

# HB4969



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

**HB4969**

Introduced 2/7/2024, by Rep. William E Hauter

### SYNOPSIS AS INTRODUCED:

210 ILCS 50/3.40

Amends the Emergency Medical Services (EMS) Systems Act. Provides that when the Director of Public Health or the Director's designee does not stay an immediate suspension order, the Director or the Director's designee shall identify if the suspension shall immediately apply to statewide participation. Effective immediately.

LRB103 38261 CES 68396 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 3.40 as follows:

6 (210 ILCS 50/3.40)

7 Sec. 3.40. EMS System Participation Suspensions and Due  
8 Process.

9 (a) An EMS Medical Director may suspend from participation  
10 within the System any EMS personnel, EMS Lead Instructor (LI),  
11 individual, individual provider or other participant  
12 considered not to be meeting the requirements of the Program  
13 Plan of that approved EMS System. An EMS Medical Director must  
14 submit a suspension order to the Department describing which  
15 requirements of the Program Plan were not met and the  
16 suspension's duration. The Department shall review and confirm  
17 receipt of the suspension order, request additional  
18 information, or initiate an investigation. The Department  
19 shall incorporate the duration of that suspension into any  
20 further action taken by the Department to suspend, revoke, or  
21 refuse to issue or renew the license of the individual or  
22 entity for any violation of this Act or the Program Plan  
23 arising from the same conduct for which the suspension order

1 was issued if the suspended party has neither requested a  
2 Department hearing on the suspension nor worked as a provider  
3 in any other System during the term of the suspension.

4 (b) Prior to suspending any individual or entity, an EMS  
5 Medical Director shall provide an opportunity for a hearing  
6 before the local System review board in accordance with  
7 subsection (f) and the rules promulgated by the Department.

8 (1) If the local System review board affirms or  
9 modifies the EMS Medical Director's suspension order, the  
10 individual or entity shall have the opportunity for a  
11 review of the local board's decision by the State EMS  
12 Disciplinary Review Board, pursuant to Section 3.45 of  
13 this Act.

14 (2) If the local System review board reverses or  
15 modifies the EMS Medical Director's order, the EMS Medical  
16 Director shall have the opportunity for a review of the  
17 local board's decision by the State EMS Disciplinary  
18 Review Board, pursuant to Section 3.45 of this Act.

19 (3) The suspension shall commence only upon the  
20 occurrence of one of the following:

21 (A) the individual or entity has waived the  
22 opportunity for a hearing before the local System  
23 review board;

24 (B) the order has been affirmed or modified by the  
25 local system review board and the individual or entity  
26 has waived the opportunity for review by the State

1 Board; or

2 (C) the order has been affirmed or modified by the  
3 local system review board, and the local board's  
4 decision has been affirmed or modified by the State  
5 Board.

6 (c) An individual interviewed or investigated by the local  
7 system review board or the Department shall have the right to a  
8 union representative and legal counsel of the individual's  
9 choosing present at any interview. The union representative  
10 must comply with any confidentiality requirements and  
11 requirements for the protection of any patient information  
12 presented during the proceeding.

13 (d) An EMS Medical Director may immediately suspend an  
14 EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHRN, LI, PHPA,  
15 PHAPRN, or other individual or entity if he or she finds that  
16 the continuation in practice by the individual or entity would  
17 constitute an imminent danger to the public. The suspended  
18 individual or entity shall be issued an immediate verbal  
19 notification followed by a written suspension order by the EMS  
20 Medical Director which states the length, terms and basis for  
21 the suspension.

22 (1) Within 24 hours following the commencement of the  
23 suspension, the EMS Medical Director shall deliver to the  
24 Department, by messenger, telefax, or other  
25 Department-approved electronic communication, a copy of  
26 the suspension order and copies of any written materials

1           which relate to the EMS Medical Director's decision to  
2           suspend the individual or entity. All medical and  
3           patient-specific information, including Department  
4           findings with respect to the quality of care rendered,  
5           shall be strictly confidential pursuant to the Medical  
6           Studies Act (Part 21 of Article VIII of the Code of Civil  
7           Procedure).

8           (2) Within 24 hours following the commencement of the  
9           suspension, the suspended individual or entity may deliver  
10          to the Department, by messenger, telefax, or other  
11          Department-approved electronic communication, a written  
12          response to the suspension order and copies of any written  
13          materials which the individual or entity feels are  
14          appropriate. All medical and patient-specific information,  
15          including Department findings with respect to the quality  
16          of care rendered, shall be strictly confidential pursuant  
17          to the Medical Studies Act.

18          (3) Within 24 hours following receipt of the EMS  
19          Medical Director's suspension order or the individual or  
20          entity's written response, whichever is later, the  
21          Director or the Director's designee shall determine  
22          whether the suspension should be stayed pending an  
23          opportunity for a hearing or review in accordance with  
24          this Act, or whether the suspension should continue during  
25          the course of that hearing or review. When an immediate  
26          suspension order is not stayed, the Director or the

1        Director's designee shall identify if that suspension  
2        shall immediately apply to statewide participation. The  
3        Director or the Director's designee shall issue this  
4        determination to the EMS Medical Director, who shall  
5        immediately notify the suspended individual or entity. The  
6        suspension shall remain in effect during this period of  
7        review by the Director or the Director's designee.

8        (e) Upon issuance of a suspension order for reasons  
9        directly related to medical care, the EMS Medical Director  
10       shall also provide the individual or entity with the  
11       opportunity for a hearing before the local System review  
12       board, in accordance with subsection (f) and the rules  
13       promulgated by the Department.

14       (1) If the local System review board affirms or  
15       modifies the EMS Medical Director's suspension order, the  
16       individual or entity shall have the opportunity for a  
17       review of the local board's decision by the State EMS  
18       Disciplinary Review Board, pursuant to Section 3.45 of  
19       this Act.

20       (2) If the local System review board reverses or  
21       modifies the EMS Medical Director's suspension order, the  
22       EMS Medical Director shall have the opportunity for a  
23       review of the local board's decision by the State EMS  
24       Disciplinary Review Board, pursuant to Section 3.45 of  
25       this Act.

26       (3) The suspended individual or entity may elect to

1           bypass the local System review board and seek direct  
2           review of the EMS Medical Director's suspension order by  
3           the State EMS Disciplinary Review Board.

4           (f) The Resource Hospital shall designate a local System  
5           review board in accordance with the rules of the Department,  
6           for the purpose of providing a hearing to any individual or  
7           entity participating within the System who is suspended from  
8           participation by the EMS Medical Director. The EMS Medical  
9           Director shall arrange for a certified shorthand reporter to  
10          make a stenographic record of that hearing and thereafter  
11          prepare a transcript of the proceedings. The EMS Medical  
12          Director shall inform the individual of the individual's right  
13          to have a union representative and legal counsel of the  
14          individual's choosing present at any interview. The union  
15          representative must comply with any confidentiality  
16          requirements and requirements for the protection of any  
17          patient information presented during the proceeding. The  
18          transcript, all documents or materials received as evidence  
19          during the hearing and the local System review board's written  
20          decision shall be retained in the custody of the EMS system.  
21          The System shall implement a decision of the local System  
22          review board unless that decision has been appealed to the  
23          State Emergency Medical Services Disciplinary Review Board in  
24          accordance with this Act and the rules of the Department.

25          (g) The Resource Hospital shall implement a decision of  
26          the State Emergency Medical Services Disciplinary Review Board

1 which has been rendered in accordance with this Act and the  
2 rules of the Department.

3 (Source: P.A. 103-521, eff. 1-1-24.)

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