12 months
3 prior to the date responsibility for the System is
4 assumed or within 90 days after assuming the position;

5 (B) Be thoroughly knowledgeable of all skills
6 included in the scope of practices of all levels of EMS
7 personnel within the System;

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

11 (D) For ILS and ALS EMS Medical Directors,
12 successfully complete a Department-approved EMS
13 Medical Director's Course.

14 (7) Prescribe statewide EMS data elements to be
15 collected and documented by providers in all EMS Systems
16 for all emergency and non-emergency medical services, with
17 a one-year phase-in for commencing collection of such data
18 elements.

19 (8) Define, through rules adopted pursuant to this Act,
20 the terms "Resource Hospital", "Associate Hospital",
21 "Participating Hospital", "Basic Emergency Department",
22 "Standby Emergency Department", "Comprehensive Emergency
23 Department", "EMS Medical Director", "EMS Administrative
24 Director", and "EMS System Coordinator".

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

1 ~~Directors shall be considered EMS Medical Directors,~~
2 ~~and all persons serving in such capacities on the~~
3 ~~effective date of this amendatory Act of 1995 shall be~~
4 ~~exempt from the requirements of paragraph (7) of this~~
5 ~~subsection;~~

6 (B) (Blank). ~~Upon the effective date of this~~
7 ~~amendatory Act of 1995, all existing EMS System Project~~
8 ~~Directors shall be considered EMS Administrative~~
9 ~~Directors.~~

10 (9) Investigate the circumstances that caused a
11 hospital in an EMS system to go on bypass status to
12 determine whether that hospital's decision to go on bypass
13 status was reasonable. The Department may impose
14 sanctions, as set forth in Section 3.140 of the Act, upon a
15 Department determination that the hospital unreasonably
16 went on bypass status in violation of the Act.

17 (10) Evaluate the capacity and performance of any
18 freestanding emergency center established under Section
19 32.5 of this Act in meeting emergency medical service needs
20 of the public, including compliance with applicable
21 emergency medical standards and assurance of the
22 availability of and immediate access to the highest quality
23 of medical care possible.

24 (11) Permit limited EMS System participation by
25 facilities operated by the United States Department of
26 Veterans Affairs, Veterans Health Administration. Subject

1 to patient preference, Illinois EMS providers may
2 transport patients to Veterans Health Administration
3 facilities that voluntarily participate in an EMS System.
4 Any Veterans Health Administration facility seeking
5 limited participation in an EMS System shall agree to
6 comply with all Department administrative rules
7 implementing this Section. The Department may promulgate
8 rules, including, but not limited to, the types of Veterans
9 Health Administration facilities that may participate in
10 an EMS System and the limitations of participation.

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

13 (210 ILCS 50/3.25)

14 Sec. 3.25. EMS Region Plan; Development.

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

1 concerning stroke shall be developed jointly with the Regional
2 Stroke Advisory Subcommittee.

3 (1) A Region's EMS Medical Directors Committee shall be
4 comprised of the Region's EMS Medical Directors, along with
5 the medical advisor to a fire department vehicle service
6 provider. For regions which include a municipal fire
7 department serving a population of over 2,000,000 people,
8 that fire department's medical advisor shall serve on the
9 Committee. For other regions, the fire department vehicle
10 service providers shall select which medical advisor to
11 serve on the Committee on an annual basis.

12 (2) A Region's Trauma Center Medical Directors
13 Committee shall be comprised of the Region's Trauma Center
14 Medical Directors.

15 (b) A Region's Trauma Center Medical Directors may choose
16 to participate in the development of the EMS Region Plan
17 through membership on the Regional EMS Advisory Committee,
18 rather than through a separate Trauma Center Medical Directors
19 Committee. If that option is selected, the Region's Trauma
20 Center Medical Director shall also determine whether a separate
21 Regional Trauma Advisory Committee is necessary for the Region.

22 (c) In the event of disputes over content of the Plan
23 between the Region's EMS Medical Directors Committee and the
24 Region's Trauma Center Medical Directors or Trauma Center
25 Medical Directors Committee, whichever is applicable, the
26 Director of the Illinois Department of Public Health shall

1 intervene through a mechanism established by the Department
2 through rules adopted pursuant to this Act.

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

1 for each Region shall serve as a non-voting member of that
2 Region's EMS Advisory Committee.

3 Every 2 years, the members of the Region's EMS Medical
4 Directors Committee shall rotate serving as Committee Chair,
5 and select the Associate Hospital, Participating Hospital and
6 vehicle service providers which shall send representatives to
7 the Advisory Committee, and the EMS personnel
8 ~~EMTs/Pre Hospital RN~~ and nurse who shall serve on the Advisory
9 Committee.

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

1 Committee.

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

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

8 (210 ILCS 50/3.35)

9 Sec. 3.35. Emergency Medical Services (EMS) Resource
10 Hospital; Functions. The Resource Hospital of an EMS System
11 shall:

12 (a) Prepare a Program Plan in accordance with the
13 provisions of this Act and minimum standards and criteria
14 established in rules adopted by the Department pursuant to this
15 Act, and submit such Program Plan to the Department for
16 approval.

17 (b) Appoint an EMS Medical Director, who will continually
18 monitor and supervise the System and who will have the
19 responsibility and authority for total management of the System
20 as delegated by the EMS Resource Hospital.

21 The Program Plan shall require the EMS Medical Director to
22 appoint an alternate EMS Medical Director and establish a
23 written protocol addressing the functions to be carried out in
24 his or her absence.

25 (c) Appoint an EMS System Coordinator and EMS

1 Administrative Director in consultation with the EMS Medical
2 Director and in accordance with rules adopted by the Department
3 pursuant to this Act.

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

6 (e) Educate or coordinate the education of EMS personnel
7 and all other license holders ~~EMT personnel~~ in accordance with
8 the requirements of this Act, rules adopted by the Department
9 pursuant to this Act, and the EMS System Program Plan.

10 (f) Notify the Department of EMS personnel ~~EMT provider~~
11 ~~personnel~~ who have successfully completed the requirements as
12 provided by law for initial licensure, license renewal, and
13 license reinstatement ~~testing and relicensure~~ by the
14 Department, ~~except that an ILS or ALS level System may require~~
15 ~~its EMT B personnel to apply directly to the Department for~~
16 ~~determination of successful completion of relicensure~~
17 ~~requirements.~~

18 (g) Educate or coordinate the education of Emergency
19 Medical Dispatcher 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 (h) Establish or approve protocols for prearrival medical
23 instructions to callers by System Emergency Medical
24 Dispatchers who provide such instructions.

25 (i) Educate or coordinate the education of Pre-Hospital
26 Registered Nurse ~~RN~~ and ECRN candidates, in accordance with the

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

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

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

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

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

17 (n) Utilize levels of personnel required by the Department
18 to provide emergency care to the sick and injured at the scene
19 of an emergency, during transport to a hospital or during
20 inter-hospital transport and within the hospital emergency
21 department until the responsibility for the care of the patient
22 is assumed by the medical personnel of a hospital emergency
23 department or other facility within the hospital to which the
24 patient is first delivered by System personnel.

25 (o) Utilize levels of personnel required by the Department
26 to provide non-emergency medical services during transport to a

1 health care facility and within the health care facility until
2 the responsibility for the care of the patient is assumed by
3 the medical personnel of the health care facility to which the
4 patient is delivered by System personnel.

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

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

11 (r) Operate in compliance with the EMS Region Plan.

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

13 (210 ILCS 50/3.40)

14 Sec. 3.40. EMS System Participation Suspensions and Due
15 Process.

16 (a) An EMS Medical Director may suspend from participation
17 within the System any EMS personnel, EMS Lead Instructor (LI),
18 individual, individual provider or other participant
19 considered not to be meeting the requirements of the Program
20 Plan of that approved EMS System.

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

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

7 (2) If the local System review board reverses or
8 modifies the EMS Medical Director's ~~suspension~~ order, the
9 EMS Medical Director shall have the opportunity for a
10 review of the local board's decision by the State EMS
11 Disciplinary Review Board, pursuant to Section 3.45 of this
12 Act.

13 (3) The suspension shall commence only upon the
14 occurrence of one of the following:

15 (A) the individual or entity ~~EMT or provider~~ has
16 waived the opportunity for a hearing before the local
17 System review board; or

18 (B) the ~~suspension~~ order has been affirmed or
19 modified by the local system review board and the
20 individual or entity ~~EMT or provider~~ has waived the
21 opportunity for review by the State Board; or

22 (C) the ~~suspension~~ order has been affirmed or
23 modified by the local system review board, and the
24 local board's decision has been affirmed or modified by
25 the State Board.

26 (c) An EMS Medical Director may immediately suspend an EMR,

1 EMD, EMT, EMT-I, AEMT, Paramedic, ECRN, PHRN, LI, or other
2 individual or entity ~~EMT or other provider~~ if he or she finds
3 that ~~the information in his or her possession indicates that~~
4 the continuation in practice by the individual or entity ~~an EMT~~
5 ~~or other provider~~ would constitute an imminent danger to the
6 public. The suspended individual or entity ~~EMT or other~~
7 ~~provider~~ shall be issued an immediate verbal notification
8 followed by a written suspension order ~~to the EMT or other~~
9 ~~provider~~ by the EMS Medical Director which states the length,
10 terms and basis for the suspension.

