



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4153

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

210 ILCS 50/32.5

Amends the Emergency Medical Services (EMS) Systems Act. Provides that one condition of being licensed as a Freestanding Emergency Center is that a facility limits its participation in the EMS System strictly to receiving a limited number of patients by ambulance, including, but not limited to, receiving patients from an advanced life support ambulance (rather than receiving a limited number of patients by ambulance) and meeting specified criteria. Provides that the Department of Public Health shall adopt rules as needed to implement provisions concerning Freestanding Emergency Centers, including, but not limited to, rules permitting a licensed Freestanding Emergency Center to receive patients from an advanced life support ambulance (rather than adopt rules as needed to implement provisions concerning Freestanding Emergency Centers).

LRB100 15105 MJP 29955 b

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 patients by ambulance,
9 including, but not limited to, receiving patients from an
10 advanced life support ambulance: (A) according to the FEC's
11 24-hour capabilities; (B) according to protocols developed
12 by the Resource Hospital within the FEC's designated EMS
13 System; and (C) as pre-approved by both the EMS 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 (a-15) Notwithstanding any other provision of this
20 Section, the Department shall issue an annual FEC license to a
21 facility if the facility: (i) discontinues operation as a
22 hospital within 180 days after the effective date of this
23 amendatory Act of the 99th General Assembly with a Health
24 Facilities and Services Review Board project number of
25 E-017-15; (ii) has an application for a permit to establish an
26 FEC from the Health Facilities and Services Review Board that

1 is deemed complete by January 1, 2017; and (iii) complies with
2 the requirements set forth in paragraphs (1) through (17) of
3 subsection (a) of this Section.

4 (b) The Department shall:

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

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

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

22 (4) adopt rules as needed to implement this Section,
23 including, but not limited to, rules permitting a licensed
24 Freestanding Emergency Center to receive patients from an
25 advanced life support ambulance.

26 (Source: P.A. 99-490, eff. 12-4-15; 99-710, eff. 8-5-16.)