

# SB4049



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB4049

Introduced 2/6/2026, by Sen. Adriane Johnson

### SYNOPSIS AS INTRODUCED:

210 ILCS 50/32.5

Amends the Emergency Medical Services (EMS) Systems Act. Provides that the Department of Public Health shall issue an annual Freestanding Emergency Center license to a facility if the facility complies with specified requirements, except that: (i) the Freestanding Emergency Center may be located in a municipality with a population greater than 50,000 inhabitants and (ii) the Freestanding Emergency Center may, if operated as provider-based under specified federal regulations, describe itself or hold itself out to the general public as a hospital emergency department in its advertising and marketing activities.

LRB104 20169 BAB 33620 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  
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  
14 population of 50,000 or fewer inhabitants; (B) within 50  
15 miles of the hospital that owns or controls the FEC; and  
16 (C) within 50 miles of the Resource Hospital affiliated  
17 with the FEC as 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  
8 strictly to receiving a limited number of patients by  
9 ambulance: (A) according to the FEC's 24-hour  
10 capabilities; (B) according to protocols developed by the  
11 Resource Hospital within the FEC's designated EMS System;  
12 and (C) as pre-approved by both the EMS Medical Director  
13 and the Department;

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

11 (12) does not describe itself or hold itself out to  
12 the 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  
7           a permit from the Illinois Health Facilities Planning Board  
8           has been deemed complete by the Department of Public Health by  
9           January 1, 2014 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 January 1, 2014, filed a  
15          letter of intent to establish an FEC and if the facility  
16          complies with the requirements set forth in paragraphs (1)  
17          through (17) of subsection (a).

18          (a-15) Notwithstanding any other provision of this  
19          Section, the Department shall issue an annual FEC license to a  
20          facility if the facility: (i) discontinues operation as a  
21          hospital within 180 days after December 4, 2015 (the effective  
22          date of Public Act 99-490) with a Health Facilities and  
23          Services Review Board project number of E-017-15; (ii) has an  
24          application for a permit to establish an FEC from the Health  
25          Facilities and Services Review Board that is deemed complete  
26          by January 1, 2017; and (iii) complies with the requirements

1 set forth in paragraphs (1) through (17) of subsection (a) of  
2 this Section.

3 (a-20) Notwithstanding any other provision of this  
4 Section, the Department shall issue an annual FEC license to a  
5 facility if:

6 (1) the facility is a hospital that has discontinued  
7 inpatient hospital services;

8 (2) the Department of Healthcare and Family Services  
9 has approved the conversion to an FEC as a project subject  
10 to the hospital's transformation under subsection (d-5) of  
11 Section 14-12 of the Illinois Public Aid Code;

12 (3) the facility complies with the requirements set  
13 forth in paragraphs (1) through (17), provided however  
14 that the FEC may be located in a municipality with a  
15 population greater than 50,000 inhabitants and shall not  
16 be subject to the requirements of the Illinois Health  
17 Facilities Planning Act that are applicable to the  
18 conversion to an FEC if the Department of Healthcare and  
19 Family Services has approved the conversion to an FEC as a  
20 project subject to the hospital's transformation under  
21 subsection (d-5) of Section 14-12 of the Illinois Public  
22 Aid Code; and

23 (4) the facility is located at the same physical  
24 location where the facility served as a hospital.

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

1 facility if the facility complies with the requirements set  
2 forth in subsection (a), except that: (i) the FEC may be  
3 located in a municipality with a population greater than  
4 50,000 inhabitants and (ii) the FEC may, if operated as  
5 provider-based under 42 CFR 413.65, describe itself or hold  
6 itself out to the general public as a hospital emergency  
7 department in its advertising and marketing activities.

8 (b) The Department shall:

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

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

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

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

1 (Source: P.A. 100-581, eff. 3-12-18; 101-650, eff. 7-7-20.)