

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Emergency Medical Services (EMS) Systems Act  
5 is amended by changing Section 32.5 as follows:

6 (210 ILCS 50/32.5)

7 Sec. 32.5. Freestanding Emergency Center.

8 (a) The Department shall issue an annual Freestanding  
9 Emergency Center (FEC) license to any facility that has  
10 received a permit from the Health Facilities and Services  
11 Review Board to establish a Freestanding Emergency Center by  
12 January 1, 2015, and:

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

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

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

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

1 maintenance standards;

2 (B) equipment standards; and

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

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

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

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

20 (7) (blank);

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

25 (9) maintains a communications system that is fully  
26 integrated with its Resource Hospital within the FEC's

1 designated EMS System;

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

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

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

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

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

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

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

26 (17) pays the annual license fee as determined by the

1 Department by rule.

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

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

17 (a-15) Notwithstanding any other provision of this  
18 Section, the Department shall issue an annual FEC license to a  
19 facility if the facility: (i) discontinues operation as a  
20 hospital within 180 days after the effective date of this  
21 amendatory Act of the 99th General Assembly with a Health  
22 Facilities and Services Review Board project number of  
23 E-017-15; (ii) has an application for a permit to establish an  
24 FEC from the Health Facilities and Services Review Board that  
25 is deemed complete by January 1, 2017; and (iii) complies with  
26 the requirements set forth in paragraphs (1) through (17) of

1 subsection (a) of this Section.

2 (a-16) Notwithstanding any other provision of this  
3 Section, the Department shall issue an annual FEC license to a  
4 facility located within a municipality with a population in  
5 excess of 1,000,000 inhabitants if the facility (i) has, by  
6 January 1, 2017, filed a letter of intent to establish an FEC,  
7 (ii) has received a certificate of need from the Health  
8 Facilities and Services Review Board, and (iii) complies with  
9 all requirements set forth in paragraphs (3) through (17) of  
10 subsection (a) of this Section and all applicable  
11 administrative rules. Any FEC located in a municipality with a  
12 population in excess of 1,000,000 inhabitants shall not be  
13 required to be wholly owned or controlled by an Associate  
14 Hospital or Resource Hospital; however, all patients needing  
15 emergent or urgent evaluation or treatment beyond the FEC's  
16 ability shall be expeditiously transferred to the closest  
17 appropriate health care facility based on the patient's acuity  
18 and needs. The FEC shall have a transfer agreement in place  
19 with at least one acute care hospital in the FEC's service area  
20 within 30 minutes travel time of the FEC. The medical director  
21 of the FEC shall have full admitting privileges at a hospital  
22 with which the FEC has a transfer agreement and shall agree in  
23 writing to assume responsibility for all FEC patients requiring  
24 follow-up care in accordance with the transfer agreement. For  
25 an FEC established under this subsection (a-16), the facility  
26 shall have the authority to create up to 10 observation beds as

1 further defined by rule. The Department shall issue no more  
2 than one such license in a municipality with a population in  
3 excess of 1,000,000 inhabitants and shall give consideration to  
4 underserved areas, particularly those that have recently lost  
5 access to emergency care through the loss of an emergency care  
6 provider. An FEC qualifying under this subsection (a-16) shall  
7 fully participate with and function within a Department  
8 approved local EMS System.

9 (b) The Department shall:

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

14 (2) suspend, revoke, refuse to issue, or refuse to  
15 renew the license of any FEC, after notice and an  
16 opportunity for a hearing, when the Department finds that  
17 the FEC has failed to comply with the standards and  
18 requirements of the Act or rules adopted by the Department  
19 under the Act;

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

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

2                   (Source: P.A. 99-490, eff. 12-4-15.)