

# HB4388



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

**HB4388**

by Rep. Grant Wehrli

#### SYNOPSIS AS INTRODUCED:

210 ILCS 50/32.5

Amends the Emergency Medical Services (EMS) Systems Act. Requires a freestanding emergency center (FEC) to limits its participation in the EMS System strictly to receiving a limited number of ambulance runs by emergency medical vehicles as pre-approved by both the EMS Medical Director and the Department and according to the FEC's 24-hour capabilities and protocols developed by the Resource Hospital within the FEC's designated EMS System. Effective immediately.

LRB099 15468 RPS 39754 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

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

6 (210 ILCS 50/32.5)

7 Sec. 32.5. Freestanding Emergency Center.

8 (a) The Department shall issue an annual Freestanding  
9 Emergency Center (FEC) license to any facility that has  
10 received a permit from the Health Facilities and Services  
11 Review Board to establish a Freestanding Emergency Center 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 ambulance BLS runs by  
9 emergency medical vehicles as pre-approved by both the EMS  
10 Medical Director and the Department and according to: (A)  
11 the FEC's 24-hour capabilities; and (B) protocols  
12 developed by the Resource Hospital within the FEC's  
13 designated EMS System ~~and approved by the Project Medical~~  
14 ~~Director and the Department;~~

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

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

22 (7) (blank);

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

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

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

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

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

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

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

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

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

1 and

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

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

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

19 (b) The Department shall:

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

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

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

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

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

12 (Source: P.A. 96-23, eff. 6-30-09; 96-31, eff. 6-30-09; 96-883,  
13 eff. 3-1-10; 96-1000, eff. 7-2-10; 97-333, eff. 8-12-11;  
14 97-1112, eff. 8-27-12.)

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