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

22 (2) Within 24 hours following the commencement of the
23 suspension, the suspended individual or entity ~~EMT or~~
24 ~~provider~~ may deliver to the Department, by messenger, ~~or~~
25 telefax, or other Department-approved electronic
26 communication, a written response to the suspension order

1 and copies of any written materials which the individual or
2 entity ~~EMT or provider~~ feels are appropriate ~~relate to that~~
3 ~~response~~. All medical and patient-specific information,
4 including Department findings with respect to the quality
5 of care rendered, shall be strictly confidential pursuant
6 to the Medical Studies Act.

7 (3) Within 24 hours following receipt of the EMS
8 Medical Director's suspension order or the individual or
9 entity's ~~EMT or provider's~~ written response, whichever is
10 later, the Director or the Director's designee shall
11 determine whether the suspension should be stayed pending
12 an ~~the EMT's or provider's~~ opportunity for a hearing or
13 review in accordance with this Act, or whether the
14 suspension should continue during the course of that
15 hearing or review. The Director or the Director's designee
16 shall issue this determination to the EMS Medical Director,
17 who shall immediately notify the suspended individual or
18 entity ~~EMT or provider~~. The suspension shall remain in
19 effect during this period of review by the Director or the
20 Director's designee.

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

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

7 (2) If the local System review board reverses or
8 modifies the EMS Medical Director's suspension order, the
9 EMS Medical Director shall have the opportunity for a
10 review of the local board's decision by the State EMS
11 Disciplinary Review Board, pursuant to Section 3.45 of this
12 Act.

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

17 (e) The Resource Hospital shall designate a local System
18 review board in accordance with the rules of the Department,
19 for the purpose of providing a hearing to any individual or
20 entity ~~individual provider~~ participating within the System who
21 is suspended from participation by the EMS Medical Director.
22 The EMS Medical Director shall arrange for a certified
23 shorthand reporter to make a stenographic record of that
24 hearing and thereafter prepare a transcript of the proceedings.
25 The transcript, all documents or materials received as evidence
26 during the hearing and the local System review board's written

1 decision shall be retained in the custody of the EMS system.
2 The System shall implement a decision of the local System
3 review board unless that decision has been appealed to the
4 State Emergency Medical Services Disciplinary Review Board in
5 accordance with this Act and the rules of the Department.

6 (f) The Resource Hospital shall implement a decision of the
7 State Emergency Medical Services Disciplinary Review Board
8 which has been rendered in accordance with this Act and the
9 rules of the Department.

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

11 (210 ILCS 50/3.45)

12 Sec. 3.45. State Emergency Medical Services Disciplinary
13 Review Board.

14 (a) The Governor shall appoint a State Emergency Medical
15 Services Disciplinary Review Board, composed of an EMS Medical
16 Director, an EMS System Coordinator, a Paramedic ~~an Emergency~~
17 ~~Medical Technician Paramedic (EMT-P)~~, an Emergency Medical
18 Technician (EMT) ~~Technician Basic (EMT-B)~~, and the following
19 members, who shall only review cases in which a party is from
20 the same professional category: a Pre-Hospital Registered
21 Nurse RN, an ECRN, a Trauma Nurse Specialist, an Emergency
22 Medical Technician-Intermediate (EMT-I), an Advanced Emergency
23 Medical Technician (AEMT), a representative from a private
24 vehicle service provider, a representative from a public
25 vehicle service provider, and an emergency physician who

1 monitors telecommunications from and gives voice orders to EMS
2 personnel. The Governor shall also appoint one alternate for
3 each member of the Board, from the same professional category
4 as the member of the Board.

5 (b) ~~The~~ Of ~~the members first appointed, 2 members shall be~~
6 ~~appointed for a term of one year, 2 members shall be appointed~~
7 ~~for a term of 2 years and the remaining~~ members shall be
8 appointed for a term of 3 years. ~~The terms of subsequent~~
9 ~~appointments shall be 3 years.~~ All appointees shall serve until
10 their successors are appointed. The alternate members shall be
11 appointed and serve in the same fashion as the members of the
12 Board. If a member resigns his or her appointment, the
13 corresponding alternate shall serve the remainder of that
14 member's term until a subsequent member is appointed by the
15 Governor.

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

20 (d) Any ~~An~~ individual or entity, ~~individual provider or~~
21 ~~other participant~~ who received an immediate suspension from an
22 EMS Medical Director may request the Board to reverse or modify
23 the suspension order. If the suspension had been affirmed or
24 modified by a local System review board, the suspended
25 individual or entity ~~participant~~ may request the Board to
26 reverse or modify the local board's decision.

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

6 (f) An EMS Medical Director whose suspension order was
7 reversed or modified by a local System review board may request
8 the Board to reverse or modify the local board's decision.

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

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

1 (i) At its regularly scheduled meetings, the Board shall
2 review requests which have been received by the Department at
3 least 10 working days prior to the Board's meeting date.
4 Requests for review which are received less than 10 working
5 days prior to a scheduled meeting shall be considered at the
6 Board's next scheduled meeting, except that requests for direct
7 review of an immediate suspension order may be scheduled up to
8 3 working days prior to the Board's meeting date.

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

15 (k) Deliberations for decisions of the State EMS
16 Disciplinary Review Board shall be conducted in closed session.
17 Department staff may attend for the purpose of providing
18 clerical assistance, but no other persons may be in attendance
19 except for the parties to the dispute being reviewed by the
20 Board and their attorneys, unless by request of the Board.

21 (l) The Board shall review the transcript, evidence and
22 written decision of the local review board or the written
23 decision and supporting documentation of the EMS Medical
24 Director, whichever is applicable, along with any additional
25 written or verbal testimony or argument offered by the parties
26 to the dispute.

1 (m) At the conclusion of its review, the Board shall issue
2 its decision and the basis for its decision on a form provided
3 by the Department, and shall submit to the Department its
4 written decision together with the record of the local System
5 review board. The Department shall promptly issue a copy of the
6 Board's decision to all affected parties. The Board's decision
7 shall be binding on all parties.

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

9 (210 ILCS 50/3.50)

10 Sec. 3.50. Emergency Medical Services personnel licensure
11 levels ~~Technician (EMT) Licensure.~~

12 (a) "Emergency Medical Technician ~~Technician-Basic~~" or
13 "EMT ~~EMT-B~~" means a person who has successfully completed a
14 course ~~of instruction~~ in basic 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 EMS System. A valid Emergency Medical
19 Technician-Basic (EMT-B) license issued under this Act shall
20 continue to be valid and shall be recognized as an Emergency
21 Medical Technician (EMT) license until the Emergency Medical
22 Technician-Basic (EMT-B) license expires.

23 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"
24 means a person who has successfully completed a course ~~of~~
25 ~~instruction~~ in intermediate life support as approved

1 ~~prescribed~~ by the Department, is currently licensed by the
2 Department in accordance with standards prescribed by this Act
3 and rules adopted by the Department pursuant to this Act, and
4 practices within an Intermediate or Advanced Life Support EMS
5 System.

6 (b-5) "Advanced Emergency Medical Technician" or "AEMT"
7 means a person who has successfully completed a course in basic
8 and limited advanced emergency medical care as approved by the
9 Department, is currently licensed by the Department in
10 accordance with standards prescribed by this Act and rules
11 adopted by the Department pursuant to this Act, and practices
12 within an Intermediate or Advanced Life Support EMS System.

13 (c) ~~"Paramedic Emergency Medical Technician-Paramedic" or~~
14 ~~"EMT-P"~~ means a person who has successfully completed a course
15 ~~of instruction~~ in advanced life support care as approved
16 ~~prescribed~~ by the Department, is licensed by the Department in
17 accordance with standards prescribed by this Act and rules
18 adopted by the Department pursuant to this Act, and practices
19 within an Advanced Life Support EMS System. A valid Emergency
20 Medical Technician-Paramedic (EMT-P) license issued under this
21 Act shall continue to be valid and shall be recognized as a
22 Paramedic license until the Emergency Medical
23 Technician-Paramedic (EMT-P) license expires.

24 (c-5) "Emergency Medical Responder" or "EMR" means a person
25 who has successfully completed a course in emergency medical
26 response as approved by the Department and provides emergency

1 medical response services prior to the arrival of an ambulance
2 or specialized emergency medical services vehicle, in
3 accordance with the level of care established by the National
4 EMS Educational Standards Emergency Medical Responder course
5 as modified by the Department. An Emergency Medical Responder
6 who provides services as part of an EMS System response plan
7 shall comply with the applicable sections of the Program Plan,
8 as approved by the Department, of that EMS System. The
9 Department shall have the authority to adopt rules governing
10 the curriculum, practice, and necessary equipment applicable
11 to Emergency Medical Responders.

12 On the effective date of this amendatory Act of the 98th
13 General Assembly, a person who is licensed by the Department as
14 a First Responder and has completed a Department-approved
15 course in first responder defibrillator training based on, or
16 equivalent to, the National EMS Educational Standards or other
17 standards previously recognized by the Department shall be
18 eligible for licensure as an Emergency Medical Responder upon
19 meeting the licensure requirements and submitting an
20 application to the Department.

21 (c-10) All EMS Systems and licensees shall be fully
22 compliant with the National EMS Education Standards, as
23 modified by the Department in administrative rules, within 24
24 months after the effective date of this amendatory Act of the
25 98th General Assembly.

26 (d) The Department shall have the authority and

1 responsibility to:

2 (1) Prescribe education and training requirements,
3 which includes training in the use of epinephrine, for all
4 levels of EMS personnel except for EMRs EMT, based on the
5 National EMS Educational Standards ~~respective national~~
6 ~~curricula of the United States Department of~~
7 ~~Transportation~~ and any modifications to those ~~such~~
8 curricula specified by the Department through rules
9 adopted pursuant to this Act.

