



Rep. Grant Wehrli

Filed: 4/4/2016

09900HB4388ham001

LRB099 15468 MJP 45969 a

1 AMENDMENT TO HOUSE BILL 4388

2 AMENDMENT NO. _____. Amend House Bill 4388 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Emergency Medical Services (EMS) Systems
5 Act 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

1 part of the EMS System;

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

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

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

9 (B) equipment standards; and

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

14 (4) limits its participation in the EMS System strictly
15 to receiving a limited number of patients by ambulance: (A)
16 ~~BLS runs by emergency medical vehicles~~ according to the
17 FEC's 24-hour capabilities; (B) according to protocols
18 developed by the Resource Hospital within the FEC's
19 designated EMS System; and (C) as pre-approved by both the
20 EMS Medical Director and the Department ~~and approved by the~~
21 ~~Project Medical Director and the Department;~~

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

26 (6) provides an ambulance and maintains on site

1 ambulance services staffed with paramedics 24 hours per
2 day;

3 (7) (blank);

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

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

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

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

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

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

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

1 (15) submits a copy of the permit issued by the Health
2 Facilities and Services Review Board indicating that the
3 facility has complied with the Illinois Health Facilities
4 Planning Act with respect to the health services to be
5 provided at the facility;

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

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

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

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

26 (a-15) Notwithstanding any other provision of this

1 Section, the Department shall issue an annual FEC license to a
2 facility if the facility: (i) discontinues operation as a
3 hospital within 180 days after the effective date of this
4 amendatory Act of the 99th General Assembly with a Health
5 Facilities and Services Review Board project number of
6 E-017-15; (ii) has an application for a permit to establish an
7 FEC from the Health Facilities and Services Review Board that
8 is deemed complete by January 1, 2017; and (iii) complies with
9 the requirements set forth in paragraphs (1) through (17) of
10 subsection (a) of this Section.

11 (b) The Department shall:

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

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

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

1 initiated after an Emergency Suspension Order has been
2 issued; and

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

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

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