



Sen. Doris Turner

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10300SB3134sam001

LRB103 37193 RPS 70768 a

1 AMENDMENT TO SENATE BILL 3134

2 AMENDMENT NO. _____. Amend Senate Bill 3134 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 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

1 receipt of the suspension order, request additional
2 information, or initiate an investigation. The Department
3 shall incorporate the duration of that suspension into any
4 further action taken by the Department to suspend, revoke, or
5 refuse to issue or renew the license of the individual or
6 entity for any violation of this Act or the Program Plan
7 arising from the same conduct for which the suspension order
8 was issued if the suspended party has neither requested a
9 Department hearing on the suspension nor worked as a provider
10 in any other System during the term of the suspension.

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

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

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

26 (3) The suspension shall commence only upon the

1 occurrence of one of the following:

2 (A) the individual or entity has waived the
3 opportunity for a hearing before the local System
4 review board;

5 (B) the order has been affirmed or modified by the
6 local system review board and the individual or entity
7 has waived the opportunity for review by the State
8 Board; or

9 (C) the order has been affirmed or modified by the
10 local system review board, and the local board's
11 decision has been affirmed or modified by the State
12 Board.

13 (c) An individual interviewed or investigated by the local
14 system review board or the Department shall have the right to a
15 union representative and legal counsel of the individual's
16 choosing present at any interview. The union representative
17 must comply with any confidentiality requirements and
18 requirements for the protection of any patient information
19 presented during the proceeding.

20 (d) An EMS Medical Director may immediately suspend an
21 EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHRN, LI, PHPA,
22 PHAPRN, or other individual or entity if he or she finds that
23 the continuation in practice by the individual or entity would
24 constitute an imminent danger to the public. The suspended
25 individual or entity shall be issued an immediate verbal
26 notification followed by a written suspension order by the EMS

1 Medical Director which states the length, terms and basis for
2 the suspension.

3 (1) Within 24 hours following the commencement of the
4 suspension, the EMS Medical Director shall deliver to the
5 Department, by messenger, telefax, or other
6 Department-approved electronic communication, a copy of
7 the suspension order and copies of any written materials
8 which relate to the EMS Medical Director's decision to
9 suspend the individual or entity. All medical and
10 patient-specific information, including Department
11 findings with respect to the quality of care rendered,
12 shall be strictly confidential pursuant to the Medical
13 Studies Act (Part 21 of Article VIII of the Code of Civil
14 Procedure).

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

25 (3) Within 24 hours following receipt of the EMS
26 Medical Director's suspension order or the individual or

1 entity's written response, whichever is later, the
2 Director or the Director's designee shall determine
3 whether the suspension should be stayed pending an
4 opportunity for a hearing or review in accordance with
5 this Act, or whether the suspension should continue during
6 the course of that hearing or review. When an immediate
7 suspension order is not stayed, the Director or the
8 Director's designee within the Department shall identify
9 if that suspension shall immediately apply to statewide
10 participation only in situations when a licensee has been
11 charged with a crime while performing the licensee's
12 official duties as an EMR, EMD, EMT, EMT-I, A-EMT,
13 Paramedic, ECRN, TNS, PHRN, LI, PHPA, or PHAPRN and the
14 licensee's continuation to practice poses the possibility
15 of imminent harm to the public based off factual evidence
16 provided to the Department. The determination to issue an
17 immediate statewide suspension shall not deny the right to
18 due process to a licensee. The Director or the Director's
19 designee shall issue this determination to the EMS Medical
20 Director, who shall immediately notify the suspended
21 individual or entity. The suspension shall remain in
22 effect during this period of review by the Director or the
23 Director's designee.

24 (e) Upon issuance of a suspension order for reasons
25 directly related to medical care, the EMS Medical Director
26 shall also provide the individual or entity with the

1 opportunity for a hearing before the local System review
2 board, in accordance with subsection (f) and the rules
3 promulgated by the Department.

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

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

16 (3) The suspended individual or entity may elect to
17 bypass the local System review board and seek direct
18 review of the EMS Medical Director's suspension order by
19 the State EMS Disciplinary Review Board.

20 (f) The Resource Hospital shall designate a local System
21 review board in accordance with the rules of the Department,
22 for the purpose of providing a hearing to any individual or
23 entity participating within the System who is suspended from
24 participation by the EMS Medical Director. The EMS Medical
25 Director shall arrange for a certified shorthand reporter to
26 make a stenographic record of that hearing and thereafter

1 prepare a transcript of the proceedings. The EMS Medical
2 Director shall inform the individual of the individual's right
3 to have a union representative and legal counsel of the
4 individual's choosing present at any interview. The union
5 representative must comply with any confidentiality
6 requirements and requirements for the protection of any
7 patient information presented during the proceeding. The
8 transcript, all documents or materials received as evidence
9 during the hearing and the local System review board's written
10 decision shall be retained in the custody of the EMS system.
11 The System shall implement a decision of the local System
12 review board unless that decision has been appealed to the
13 State Emergency Medical Services Disciplinary Review Board in
14 accordance with this Act and the rules of the Department.

15 (g) The Resource Hospital shall implement a decision of
16 the State Emergency Medical Services Disciplinary Review Board
17 which has been rendered in accordance with this Act and the
18 rules of the Department.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."