10 (2) Prescribe licensure testing requirements for all
11 levels of EMS personnel EMT, which shall include a
12 requirement that all phases of instruction, training, and
13 field experience be completed before taking the
14 appropriate EMT licensure examination. Candidates may
15 elect to take the appropriate National Registry ~~of~~
16 ~~Emergency Medical Technicians~~ examination in lieu of the
17 Department's examination, but are responsible for making
18 their own arrangements for taking the National Registry
19 examination. In prescribing licensure testing requirements
20 for honorably discharged members of the armed forces of the
21 United States under this paragraph (2), the Department
22 shall ensure that a candidate's military emergency medical
23 training, emergency medical curriculum completed, and
24 clinical experience, as described in paragraph (2.5), are
25 recognized.

26 (2.5) Review applications for EMS personnel EMT

1 licensure from honorably discharged members of the armed
2 forces of the United States with military emergency medical
3 training. Applications shall be filed with the Department
4 within one year after military discharge and shall contain:
5 (i) proof of successful completion of military emergency
6 medical training; (ii) a detailed description of the
7 emergency medical curriculum completed; and (iii) a
8 detailed description of the applicant's clinical
9 experience. The Department may request additional and
10 clarifying information. The Department shall evaluate the
11 application, including the applicant's training and
12 experience, consistent with the standards set forth under
13 subsections (a), (b), (c), and (d) of Section 3.10. If the
14 application clearly demonstrates that the training and
15 experience meets such standards, the Department shall
16 offer the applicant the opportunity to successfully
17 complete a Department-approved EMS personnel ~~EMT~~
18 examination for the level of license for which the
19 applicant is qualified. Upon passage of an examination, the
20 Department shall issue a license, which shall be subject to
21 all provisions of this Act that are otherwise applicable to
22 the level ~~class~~ of EMS personnel ~~EMT~~ license issued.

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

26 (4) Prescribe annual continuing education and

1 relicensure requirements for all EMS personnel licensure
2 levels ~~levels of EMT.~~

3 (5) Relicense individuals as an EMD, EMR, EMT ~~EMT-B,~~
4 EMT-I, AEMT, or Paramedic ~~EMT-P~~ every 4 years, based on
5 their compliance with continuing education and relicensure
6 requirements as required by the Department pursuant to this
7 Act. Every 4 years, a Paramedic ~~an EMT-P~~ shall have 100
8 hours of approved continuing education, an EMT-I and an
9 advanced EMT shall have 80 hours of approved continuing
10 education, and an EMT ~~EMT-B~~ shall have 60 hours of approved
11 continuing education. An Illinois licensed EMR, EMD, EMT,
12 EMT-I, AEMT, Paramedic, ECRN, or PHRN ~~Emergency Medical~~
13 ~~Technician~~ whose license has been expired for less than 36
14 months may apply for reinstatement by the Department.
15 Reinstatement shall require that the applicant (i) submit
16 satisfactory proof of completion of continuing medical
17 education and clinical requirements to be prescribed by the
18 Department in an administrative rule; (ii) submit a
19 positive recommendation from an Illinois EMS Medical
20 Director attesting to the applicant's qualifications for
21 retesting; and (iii) pass a Department approved test for
22 the level of EMS personnel ~~EMT~~ license sought to be
23 reinstated.

24 (6) Grant inactive status to any EMR, EMD, EMT, EMT-I,
25 AEMT, Paramedic, ECRN, or PHRN ~~EMT~~ who qualifies, based on
26 standards and procedures established by the Department in

1 rules adopted pursuant to this Act.

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

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

9 (A) The licensee has not met continuing education
10 or relicensure requirements as prescribed by the
11 Department;

12 (B) The licensee has failed to maintain
13 proficiency in the level of skills for which he or she
14 is licensed;

15 (C) The licensee, during the provision of medical
16 services, engaged in dishonorable, unethical, or
17 unprofessional conduct of a character likely to
18 deceive, defraud, or harm the public;

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

23 (E) The licensee is physically impaired to the
24 extent that he or she cannot physically perform the
25 skills and functions for which he or she is licensed,
26 as verified by a physician, unless the person is on

1 inactive status pursuant to Department regulations;

2 (F) The licensee is mentally impaired to the extent
3 that he or she cannot exercise the appropriate
4 judgment, skill and safety for performing the
5 functions for which he or she is licensed, as verified
6 by a physician, unless the person is on inactive status
7 pursuant to Department regulations;

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

10 (H) The licensee has been convicted (or entered a
11 plea of guilty or nolo-contendere) by a court of
12 competent jurisdiction of a Class X, Class 1, or Class
13 2 felony in this State or an out-of-state equivalent
14 offense.

15 (d-5) An EMR, EMD, EMT, EMT-I, AEMT, Paramedic, ECRN, or
16 PHRN ~~An EMT~~ who is a member of the Illinois National Guard or
17 an Illinois State Trooper or who exclusively serves as a
18 volunteer for units of local government with a population base
19 of less than 5,000 or as a volunteer for a not-for-profit
20 organization that serves a service area with a population base
21 of less than 5,000 may submit an application to the Department
22 for a waiver of the fees described under paragraph (7) of
23 subsection (d) of this Section on a form prescribed by the
24 Department.

25 The education requirements prescribed by the Department
26 under this Section ~~subsection~~ must allow for the suspension of

1 those requirements in the case of a member of the armed
2 services or reserve forces of the United States or a member of
3 the Illinois National Guard who is on active duty pursuant to
4 an executive order of the President of the United States, an
5 act of the Congress of the United States, or an order of the
6 Governor at the time that the member would otherwise be
7 required to fulfill a particular education requirement. Such a
8 person must fulfill the education requirement within 6 months
9 after his or her release from active duty.

10 (e) In the event that any rule of the Department or an EMS
11 Medical Director that requires testing for drug use as a
12 condition of the applicable EMS personnel license ~~for EMT~~
13 ~~licensure~~ conflicts with or duplicates a provision of a
14 collective bargaining agreement that requires testing for drug
15 use, that rule shall not apply to any person covered by the
16 collective bargaining agreement.

17 (Source: P.A. 97-333, eff. 8-12-11; 97-509, eff. 8-23-11;
18 97-813, eff. 7-13-12; 97-1014, eff. 1-1-13; 98-53, eff. 1-1-14;
19 98-463, eff. 8-16-13.)

20 (210 ILCS 50/3.55)

21 Sec. 3.55. Scope of practice.

22 (a) Any person currently licensed as an EMR, EMT ~~EMT-B,~~
23 ~~EMT-I,~~ AEMT, or Paramedic ~~EMT-P~~ may perform emergency and
24 non-emergency medical services as defined in this Act, in
25 accordance with his or her level of education, training and

1 licensure, the standards of performance and conduct prescribed
2 by the Department in rules adopted pursuant to this Act, and
3 the requirements of the EMS System in which he or she
4 practices, as contained in the approved Program Plan for that
5 System. The Director may, by written order, temporarily modify
6 individual scopes of practice in response to public health
7 emergencies for periods not exceeding 180 days.

8 (a-5) EMS personnel ~~A person currently approved as a First~~
9 ~~Responder or licensed as an EMT-B, EMT-I, or EMT-P~~ who have ~~has~~
10 successfully completed a Department approved course in
11 automated defibrillator operation and who are ~~is~~ functioning
12 within a Department approved EMS System may utilize such
13 automated defibrillator according to the standards of
14 performance and conduct prescribed by the Department in rules
15 adopted pursuant to this Act and the requirements of the EMS
16 System in which they practice ~~he or she practices~~, as contained
17 in the approved Program Plan for that System.

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

25 (b) An EMR, EMT ~~A person currently licensed as an EMT-B,~~
26 ~~EMT-I, AEMT, or Paramedic EMT-P~~ may ~~only~~ practice as an EMR,

1 EMT, EMT-I, AEMT, or Paramedic ~~EMT~~ or utilize his or her EMR,
2 EMT, EMT-I, AEMT, or Paramedic ~~EMT~~ license in pre-hospital or
3 inter-hospital emergency care settings or non-emergency
4 medical transport situations, under the written or verbal
5 direction of the EMS Medical Director. For purposes of this
6 Section, a "pre-hospital emergency care setting" may include a
7 location, that is not a health care facility, which utilizes
8 EMS personnel ~~EMTs~~ to render pre-hospital emergency care prior
9 to the arrival of a transport vehicle. The location shall
10 include communication equipment and all of the portable
11 equipment and drugs appropriate for the EMR, EMT, EMT-I, AEMT,
12 or Paramedic's ~~EMT's~~ level of care, as required by this Act,
13 rules adopted by the Department pursuant to this Act, and the
14 protocols of the EMS Systems, and shall operate only with the
15 approval and under the direction of the EMS Medical Director.

16 This Section shall not prohibit an EMR, EMT ~~EMT-B~~, EMT-I,
17 AEMT, or Paramedic ~~EMT-P~~ from practicing within an emergency
18 department or other health care setting for the purpose of
19 receiving continuing education or training approved by the EMS
20 Medical Director. This Section shall also not prohibit an EMT
21 ~~EMT-B~~, EMT-I, AEMT, or Paramedic ~~EMT-P~~ from seeking credentials
22 other than his or her EMT, EMT-I, AEMT, or Paramedic license
23 and utilizing such credentials to work in emergency departments
24 or other health care settings under the jurisdiction of that
25 employer.

26 (c) An EMT ~~A person currently licensed as an EMT-B, EMT-I,~~

1 AEMT, or Paramedic ~~EMT-P~~ may honor Do Not Resuscitate (DNR)
2 orders and powers of attorney for health care only in
3 accordance with rules adopted by the Department pursuant to
4 this Act and protocols of the EMS System in which he or she
5 practices.

