



Rep. Pamela Reaves-Harris

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09900HB3221ham003

LRB099 10156 RPS 34127 a

1 AMENDMENT TO HOUSE BILL 3221

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3221, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

7 (210 ILCS 50/32.5)

8 Sec. 32.5. Freestanding Emergency Center.

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

14 (1) is located: (A) in a municipality with a population  
15 of 50,000 or fewer inhabitants; (B) within 50 miles of the  
16 hospital that owns or controls the FEC; and (C) within 50

1 miles of the Resource Hospital affiliated with the FEC as  
2 part of the EMS System;

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

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

8 (A) facility design, specification, operation, and  
9 maintenance standards;

10 (B) equipment standards; and

11 (C) the number and qualifications of emergency  
12 medical personnel and other staff, which must include  
13 at least one board certified emergency physician  
14 present at the FEC 24 hours per day.

15 (4) limits its participation in the EMS System strictly  
16 to receiving a limited number of BLS runs by emergency  
17 medical vehicles according to protocols developed by the  
18 Resource Hospital within the FEC's designated EMS System  
19 and approved by the Project Medical Director and the  
20 Department;

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

25 (6) provides an ambulance and maintains on site  
26 ambulance services staffed with paramedics 24 hours per

1 day;

2 (7) (blank);

3 (8) complies with all State and federal patient rights  
4 provisions, including, but not limited to, the Emergency  
5 Medical Treatment Act and the federal Emergency Medical  
6 Treatment and Active Labor Act;

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

10 (10) reports to the Department any patient transfers  
11 from the FEC to a hospital within 48 hours of the transfer  
12 plus any other data determined to be relevant by the  
13 Department;

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

18 (12) does not describe itself or hold itself out to the  
19 general public as a full service hospital or hospital  
20 emergency department in its advertising or marketing  
21 activities;

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

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

26 (15) submits a copy of the permit issued by the Health

1 Facilities and Services Review Board indicating that the  
2 facility has complied with the Illinois Health Facilities  
3 Planning Act with respect to the health services to be  
4 provided at the facility;

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

8 (17) pays the annual license fee as determined by the  
9 Department by rule.

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

19 (a-10) Notwithstanding any other provision of this  
20 Section, the Department may issue an annual FEC license to a  
21 facility if the facility has, by January 1, 2014, filed a  
22 letter of intent to establish an FEC and if the facility  
23 complies with the requirements set forth in paragraphs (1)  
24 through (17) of subsection (a).

25 (a-15) Notwithstanding any other provision of this  
26 Section, the Department shall issue an annual FEC license to a

1 facility located within a municipality with a population in  
2 excess of 1,000,000 inhabitants if the facility has, by January  
3 1, 2016, filed a letter of intent to establish an FEC and if  
4 the facility complies with all requirements set forth in  
5 paragraphs (3) through (17) of subsection (a) of this Section  
6 and all applicable administrative rules. Any FEC located in a  
7 municipality with a population in excess of 1,000,000  
8 inhabitants shall not be required to be wholly owned or  
9 controlled by an Associate Hospital or Resource Hospital;  
10 however, all patients needing emergent or urgent evaluation or  
11 treatment beyond the FEC's ability shall be expeditiously  
12 transferred to the closest appropriate health care facility  
13 based on the patient's acuity and needs. For non-emergent  
14 patients ultimately needing inpatient hospital care, the FEC  
15 shall have a transfer agreement in place with at least one  
16 acute care hospital in the FEC's service area. For FECs  
17 established under this subsection (a-15), the facility shall  
18 have the authority to create up to 10 observation beds as  
19 further defined by rule. The Department shall issue no more  
20 than 3 such licenses in a municipality with a population in  
21 excess of 1,000,000 inhabitants and shall give consideration to  
22 underserved areas, particularly those that have recently lost  
23 access to emergency care through the loss of an emergency care  
24 provider. An FEC qualifying under this subsection (a-15) shall  
25 fully participate with and function within a Department  
26 approved local EMS System.

1 (b) The Department shall:

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

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

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

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

20 (Source: P.A. 96-23, eff. 6-30-09; 96-31, eff. 6-30-09; 96-883,  
21 eff. 3-1-10; 96-1000, eff. 7-2-10; 97-333, eff. 8-12-11;  
22 97-1112, eff. 8-27-12.)

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