

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Nursing Home Care Act is amended by adding
5 Sections 2-217 and 2-218 as follows:

6 (210 ILCS 45/2-217 new)

7 Sec. 2-217. Order for transportation of resident by
8 ambulance. If a facility orders transportation of a resident of
9 the facility by ambulance, the facility must maintain a written
10 record that shows (i) the name of the person who placed the
11 order for that transportation and (ii) the medical reason for
12 that transportation. The facility must maintain the record for
13 a period of at least 3 years after the date of the order for
14 transportation by ambulance.

15 (210 ILCS 45/2-218 new)

16 Sec. 2-218. Inducement to vehicle service provider;
17 penalty.

18 (a) If the Department determines, after an opportunity for
19 a hearing in accordance with rules adopted by the Department,
20 that (i) a facility knowingly or willingly offered or provided,
21 solicited, or received any remuneration (including any
22 kickback, bribe, rebate, or discount) directly or indirectly,
23 overtly or covertly, in cash or in kind, to any Vehicle Service
24 Provider licensed under the Emergency Medical Services (EMS)
25 Systems Act for the purpose of providing referrals for
26 transportation by the Vehicle Service Provider or (ii) an
27 employee or contractual agent of a facility knowingly or
28 willingly falsified any documentation of medical necessity for
29 non-emergency ambulance transportation, the Department may
30 impose against the facility, or against the employer of the
31 facility's contractual agent in the case of an individual who

1 became the facility's contractual agent by virtue of his or her
2 employment by that employer, a civil penalty in an amount not
3 exceeding \$10,000.

4 (b) If the Department makes a determination described in
5 subsection (a), the Department shall refer that determination
6 to the United States Department of Health and Human Services
7 Office of Inspector General.

8 Section 10. The Emergency Medical Services (EMS) Systems
9 Act is amended by changing Section 3.85 as follows:

10 (210 ILCS 50/3.85)

11 Sec. 3.85. Vehicle Service Providers.

12 (a) "Vehicle Service Provider" means an entity licensed by
13 the Department to provide emergency or non-emergency medical
14 services in compliance with this Act, the rules promulgated by
15 the Department pursuant to this Act, and an operational plan
16 approved by its EMS System(s), utilizing at least ambulances or
17 specialized emergency medical service vehicles (SEMSV).

18 (1) "Ambulance" means any publicly or privately owned
19 on-road vehicle that is specifically designed, constructed
20 or modified and equipped, and is intended to be used for,
21 and is maintained or operated for the emergency
22 transportation of persons who are sick, injured, wounded or
23 otherwise incapacitated or helpless, or the non-emergency
24 medical transportation of persons who require the presence
25 of medical personnel to monitor the individual's condition
26 or medical apparatus being used on such individuals.

27 (2) "Specialized Emergency Medical Services Vehicle"
28 or "SEMSV" means a vehicle or conveyance, other than those
29 owned or operated by the federal government, that is
30 primarily intended for use in transporting the sick or
31 injured by means of air, water, or ground transportation,
32 that is not an ambulance as defined in this Act. The term
33 includes watercraft, aircraft and special purpose ground
34 transport vehicles or conveyances not intended for use on

1 public roads.

2 (3) An ambulance or SEMSV may also be designated as a
3 Limited Operation Vehicle or Special-Use Vehicle:

4 (A) "Limited Operation Vehicle" means a vehicle
5 which is licensed by the Department to provide basic,
6 intermediate or advanced life support emergency or
7 non-emergency medical services that are exclusively
8 limited to specific events or locales.

9 (B) "Special-Use Vehicle" means any publicly or
10 privately owned vehicle that is specifically designed,
11 constructed or modified and equipped, and is intended
12 to be used for, and is maintained or operated solely
13 for the emergency or non-emergency transportation of a
14 specific medical class or category of persons who are
15 sick, injured, wounded or otherwise incapacitated or
16 helpless (e.g. high-risk obstetrical patients,
17 neonatal patients).

18 (b) The Department shall have the authority and
19 responsibility to:

20 (1) Require all Vehicle Service Providers, both
21 publicly and privately owned, to function within an EMS
22 System;

23 (2) Require a Vehicle Service Provider utilizing
24 ambulances to have a primary affiliation with an EMS System
25 within the EMS Region in which its Primary Service Area is
26 located, which is the geographic areas in which the
27 provider renders the majority of its emergency responses.
28 This requirement shall not apply to Vehicle Service
29 Providers which exclusively utilize Limited Operation
30 Vehicles;

31 (3) Establish licensing standards and requirements for
32 Vehicle Service Providers, through rules adopted pursuant
33 to this Act, including but not limited to:

34 (A) Vehicle design, specification, operation and
35 maintenance standards;

36 (B) Equipment requirements;

1 (C) Staffing requirements; and

2 (D) Annual license renewal.