6 (d) A student enrolled in a Department approved EMS
7 personnel ~~emergency medical technician~~ program, while
8 fulfilling the clinical training and in-field supervised
9 experience requirements mandated for licensure or approval by
10 the System and the Department, may perform prescribed
11 procedures under the direct supervision of a physician licensed
12 to practice medicine in all of its branches, a qualified
13 registered professional nurse, or a qualified EMS personnel
14 ~~EMT~~, only when authorized by the EMS Medical Director.

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

16 (210 ILCS 50/3.65)

17 Sec. 3.65. EMS Lead Instructor.

18 (a) "EMS Lead Instructor" means a person who has
19 successfully completed a course of education as approved
20 ~~prescribed~~ by the Department, and who is currently approved by
21 the Department to coordinate or teach education, training and
22 continuing education courses, in accordance with standards
23 prescribed by this Act and rules adopted by the Department
24 pursuant to this Act.

25 (b) The Department shall have the authority and

1 responsibility to:

2 (1) Prescribe education requirements for EMS Lead
3 Instructor candidates through rules adopted pursuant to
4 this Act.

5 (2) Prescribe testing requirements for EMS Lead
6 Instructor candidates through rules adopted pursuant to
7 this Act.

8 (3) Charge each candidate for EMS Lead Instructor a fee
9 to be submitted with an application for an examination, an
10 application for licensure ~~certification~~, and an
11 application for relicensure ~~recertification~~.

12 (4) Approve individuals as EMS Lead Instructors who
13 have met the Department's education and testing
14 requirements.

15 (5) Require that all education, training and
16 continuing education courses for EMT ~~EMT-B~~, EMT-I, AEMT,
17 Paramedic, PHRN ~~EMT-P~~, ~~Pre-Hospital RN~~, ECRN, EMR, ~~First~~
18 ~~Responder~~ and Emergency Medical Dispatcher be coordinated
19 by at least one approved EMS Lead Instructor. A program
20 which includes education, training or continuing education
21 for more than one type of personnel may use one EMS Lead
22 Instructor to coordinate the program, and a single EMS Lead
23 Instructor may simultaneously coordinate more than one
24 program or course.

25 (6) Provide standards and procedures for awarding EMS
26 Lead Instructor approval to persons previously approved by

1 the Department to coordinate such courses, based on
2 qualifications prescribed by the Department through rules
3 adopted pursuant to this Act.

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

8 (A) The EMS Lead Instructor has failed to conduct a
9 course in accordance with the curriculum prescribed by
10 this Act and rules adopted by the Department pursuant
11 to this Act; or

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

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

16 (210 ILCS 50/3.70)

17 Sec. 3.70. Emergency Medical Dispatcher.

18 (a) "Emergency Medical Dispatcher" means a person who has
19 successfully completed a training course in emergency medical
20 dispatching ~~meeting or exceeding the national curriculum of the~~
21 ~~United States Department of Transportation~~ in accordance with
22 rules adopted by the Department pursuant to this Act, who
23 accepts calls from the public for emergency medical services
24 and dispatches designated emergency medical services personnel
25 and vehicles. The Emergency Medical Dispatcher must use the

1 Department-approved emergency medical dispatch priority
2 reference system (EMDPRS) protocol selected for use by its
3 agency and approved by its EMS medical director. This protocol
4 must be used by an emergency medical dispatcher in an emergency
5 medical dispatch agency to dispatch aid to medical emergencies
6 which includes systematized caller interrogation questions;
7 systematized prearrival support instructions; and systematized
8 coding protocols that match the dispatcher's evaluation of the
9 injury or illness severity with the vehicle response mode and
10 vehicle response configuration and includes an appropriate
11 training curriculum and testing process consistent with the
12 specific EMDPRS protocol used by the emergency medical dispatch
13 agency. Prearrival support instructions shall be provided in a
14 non-discriminatory manner and shall be provided in accordance
15 with the EMDPRS established by the EMS medical director of the
16 EMS system in which the EMD operates. If the dispatcher
17 operates under the authority of an Emergency Telephone System
18 Board established under the Emergency Telephone System Act, the
19 protocols shall be established by such Board in consultation
20 with the EMS Medical Director. ~~Persons who have already~~
21 ~~completed a course of instruction in emergency medical dispatch~~
22 ~~based on, equivalent to or exceeding the national curriculum of~~
23 ~~the United States Department of Transportation, or as otherwise~~
24 ~~approved by the Department, shall be considered Emergency~~
25 ~~Medical Dispatchers on the effective date of this amendatory~~
26 ~~Act.~~

1 (b) The Department shall have the authority and
2 responsibility to:

3 (1) Require licensure and relicensure ~~certification~~
4 ~~and recertification~~ of a person who meets the training and
5 other requirements as an emergency medical dispatcher
6 pursuant to this Act.

7 (2) Require licensure and relicensure ~~certification~~
8 ~~and recertification~~ of a person, organization, or
9 government agency that operates an emergency medical
10 dispatch agency that meets the minimum standards
11 prescribed by the Department for an emergency medical
12 dispatch agency pursuant to this Act.

13 (3) Prescribe minimum education and continuing
14 education requirements for the Emergency Medical
15 Dispatcher, which meet standards specified by ~~the national~~
16 ~~curriculum of the United States Department of~~
17 ~~Transportation, through~~ rules adopted pursuant to this
18 Act.

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

23 (5) Require each EMD to provide prearrival
24 instructions in compliance with protocols selected and
25 approved by the system's EMS medical director and approved
26 by the Department.

1 (6) Require the Emergency Medical Dispatcher to keep
2 the Department currently informed as to the entity or
3 agency that employs or supervises his activities as an
4 Emergency Medical Dispatcher.

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

10 (8) Approve all EMDPRS protocols used by emergency
11 medical dispatch agencies to assure compliance with
12 national standards.

13 (9) Require that Department-approved emergency medical
14 dispatch training programs are conducted in accordance
15 with national standards.

16 (10) Require that the emergency medical dispatch
17 agency be operated in accordance with national standards,
18 including, but not limited to, (i) the use on every request
19 for medical assistance of an emergency medical dispatch
20 priority reference system (EMDPRS) in accordance with
21 Department-approved policies and procedures and (ii) under
22 the approval and supervision of the EMS medical director,
23 the establishment of a continuous quality improvement
24 program.

25 (11) Require that a person may not represent himself or
26 herself, nor may an agency or business represent an agent

1 or employee of that agency or business, as an emergency
2 medical dispatcher unless licensed ~~certified~~ by the
3 Department as an emergency medical dispatcher.

4 (12) Require that a person, organization, or
5 government agency not represent itself as an emergency
6 medical dispatch agency unless the person, organization,
7 or government agency is certified by the Department as an
8 emergency medical dispatch agency.

9 (13) Require that a person, organization, or
10 government agency may not offer or conduct a training
11 course that is represented as a course for an emergency
12 medical dispatcher unless the person, organization, or
13 agency is approved by the Department to offer or conduct
14 that course.

15 (14) Require that Department-approved emergency
16 medical dispatcher training programs are conducted by
17 instructors licensed by the Department who:

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

20 (ii) have completed a Department-approved course
21 on methods of instruction;

22 (iii) have previous experience in a medical
23 dispatch agency; and

24 (iv) have demonstrated experience as an EMS
25 instructor.

26 (15) Establish criteria for modifying or waiving

1 Emergency Medical Dispatcher requirements based on (i) the
2 scope and frequency of dispatch activities and the
3 dispatcher's access to training or (ii) whether the
4 previously-attended dispatcher training program merits
5 automatic relicensure ~~recertification~~ for the dispatcher.

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

8 (c) The Department shall have the authority to suspend,
9 revoke, or refuse to issue or renew the license of an EMD when,
10 after notice and the opportunity for an impartial hearing, the
11 Department demonstrates that the licensee has violated this
12 Act, violated the rules adopted by the Department, or failed to
13 comply with the applicable standard of care.

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

15 (210 ILCS 50/3.75)

16 Sec. 3.75. Trauma Nurse Specialist (TNS) licensure
17 ~~Certification~~.

18 (a) "Trauma Nurse Specialist" or "TNS" means a registered
19 professional nurse licensed under the Nurse Practice Act who
20 has successfully completed supplemental education and testing
21 requirements as prescribed by the Department, and is licensed
22 ~~certified~~ by the Department in accordance with rules adopted by
23 the Department pursuant to this Act. For out-of-state
24 facilities that have Illinois recognition under the EMS,
25 trauma, or pediatric programs, the professional shall have an

1 unencumbered registered nurse license in the state in which he
2 or she practices. In this Section, the term "license" is used
3 to reflect a change in terminology from "certification" to
4 "license" only.

5 (b) The Department shall have the authority and
6 responsibility to:

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

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

13 (3) Charge each candidate for TNS licensure
14 ~~certification~~ a fee to be submitted with an application for
15 a licensure ~~certification~~ examination, an application for
16 licensure ~~certification~~, and an application for
17 relicensure ~~recertification~~;

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

20 (5) Prescribe relicensure ~~recertification~~ requirements
21 through rules adopted pursuant to this Act;

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

25 (7) Grant inactive status to any TNS who qualifies,
26 based on standards and procedures established by the

1 Department in rules adopted pursuant to this Act; and

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

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

10 (210 ILCS 50/3.80)

11 Sec. 3.80. Pre-Hospital Registered Nurse ~~RN~~ and Emergency
12 Communications Registered Nurse.

13 (a) Emergency Communications Registered Nurse or "ECRN"
14 means a registered professional nurse licensed under the Nurse
15 Practice Act who has successfully completed supplemental
16 education in accordance with rules adopted by the Department,
17 and who is approved by an EMS Medical Director to monitor
18 telecommunications from and give voice orders to EMS System
19 personnel, under the authority of the EMS Medical Director and
20 in accordance with System protocols. For out-of-state
21 facilities that have Illinois recognition under the EMS, trauma
22 or pediatric programs, the professional shall have an
23 unencumbered registered nurse license in the state in which he
24 or she practices. In this Section, the term "license" is used
25 to reflect a change in terminology from "certification" to

1 "license" only.

