



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1579

Introduced 2/9/2007, by Sen. Susan Garrett

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 (FEC) license to any facility that is located: (A) in a municipality with a population of 75,000 or fewer inhabitants; (B) within 15 miles of the hospital that owns or controls the FEC; and (C) within 20 (instead of 10) miles of the Resource Hospital affiliated with the FEC as part of the EMS System. (Deletes a provision concerning location in a municipality that has a hospital that has been providing emergency services but is expected to close by the end of 1997 and in a county with a population of more than 525,000.) Requires the Illinois Health Facilities Planning Board to waive a certificate of need or permit requirement for any proposed FEC that, no later than June 30, 2009 (instead of as of the effective date of an amendatory Act of 1996), meets certain criteria for providing comprehensive emergency treatment services. Deletes a requirement that the facility must have participated in the demonstration program in order to be issued an annual license. Effective immediately.

LRB095 09004 DRJ 31315 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:

10 (1) is located: (A) ~~(i)(A)~~ in a municipality with a
11 population of 75,000 or fewer inhabitants; (B) within 15
12 miles of the hospital that owns or controls the FEC; and
13 (C) within 20 ~~10~~ miles of the Resource Hospital affiliated
14 with the FEC as part of the EMS System; ~~or (ii) (A) in a~~
15 ~~municipality that has a hospital that has been providing~~
16 ~~emergency services but is expected to close by the end of~~
17 ~~1997 and (B) in a county with a population of more than~~
18 ~~350,000 but less than 525,000 inhabitants;~~

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) maintains helicopter landing capabilities approved
22 by appropriate State and federal authorities;

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 a certificate of need or other
21 permit issued by the Illinois Health Facilities Planning
22 Board indicating that the facility that will house the
23 proposed FEC complies with State health planning laws;
24 provided, however, that the Illinois Health Facilities
25 Planning Board shall waive this certificate of need or
26 permit requirement for any proposed FEC that, no later than

1 June 30, 2009 ~~as of the effective date of this amendatory~~
2 ~~Act of 1996~~, meets the criteria for providing comprehensive
3 emergency treatment services, as defined by the rules
4 promulgated under the Hospital Licensing Act, but is not a
5 licensed hospital;

6 (16) submits an application for designation as an FEC
7 in a manner and form prescribed by the Department by rule;
8 and

9 (17) pays the annual license fee as determined by the
10 Department by rule. ~~;~~ and

11 ~~(18) participated in the demonstration program.~~

12 (b) The Department shall:

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

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

23 (3) issue an Emergency Suspension Order for any FEC
24 when the Director or his or her designee has determined
25 that the continued operation of the FEC poses an immediate
26 and serious danger to the public health, safety, and

1 welfare. An opportunity for a hearing shall be promptly
2 initiated after an Emergency Suspension Order has been
3 issued; and

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

5 (Source: P.A. 93-372, eff. 1-1-04.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.