

HB4887



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4887

Introduced 2/3/2012, by Rep. Tom Cross - Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

210 ILCS 50/32.5

Amends the Emergency Medical Services (EMS) Systems Act. Makes technical changes in a Section concerning freestanding emergency centers.

LRB097 19196 DRJ 64438 b

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 ~~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 if
12 the application for the permit has been deemed complete by the
13 Department of Public Health by March 1, 2009, and:

14 (1) is located: (A) in a municipality with a population
15 of 75,000 or fewer inhabitants; (B) within 20 miles of the
16 hospital that owns or controls the FEC; and (C) within 20
17 miles of the Resource Hospital affiliated with the FEC as
18 part of the EMS System;

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

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

1 (A) facility design, specification, operation, and
2 maintenance standards;

3 (B) equipment standards; and

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

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

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

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

21 (7) (blank);

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

26 (9) maintains a communications system that is fully

1 integrated with its Resource Hospital within the FEC's
2 designated EMS System;

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

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

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

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

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

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

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

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

3 (a-5) Notwithstanding any other provision of this Section,
4 the Department may issue an annual FEC license to a facility
5 that is located in a county that does not have a licensed
6 general acute care hospital if the facility's application for a
7 permit from the Illinois Health Facilities Planning Board has
8 been deemed complete by the Department of Public Health by
9 March 1, 2009 and if the facility complies with the
10 requirements set forth in paragraphs (1) through (17) of
11 subsection (a).

12 (a-10) Notwithstanding any other provision of this
13 Section, the Department may issue an annual FEC license to a
14 facility if the facility has, by March 31, 2009, filed a letter
15 of intent to establish an FEC and if the facility complies with
16 the requirements set forth in paragraphs (1) through (17) of
17 subsection (a).

18 (b) The Department shall:

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

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

1 requirements of the Act or rules adopted by the Department
2 under the Act;

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

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

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