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

5 (b) "Pre-Hospital Registered Nurse", ~~or~~ "PHRN", or
6 "Pre-Hospital RN" means a registered professional nurse
7 licensed under the Nurse Practice Act who has successfully
8 completed supplemental education in accordance with rules
9 adopted by the Department pursuant to this Act, and who is
10 approved by an EMS Medical Director to practice within an
11 Illinois EMS System as emergency medical services personnel for
12 pre-hospital and inter-hospital emergency care and
13 non-emergency medical transports. For out-of-state facilities
14 that have Illinois recognition under the EMS, trauma or
15 pediatric programs, the professional shall have an
16 unencumbered registered nurse license in the state in which he
17 or she practices. In this Section, the term "license" is used
18 to reflect a change in terminology from "certification" to
19 "license" only.

20 ~~Upon the effective date of this amendatory Act of 1995, all~~
21 ~~existing Registered Professional Nurse/Field RNs shall be~~
22 ~~considered Pre-Hospital RNs.~~

23 (c) The Department shall have the authority and
24 responsibility to:

25 (1) Prescribe education and continuing education
26 requirements for Pre-Hospital Registered Nurse ~~RN~~ and ECRN

1 candidates through rules adopted pursuant to this Act:

2 (A) Education for Pre-Hospital Registered Nurse ~~RN~~
3 shall include extrication, telecommunications, and
4 pre-hospital cardiac, medical, and trauma care;

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

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

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

26 (2) Require EMS Medical Directors to reapprove

1 Pre-Hospital Registered Nurses ~~RNs~~ and ECRNs every 4 years,
2 based on compliance with continuing education requirements
3 prescribed by the Department through rules adopted
4 pursuant to this Act;

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

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

14 (5) Charge each Pre-Hospital Registered Nurse ~~RN~~
15 applicant and ECRN applicant a fee for licensure and
16 relicensure ~~certification and recertification~~.

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

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

1 Sec. 3.130. Facility, system, and equipment violations;
2 Plans of Correction. Except for emergency suspension orders, or
3 actions initiated pursuant to Sections 3.117(a), 3.117(b), and
4 3.90(b)(10) of this Act, prior to initiating an action in
5 response to a facility, system, or equipment violation ~~for~~
6 ~~suspension, revocation, denial, nonrenewal, or imposition of a~~
7 ~~fine pursuant to this Act~~, the Department shall:

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

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

17 (c) Impose a plan of correction if a modified plan is not
18 submitted in a timely manner or if the modified plan is
19 rejected by the Department;

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

1 which to request a hearing.

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

3 (210 ILCS 50/3.140)

4 Sec. 3.140. Violations; Fines.

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

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

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

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

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

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

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

4 (210 ILCS 50/3.165)

5 Sec. 3.165. Misrepresentation.

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

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

25 (c) No provider or participant within an EMS System shall

1 hold itself out as providing a type or level of service that
2 has not been approved by that System's EMS Medical Director.

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

4 (210 ILCS 50/3.170)

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

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

13 (210 ILCS 50/3.180)

14 Sec. 3.180. Injunctions. Notwithstanding the existence or
15 pursuit of any other remedy, the Director may, through the
16 Attorney General, seek an injunction:

17 (a) To restrain or prevent any person or entity from
18 functioning, practicing or operating without a license,
19 certification, classification, approval, permit, designation
20 or authorization required by this Act;

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

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

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

7 (210 ILCS 50/3.200)

8 Sec. 3.200. State Emergency Medical Services Advisory
9 Council.

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

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

20 (1) EMS Medical Director,

21 (2) Trauma Center Medical Director,

22 (3) Licensed, practicing physician with regular and
23 frequent involvement in the provision of emergency care,

24 (4) Licensed, practicing physician with special
25 expertise in the surgical care of the trauma patient,

- 1 (5) EMS System Coordinator,
- 2 (6) TNS,
- 3 (7) Paramedic ~~EMT-P~~,
- 4 (7.5) AEMT,
- 5 (8) EMT-I,
- 6 (9) EMT ~~EMT-B~~,
- 7 (10) Private vehicle service provider,
- 8 (11) Law enforcement officer,
- 9 (12) Chief of a public vehicle service provider,
- 10 (13) Statewide firefighters' union member affiliated
- 11 with a vehicle service provider,
- 12 (14) Administrative representative from a fire
- 13 department vehicle service provider in a municipality with
- 14 a population of over 2 million people;
- 15 (15) Administrative representative from a Resource
- 16 Hospital or EMS System Administrative Director.

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

23 (d) The Council shall be provided a 90-day period in which
24 to review and comment, in consultation with the subcommittee to
25 which the rules are relevant, upon all rules proposed by the
26 Department pursuant to this Act, except for rules adopted

1 pursuant to Section 3.190(a) of this Act, rules submitted to
2 the State Trauma Advisory Council and emergency rules adopted
3 pursuant to Section 5-45 of the Illinois Administrative
4 Procedure Act. The 90-day review and comment period may
5 commence upon the Department's submission of the proposed rules
6 to the individual Council members, if the Council is not
7 meeting at the time the proposed rules are ready for Council
8 review. Any non-emergency rules adopted prior to the Council's
9 90-day review and comment period shall be null and void. If the
10 Council fails to advise the Department within its 90-day review
11 and comment period, the rule shall be considered acted upon.

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

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

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

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

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

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

2 (210 ILCS 50/3.205)

3 Sec. 3.205. State Trauma Advisory Council.

4 (a) There shall be established within the Department of
5 Public Health a State Trauma Advisory Council, which shall
6 serve as an advisory body to the Department on matters related
7 to trauma care and trauma centers.

8 (b) Membership of the Council shall include one
9 representative from each Regional Trauma Advisory Committee,
10 to be appointed by each Committee. The Governor shall appoint
11 the following additional members:

12 (1) An EMS Medical Director,

13 (2) A trauma center medical director,

14 (3) A trauma surgeon,

15 (4) A trauma nurse coordinator,

16 (5) A representative from a private vehicle service
17 provider,

18 (6) A representative from a public vehicle service
19 provider,

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

21 (8) A neurosurgeon.

22 (c) ~~Members~~ ~~Of the members first appointed, 5 members shall~~
23 ~~be appointed for a term of one year, 5 members shall be~~
24 ~~appointed for a term of 2 years, and the remaining members~~
25 ~~shall be appointed for a term of 3 years. The terms of~~

1 ~~subsequent appointees shall be 3 years.~~ All appointees shall
2 serve until their successors are appointed and qualified.

3 (d) The Council shall be provided a 90-day period in which
4 to review and comment upon all rules proposed by the Department
5 pursuant to this Act concerning trauma care, except for
6 emergency rules adopted pursuant to Section 5-45 of the
7 Illinois Administrative Procedure Act. The 90-day review and
8 comment period may commence upon the Department's submission of
9 the proposed rules to the individual Council members, if the
10 Council is not meeting at the time the proposed rules are ready
11 for Council review. Any non-emergency rules adopted prior to
12 the Council's 90-day review and comment period shall be null
13 and void. If the Council fails to advise the Department within
14 its 90-day review and comment period, the rule shall be
15 considered acted upon;

16 (e) Council members shall be reimbursed for reasonable
17 travel expenses incurred during the performance of their duties
18 under this Section.

19 (f) The Department shall provide administrative support to
20 the Council for the preparation of the agenda and minutes for
21 Council meetings and distribution of proposed rules to Council
22 members.

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

26 (h) The Director or his designee shall be present at all

1 Council meetings.

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

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

6 (210 ILCS 50/3.210)

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

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

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

19 (225 ILCS 105/12) (from Ch. 111, par. 5012)

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

21 Sec. 12. Professional or amateur contests.

22 (a) The professional or amateur contest, or a combination
23 of both, shall be held in an area where adequate neurosurgical

1 facilities are immediately available for skilled emergency
2 treatment of an injured professional or amateur.

3 (b) Each professional or amateur shall be examined before
4 the contest and promptly after each bout by a physician. The
5 physician shall determine, prior to the contest, if each
6 professional or amateur is physically fit to compete in the
7 contest. After the bout the physician shall examine the
8 professional or amateur to determine possible injury. If the
9 professional's or amateur's physical condition so indicates,
10 the physician shall recommend to the Department immediate
11 medical suspension. The physician or a licensed paramedic
12 ~~emergency medical technician-paramedic (EMT-P)~~ must check the
13 vital signs of all contestants as established by rule.

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

26 (d) No professional or amateur contest, or a combination of

1 both, shall be allowed to begin or be held unless at least one
2 physician, at least one EMT and one paramedic ~~EMT-P~~, and one
3 ambulance have been contracted with solely for the care of
4 professionals or amateurs who are competing as defined by rule.

5 (e) No professional boxing bout shall be more than 12
6 rounds in length. The rounds shall not be more than 3 minutes
7 each with a one minute interval between them, and no
8 professional boxer shall be allowed to participate in more than
9 one contest within a 7-day period.

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

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

16 (g) The Department or its representative shall have
17 discretion to declare a price, remuneration, or purse or any
18 part of it belonging to the professional withheld if in the
19 judgment of the Department or its representative the
20 professional is not honestly competing.

21 (h) The Department shall have the authority to prevent a
22 professional or amateur contest, or a combination of both, from
23 being held and shall have the authority to stop a professional
24 or amateur contest, or a combination of both, for noncompliance
25 with any part of this Act or rules or when, in the judgment of
26 the Department, or its representative, continuation of the

1 event would endanger the health, safety, and welfare of the
2 professionals or amateurs or spectators. The Department's
3 authority to stop a contest on the basis that the professional
4 or amateur contest, or a combination of both, would endanger
5 the health, safety, and welfare of the professionals or
6 amateurs or spectators shall extend to any professional or
7 amateur contest, or a combination of both, regardless of
8 whether that amateur contest is exempted from the prohibition
9 in Section 6 of this Act. Department staff, or its
10 representative, may be present at any full-contact martial arts
11 contest with scheduled amateur bouts.

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

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

15 (325 ILCS 2/10)

16 Sec. 10. Definitions. In this Act:

17 "Abandon" has the same meaning as in the Abused and
18 Neglected Child Reporting Act.

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

21 "Child-placing agency" means a licensed public or private
22 agency that receives a child for the purpose of placing or
23 arranging for the placement of the child in a foster family
24 home or other facility for child care, apart from the custody

1 of the child's parents.

2 "Department" or "DCFS" means the Illinois Department of
3 Children and Family Services.

4 "Emergency medical facility" means a freestanding
5 emergency center or trauma center, as defined in the Emergency
6 Medical Services (EMS) Systems Act.

7 "Emergency medical professional" includes licensed
8 physicians, and any emergency medical technician
9 ~~technician-basic~~, emergency medical technician-intermediate,
10 advanced emergency medical technician, paramedic ~~emergency~~
11 ~~medical-technician-paramedic~~, trauma nurse specialist, and
12 pre-hospital registered nurse RN, as defined in the Emergency
13 Medical Services (EMS) Systems Act.

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

16 "Hospital" has the same meaning as in the Hospital
17 Licensing Act.

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

25 "Neglected child" has the same meaning as in the Abused and
26 Neglected Child Reporting Act.

1 "Newborn infant" means a child who a licensed physician
2 reasonably believes is 30 days old or less at the time the
3 child is initially relinquished to a hospital, police station,
4 fire station, or emergency medical facility, and who is not an
5 abused or a neglected child.

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

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

25 "Temporary protective custody" means the temporary
26 placement of a newborn infant within a hospital or other

1 medical facility out of the custody of the infant's parent.

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

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

5 (410 ILCS 15/2) (from Ch. 96 1/2, par. 3952)

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

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

14 (b) "Mine" means any surface coal mine or underground coal
15 mine, as defined in Section 1.03 of "The Coal Mining Act of
16 1953".

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

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

20 (410 ILCS 305/7) (from Ch. 111 1/2, par. 7307)

21 Sec. 7. (a) Notwithstanding the provisions of Sections 4, 5
22 and 6 of this Act, informed consent is not required for a

1 health care provider or health facility to perform a test when
2 the health care provider or health facility procures,
3 processes, distributes or uses a human body part donated for a
4 purpose specified under the Illinois Anatomical Gift Act, or
5 semen provided prior to the effective date of this Act for the
6 purpose of artificial insemination, and such a test is
7 necessary to assure medical acceptability of such gift or semen
8 for the purposes intended.

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

21 (c) Informed consent is not required for a health care
22 provider or health facility to perform a test when a law
23 enforcement officer is involved in the line of duty in a direct
24 skin or mucous membrane contact with the blood or bodily fluids
25 of an individual which is of a nature that may transmit HIV, as
26 determined by a physician in his medical judgment. Should such

1 test prove to be positive, the patient shall be provided
2 appropriate counseling consistent with this Act. For purposes
3 of this subsection (c), "law enforcement officer" means any
4 person employed by the State, a county or a municipality as a
5 policeman, peace officer, auxiliary policeman, correctional
6 officer or in some like position involving the enforcement of
7 the law and protection of the public interest at the risk of
8 that person's life.

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

10 (410 ILCS 305/9) (from Ch. 111 1/2, par. 7309)

11 Sec. 9. No person may disclose or be compelled to disclose
12 the identity of any person upon whom a test is performed, or
13 the results of such a test in a manner which permits
14 identification of the subject of the test, except to the
15 following persons:

16 (a) The subject of the test or the subject's legally
17 authorized representative. A physician may notify the spouse of
18 the test subject, if the test result is positive and has been
19 confirmed pursuant to rules adopted by the Department, provided
20 that the physician has first sought unsuccessfully to persuade
21 the patient to notify the spouse or that, a reasonable time
22 after the patient has agreed to make the notification, the
23 physician has reason to believe that the patient has not
24 provided the notification. This paragraph shall not create a
25 duty or obligation under which a physician must notify the

1 spouse of the test results, nor shall such duty or obligation
2 be implied. No civil liability or criminal sanction under this
3 Act shall be imposed for any disclosure or non-disclosure of a
4 test result to a spouse by a physician acting in good faith
5 under this paragraph. For the purpose of any proceedings, civil
6 or criminal, the good faith of any physician acting under this
7 paragraph shall be presumed.

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

11 (c) An authorized agent or employee of a health facility or
12 health care provider if the health facility or health care
13 provider itself is authorized to obtain the test results, the
14 agent or employee provides patient care or handles or processes
15 specimens of body fluids or tissues, and the agent or employee
16 has a need to know such information.

17 (d) The Department and local health authorities serving a
18 population of over 1,000,000 residents or other local health
19 authorities as designated by the Department, in accordance with
20 rules for reporting and controlling the spread of disease, as
21 otherwise provided by State law. The Department, local health
22 authorities, and authorized representatives shall not disclose
23 information and records held by them relating to known or
24 suspected cases of AIDS or HIV infection, publicly or in any
25 action of any kind in any court or before any tribunal, board,
26 or agency. AIDS and HIV infection data shall be protected from

1 disclosure in accordance with the provisions of Sections 8-2101
2 through 8-2105 of the Code of Civil Procedure.

3 (e) A health facility or health care provider which
4 procures, processes, distributes or uses: (i) a human body part
5 from a deceased person with respect to medical information
6 regarding that person; or (ii) semen provided prior to the
7 effective date of this Act for the purpose of artificial
8 insemination.

9 (f) Health facility staff committees for the purposes of
10 conducting program monitoring, program evaluation or service
11 reviews.

12 (f-5) A court in accordance with the provisions of Section
13 12-5.01 of the Criminal Code of 2012.

14 (g) (Blank).

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

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

26 (j) A temporary caretaker of a child taken into temporary

1 protective custody by the Department of Children and Family
2 Services pursuant to Section 5 of the Abused and Neglected
3 Child Reporting Act, as now or hereafter amended.

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

25 (Source: P.A. 96-328, eff. 8-11-09; 97-1046, eff. 8-21-12;
26 97-1150, eff. 1-25-13.)

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

3 (425 ILCS 7/5)

4 Sec. 5. Burn injury reporting.

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

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

16 (2) a person sustains a burn to the upper respiratory
17 tract or occurring laryngeal edema due to the inhalation of
18 superheated air;

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

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

23 (b) The oral report shall consist of notification by
24 telephone to the Office of the State Fire Marshal using a

1 toll-free number established by the Office of the State Fire
2 Marshal for this purpose.

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

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

10 (2) a burn injury caused by lighting;

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

12 or

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

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

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

18 (625 ILCS 5/11-501.01)

19 Sec. 11-501.01. Additional administrative sanctions.

20 (a) After a finding of guilt and prior to any final
21 sentencing or an order for supervision, for an offense based
22 upon an arrest for a violation of Section 11-501 or a similar
23 provision of a local ordinance, individuals shall be required
24 to undergo a professional evaluation to determine if an

1 alcohol, drug, or intoxicating compound abuse problem exists
2 and the extent of the problem, and undergo the imposition of
3 treatment as appropriate. Programs conducting these
4 evaluations shall be licensed by the Department of Human
5 Services. The cost of any professional evaluation shall be paid
6 for by the individual required to undergo the professional
7 evaluation.

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

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

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

1 (e) The Secretary of State shall require the use of
2 ignition interlock devices on all vehicles owned by a person
3 who has been convicted of a second or subsequent offense of
4 Section 11-501 or a similar provision of a local ordinance. The
5 person must pay to the Secretary of State DUI Administration
6 Fund an amount not to exceed \$30 for each month that he or she
7 uses the device. The Secretary shall establish by rule and
8 regulation the procedures for certification and use of the
9 interlock system, the amount of the fee, and the procedures,
10 terms, and conditions relating to these fees.

11 (f) In addition to any other penalties and liabilities, a
12 person who is found guilty of or pleads guilty to violating
13 Section 11-501, including any person placed on court
14 supervision for violating Section 11-501, shall be assessed
15 \$750, payable to the circuit clerk, who shall distribute the
16 money as follows: \$350 to the law enforcement agency that made
17 the arrest, and \$400 shall be forwarded to the State Treasurer
18 for deposit into the General Revenue Fund. If the person has
19 been previously convicted of violating Section 11-501 or a
20 similar provision of a local ordinance, the fine shall be
21 \$1,000, and the circuit clerk shall distribute \$200 to the law
22 enforcement agency that made the arrest and \$800 to the State
23 Treasurer for deposit into the General Revenue Fund. In the
24 event that more than one agency is responsible for the arrest,
25 the amount payable to law enforcement agencies shall be shared
26 equally. Any moneys received by a law enforcement agency under

1 this subsection (f) shall be used for enforcement and
2 prevention of driving while under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds or any
4 combination thereof, as defined by Section 11-501 of this Code,
5 including but not limited to the purchase of law enforcement
6 equipment and commodities that will assist in the prevention of
7 alcohol related criminal violence throughout the State; police
8 officer training and education in areas related to alcohol
9 related crime, including but not limited to DUI training; and
10 police officer salaries, including but not limited to salaries
11 for hire back funding for safety checkpoints, saturation
12 patrols, and liquor store sting operations. Any moneys received
13 by the Department of State Police under this subsection (f)
14 shall be deposited into the State Police DUI Fund and shall be
15 used to purchase law enforcement equipment that will assist in
16 the prevention of alcohol related criminal violence throughout
17 the State.

18 (g) The Secretary of State Police DUI Fund is created as a
19 special fund in the State treasury. All moneys received by the
20 Secretary of State Police under subsection (f) of this Section
21 shall be deposited into the Secretary of State Police DUI Fund
22 and, subject to appropriation, shall be used for enforcement
23 and 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 to 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.

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

25 (i) In addition to any other fine or penalty required by
26 law, an individual convicted of a violation of Section 11-501,

1 Section 5-7 of the Snowmobile Registration and Safety Act,
2 Section 5-16 of the Boat Registration and Safety Act, or a
3 similar provision, whose operation of a motor vehicle,
4 snowmobile, or watercraft while in violation of Section 11-501,
5 Section 5-7 of the Snowmobile Registration and Safety Act,
6 Section 5-16 of the Boat Registration and Safety Act, or a
7 similar provision proximately caused an incident resulting in
8 an appropriate emergency response, shall be required to make
9 restitution to a public agency for the costs of that emergency
10 response. The restitution may not exceed \$1,000 per public
11 agency for each emergency response. As used in this subsection
12 (i), "emergency response" means any incident requiring a
13 response by a police officer, a firefighter carried on the
14 rolls of a regularly constituted fire department, or an
15 ambulance. With respect to funds designated for the Department
16 of State Police, the moneys shall be remitted by the circuit
17 court clerk to the State Police within one month after receipt
18 for deposit into the State Police DUI Fund. With respect to
19 funds designated for the Department of Natural Resources, the
20 Department of Natural Resources shall deposit the moneys into
21 the Conservation Police Operations Assistance Fund.

22 (j) A person that is subject to a chemical test or tests of
23 blood under subsection (a) of Section 11-501.1 or subdivision
24 (c)(2) of Section 11-501.2 of this Code, whether or not that
25 person consents to testing, shall be liable for the expense up
26 to \$500 for blood withdrawal by a physician authorized to

1 practice medicine, a licensed physician assistant, a licensed
2 advanced practice nurse, a registered nurse, a trained
3 phlebotomist, a licensed ~~certified~~ paramedic, or a qualified
4 person other than a police officer approved by the Department
5 of State Police to withdraw blood, who responds, whether at a
6 law enforcement facility or a health care facility, to a police
7 department request for the drawing of blood based upon refusal
8 of the person to submit to a lawfully requested breath test or
9 probable cause exists to believe the test would disclose the
10 ingestion, consumption, or use of drugs or intoxicating
11 compounds if:

12 (1) the person is found guilty of violating Section
13 11-501 of this Code or a similar provision of a local
14 ordinance; or

15 (2) the person pleads guilty to or stipulates to facts
16 supporting a violation of Section 11-503 of this Code or a
17 similar provision of a local ordinance when the plea or
18 stipulation was the result of a plea agreement in which the
19 person was originally charged with violating Section
20 11-501 of this Code or a similar local ordinance.

21 (Source: P.A. 97-931, eff. 1-1-13; 97-1050, eff. 1-1-13;
22 98-292, eff. 1-1-14; 98-463, eff. 8-16-13.)

23 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)
24 Sec. 11-501.2. Chemical and other tests.

25 (a) Upon the trial of any civil or criminal action or

1 proceeding arising out of an arrest for an offense as defined
2 in Section 11-501 or a similar local ordinance or proceedings
3 pursuant to Section 2-118.1, evidence of the concentration of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof in a person's blood or
6 breath at the time alleged, as determined by analysis of the
7 person's blood, urine, breath or other bodily substance, shall
8 be admissible. Where such test is made the following provisions
9 shall apply:

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

26 2. When a person in this State shall submit to a blood

1 test at the request of a law enforcement officer under the
2 provisions of Section 11-501.1, only a physician
3 authorized to practice medicine, a licensed physician
4 assistant, a licensed advanced practice nurse, a
5 registered nurse, trained phlebotomist, or licensed
6 ~~certified~~ paramedic, or other qualified person approved by
7 the Department of State Police may withdraw blood for the
8 purpose of determining the alcohol, drug, or alcohol and
9 drug content therein. This limitation shall not apply to
10 the taking of breath or urine specimens.

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

23 3. The person tested may have a physician, or a
24 qualified technician, chemist, registered nurse, or other
25 qualified person of their own choosing administer a
26 chemical test or tests in addition to any administered at

1 the direction of a law enforcement officer. The failure or
2 inability to obtain an additional test by a person shall
3 not preclude the admission of evidence relating to the test
4 or tests taken at the direction of a law enforcement
5 officer.

6 4. Upon the request of the person who shall submit to a
7 chemical test or tests at the request of a law enforcement
8 officer, full information concerning the test or tests
9 shall be made available to the person or such person's
10 attorney.

11 5. Alcohol concentration shall mean either grams of
12 alcohol per 100 milliliters of blood or grams of alcohol
13 per 210 liters of breath.

14 (a-5) Law enforcement officials may use standardized field
15 sobriety tests approved by the National Highway Traffic Safety
16 Administration when conducting investigations of a violation
17 of Section 11-501 or similar local ordinance by drivers
18 suspected of driving under the influence of cannabis. The
19 General Assembly finds that standardized field sobriety tests
20 approved by the National Highway Traffic Safety Administration
21 are divided attention tasks that are intended to determine if a
22 person is under the influence of cannabis. The purpose of these
23 tests is to determine the effect of the use of cannabis on a
24 person's capacity to think and act with ordinary care and
25 therefore operate a motor vehicle safely. Therefore, the
26 results of these standardized field sobriety tests,

1 appropriately administered, shall be admissible in the trial of
2 any civil or criminal action or proceeding arising out of an
3 arrest for a cannabis-related offense as defined in Section
4 11-501 or a similar local ordinance or proceedings under
5 Section 2-118.1. Where a test is made the following provisions
6 shall apply:

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

16 2. Upon the request of the person who shall submit to a
17 standardized field sobriety test or tests at the request of
18 a law enforcement officer, full information concerning the
19 test or tests shall be made available to the person or the
20 person's attorney.

21 3. At the trial of any civil or criminal action or
22 proceeding arising out of an arrest for an offense as
23 defined in Section 11-501 or a similar local ordinance or
24 proceedings under Section 2-118.1 in which the results of
25 these standardized field sobriety tests are admitted, the
26 cardholder may present and the trier of fact may consider

1 evidence that the card holder lacked the physical capacity
2 to perform the standardized field sobriety tests.

3 (b) Upon the trial of any civil or criminal action or
4 proceeding arising out of acts alleged to have been committed
5 by any person while driving or in actual physical control of a
6 vehicle while under the influence of alcohol, the concentration
7 of alcohol in the person's blood or breath at the time alleged
8 as shown by analysis of the person's blood, urine, breath, or
9 other bodily substance shall give rise to the following
10 presumptions:

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

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

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

23 4. The foregoing provisions of this Section shall not
24 be construed as limiting the introduction of any other
25 relevant evidence bearing upon the question whether the
26 person was under the influence of alcohol.

1 (c) 1. If a person under arrest refuses to submit to a
2 chemical test under the provisions of Section 11-501.1,
3 evidence of refusal shall be admissible in any civil or
4 criminal action or proceeding arising out of acts alleged to
5 have been committed while the person under the influence of
6 alcohol, other drug or drugs, or intoxicating compound or
7 compounds, or any combination thereof was driving or in actual
8 physical control of a motor vehicle.

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

22 This provision does not affect the applicability of or
23 imposition of driver's license sanctions under Section
24 11-501.1 of this Code.

25 3. For purposes of this Section, a personal injury includes
26 any Type A injury as indicated on the traffic accident report

1 completed by a law enforcement officer that requires immediate
2 professional attention in either a doctor's office or a medical
3 facility. A Type A injury includes severe bleeding wounds,
4 distorted extremities, and injuries that require the injured
5 party to be carried from the scene.

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

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

10 (745 ILCS 49/68)

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

1 provided without fee or compensation during or within 10 days
2 following the end of a disaster or catastrophic event.

3 The immunity provided in this Section only applies to a
4 disaster relief volunteer who provides health care services in
5 relief of an earthquake, hurricane, tornado, nuclear attack,
6 terrorist attack, epidemic, or pandemic without fee or
7 compensation for providing the volunteer health care services.

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

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

14 (745 ILCS 49/70)

15 Sec. 70. Law enforcement officers, firemen, Emergency
16 Medical Technicians (EMTs), and emergency medical responders
17 (EMRs) ~~First Responders~~; exemption from civil liability for
18 emergency care. Any law enforcement officer or fireman as
19 defined in Section 2 of the Line of Duty Compensation Act, and
20 any "emergency medical responder (EMR)", "emergency medical
21 technician (EMT)", "emergency medical technician-intermediate
22 (EMT-I)", "advanced emergency medical technician (AEMT)", or
23 "paramedic" as defined in Section 3.50 of the Emergency Medical
24 Services (EMS) Systems Act, ~~and any "first responder" as~~
25 ~~defined in Section 3.60 of the Emergency Medical Services (EMS)~~

1 ~~Systems Act~~, who in good faith provides emergency care without
2 fee or compensation to any person shall not, as a result of his
3 or her acts or omissions, except willful and wanton misconduct
4 on the part of the person, in providing the care, be liable to
5 a person to whom such care is provided for civil damages.

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

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

9 (820 ILCS 305/6) (from Ch. 48, par. 138.6)

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

18 In addition thereto, the employer shall post in a
19 conspicuous place on the place of the employment a printed or
20 typewritten notice stating whether he is insured or whether he
21 has qualified and is operating as a self-insured employer. In
22 the event the employer is insured, the notice shall state the
23 name and address of his insurance carrier, the number of the
24 insurance policy, its effective date and the date of

1 termination. In the event of the termination of the policy for
2 any reason prior to the termination date stated, the posted
3 notice shall promptly be corrected accordingly. In the event
4 the employer is operating as a self-insured employer the notice
5 shall state the name and address of the company, if any,
6 servicing the compensation payments of the employer, and the
7 name and address of the person in charge of making compensation
8 payments.

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

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

1 Except as provided in this paragraph, all reports filed
2 hereunder shall be confidential and any person having access to
3 such records filed with the Illinois Workers' Compensation
4 Commission as herein required, who shall release any
5 information therein contained including the names or otherwise
6 identify any persons sustaining injuries or disabilities, or
7 give access to such information to any unauthorized person,
8 shall be subject to discipline or discharge, and in addition
9 shall be guilty of a Class B misdemeanor. The Commission shall
10 compile and distribute to interested persons aggregate
11 statistics, taken from the reports filed hereunder. The
12 aggregate statistics shall not give the names or otherwise
13 identify persons sustaining injuries or disabilities or the
14 employer of any injured or disabled person.

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

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

24 (2) In cases of injuries sustained by exposure to
25 radiological materials or equipment, notice shall be given
26 to the employer within 90 days subsequent to the time that

1 the employee knows or suspects that he has received an
2 excessive dose of radiation.

3 No defect or inaccuracy of such notice shall be a bar to
4 the maintenance of proceedings on arbitration or otherwise by
5 the employee unless the employer proves that he is unduly
6 prejudiced in such proceedings by such defect or inaccuracy.

7 Notice of the accident shall give the approximate date and
8 place of the accident, if known, and may be given orally or in
9 writing.

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

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

24 In any case of injury caused by exposure to radiological
25 materials or equipment or asbestos, unless application for
26 compensation is filed with the Commission within 25 years after

1 the last day that the employee was employed in an environment
2 of hazardous radiological activity or asbestos, the right to
3 file such application shall be barred.

4 If in any case except one where the injury was caused by
5 exposure to radiological materials or equipment or asbestos,
6 the accidental injury results in death application for
7 compensation for death may be filed with the Commission within
8 3 years after the date of death where no compensation has been
9 paid or within 2 years after the date of the last payment of
10 compensation where any has been paid, whichever shall be later,
11 but not thereafter.

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

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

24 (f) Any condition or impairment of health of an employee
25 employed as a firefighter, emergency medical technician (EMT),
26 emergency medical technician-intermediate (EMT-I), advanced

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

1 ~~the 98th General Assembly~~ shall be narrowly construed. The
2 Finding and Decision of the Illinois Workers' Compensation
3 Commission under only the rebuttable presumption provision of
4 this subsection shall not be admissible or be deemed res
5 judicata in any disability claim under the Illinois Pension
6 Code arising out of the same medical condition; however, this
7 sentence makes no change to the law set forth in Krohe v. City
8 of Bloomington, 204 Ill.2d 392.

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

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

12 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

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

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

17 1. The State and each county, city, town, township,
18 incorporated village, school district, body politic, or
19 municipal corporation therein.

20 2. Every person, firm, public or private corporation,
21 including hospitals, public service, eleemosynary,
22 religious or charitable corporations or associations, who
23 has any person in service or under any contract for hire,
24 express or implied, oral or written.

1 3. Where an employer operating under and subject to the
2 provisions of this Act loans an employee to another such
3 employer and such loaned employee sustains a compensable
4 occupational disease in the employment of such borrowing
5 employer and where such borrowing employer does not provide
6 or pay the benefits or payments due such employee, such
7 loaning employer shall be liable to provide or pay all
8 benefits or payments due such employee under this Act and
9 as to such employee the liability of such loaning and
10 borrowing employers shall be joint and several, provided
11 that such loaning employer shall in the absence of
12 agreement to the contrary be entitled to receive from such
13 borrowing employer full reimbursement for all sums paid or
14 incurred pursuant to this paragraph together with
15 reasonable attorneys' fees and expenses in any hearings
16 before the Illinois Workers' Compensation Commission or in
17 any action to secure such reimbursement. Where any benefit
18 is provided or paid by such loaning employer, the employee
19 shall have the duty of rendering reasonable co-operation in
20 any hearings, trials or proceedings in the case, including
21 such proceedings for reimbursement.

22 Where an employee files an Application for Adjustment
23 of Claim with the Illinois Workers' Compensation
24 Commission alleging that his or her claim is covered by the
25 provisions of the preceding paragraph, and joining both the
26 alleged loaning and borrowing employers, they and each of

1 them, upon written demand by the employee and within 7 days
2 after receipt of such demand, shall have the duty of filing
3 with the Illinois Workers' Compensation Commission a
4 written admission or denial of the allegation that the
5 claim is covered by the provisions of the preceding
6 paragraph and in default of such filing or if any such
7 denial be ultimately determined not to have been bona fide
8 then the provisions of Paragraph K of Section 19 of this
9 Act shall apply.

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

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

21 1. Every person in the service of the State, county,
22 city, town, township, incorporated village or school
23 district, body politic or municipal corporation therein,
24 whether by election, appointment or contract of hire,
25 express or implied, oral or written, including any official
26 of the State, or of any county, city, town, township,

1 incorporated village, school district, body politic or
2 municipal corporation therein and except any duly
3 appointed member of the fire department in any city whose
4 population exceeds 500,000 according to the last Federal or
5 State census, and except any member of a fire insurance
6 patrol maintained by a board of underwriters in this State.
7 One employed by a contractor who has contracted with the
8 State, or a county, city, town, township, incorporated
9 village, school district, body politic or municipal
10 corporation therein, through its representatives, shall
11 not be considered as an employee of the State, county,
12 city, town, township, incorporated village, school
13 district, body politic or municipal corporation which made
14 the contract.

15 2. Every person in the service of another under any
16 contract of hire, express or implied, oral or written, who
17 contracts an occupational disease while working in the
18 State of Illinois, or who contracts an occupational disease
19 while working outside of the State of Illinois but where
20 the contract of hire is made within the State of Illinois,
21 and any person whose employment is principally localized
22 within the State of Illinois, regardless of the place where
23 the disease was contracted or place where the contract of
24 hire was made, including aliens, and minors who, for the
25 purpose of this Act, except Section 3 hereof, shall be
26 considered the same and have the same power to contract,

1 receive payments and give quittances therefor, as adult
2 employees. An employee or his or her dependents under this
3 Act who shall have a cause of action by reason of an
4 occupational disease, disablement or death arising out of
5 and in the course of his or her employment may elect or
6 pursue his or her remedy in the State where the disease was
7 contracted, or in the State where the contract of hire is
8 made, or in the State where the employment is principally
9 localized.

10 (c) "Commission" means the Illinois Workers' Compensation
11 Commission created by the Workers' Compensation Act, approved
12 July 9, 1951, as amended.

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

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

1 rational consequence.

2 An employee shall be conclusively deemed to have been
3 exposed to the hazards of an occupational disease when, for any
4 length of time however short, he or she is employed in an
5 occupation or process in which the hazard of the disease
6 exists; provided however, that in a claim of exposure to atomic
7 radiation, the fact of such exposure must be verified by the
8 records of the central registry of radiation exposure
9 maintained by the Department of Public Health or by some other
10 recognized governmental agency maintaining records of such
11 exposures whenever and to the extent that the records are on
12 file with the Department of Public Health or the agency.

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

25 The employer liable for the compensation in this Act
26 provided shall be the employer in whose employment the employee

1 was last exposed to the hazard of the occupational disease
2 claimed upon regardless of the length of time of such last
3 exposure, except, in cases of silicosis or asbestosis, the only
4 employer liable shall be the last employer in whose employment
5 the employee was last exposed during a period of 60 days or
6 more after the effective date of this Act, to the hazard of
7 such occupational disease, and, in such cases, an exposure
8 during a period of less than 60 days, after the effective date
9 of this Act, shall not be deemed a last exposure. If a miner
10 who is suffering or suffered from pneumoconiosis was employed
11 for 10 years or more in one or more coal mines there shall,
12 effective July 1, 1973 be a rebuttable presumption that his or
13 her pneumoconiosis arose out of such employment.

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

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

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

1 however, this sentence makes no change to the law set forth in
2 Krohe v. City of Bloomington, 204 Ill.2d 392.

3 The insurance carrier liable shall be the carrier whose
4 policy was in effect covering the employer liable on the last
5 day of the exposure rendering such employer liable in
6 accordance with the provisions of this Act.

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

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

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

1 (210 ILCS 50/3.60 rep.)

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".