3 (4) License all Vehicle Service Providers that have met
4 the Department's requirements for licensure, unless such
5 Provider is owned or licensed by the federal government.
6 All Provider licenses issued by the Department shall
7 specify the level and type of each vehicle covered by the
8 license (BLS, ILS, ALS, ambulance, SEMSV, limited
9 operation vehicle, special use vehicle);

10 (5) Annually inspect all licensed Vehicle Service
11 Providers, and relicense such Providers that have met the
12 Department's requirements for license renewal;

13 (6) Suspend, revoke, refuse to issue or refuse to renew
14 the license of any Vehicle Service Provider, or that
15 portion of a license pertaining to a specific vehicle
16 operated by the Provider, after an opportunity for a
17 hearing, when findings show that the Provider or one or
18 more of its vehicles has failed to comply with the
19 standards and requirements of this Act or rules adopted by
20 the Department pursuant to this Act;

21 (6.5) Impose against a Vehicle Service Provider a civil
22 penalty in an amount not exceeding \$10,000, if the
23 Department determines, after an opportunity for a hearing
24 in accordance with rules adopted by the Department, that
25 the Vehicle Service Provider knowingly or willingly
26 offered or provided, solicited, or received any
27 remuneration (including any kickback, bribe, rebate, or
28 discount) directly or indirectly, overtly or covertly, in
29 cash or in kind, to any long-term care facility licensed
30 under the Nursing Home Care Act or any hospital licensed
31 under the Hospital Licensing Act for the purpose of
32 influencing the long-term care facility or hospital to
33 provide referrals to the Vehicle Service Provider for the
34 transportation of residents of the long-term care facility
35 or patients of the hospital; the Department shall refer any
36 such determination to the United States Department of

1 Health and Human Services Office of Inspector General;

2 (7) Issue an Emergency Suspension Order for any
3 Provider or vehicle licensed under this Act, when the
4 Director or his designee has determined that an immediate
5 and serious danger to the public health, safety and welfare
6 exists. Suspension or revocation proceedings which offer
7 an opportunity for hearing shall be promptly initiated
8 after the Emergency Suspension Order has been issued;

9 (8) Exempt any licensed vehicle from subsequent
10 vehicle design standards or specifications required by the
11 Department, as long as said vehicle is continuously in
12 compliance with the vehicle design standards and
13 specifications originally applicable to that vehicle, or
14 until said vehicle's title of ownership is transferred;

15 (9) Exempt any vehicle (except an SEMSV) which was
16 being used as an ambulance on or before December 15, 1980,
17 from vehicle design standards and specifications required
18 by the Department, until said vehicle's title of ownership
19 is transferred. Such vehicles shall not be exempt from all
20 other licensing standards and requirements prescribed by
21 the Department;

22 (10) Prohibit any Vehicle Service Provider from
23 advertising, identifying its vehicles, or disseminating
24 information in a false or misleading manner concerning the
25 Provider's type and level of vehicles, location, primary
26 service area, response times, level of personnel,
27 licensure status or System participation; and

28 (11) Charge each Vehicle Service Provider a fee, to be
29 submitted with each application for licensure and license
30 renewal, which shall not exceed \$25.00 per vehicle, up to
31 \$500.00 per Provider.

32 (Source: P.A. 89-177, eff. 7-19-95.)

33 Section 15. The Hospital Licensing Act is amended by adding
34 Sections 6.22 and 6.23 as follows:

1 (210 ILCS 85/6.22 new)

2 Sec. 6.22. Order for transportation of patient by
3 ambulance. If a hospital orders transportation of a patient of
4 the hospital by ambulance, the hospital must maintain a written
5 record that shows (i) the name of the person who placed the
6 order for that transportation and (ii) the medical reason for
7 that transportation. The hospital must maintain the record for
8 a period of at least 3 years after the date of the order for
9 transportation by ambulance.

10 (210 ILCS 85/6.23 new)

11 Sec. 6.23. Inducement to vehicle service provider;
12 penalty.

13 (a) If the Department determines, after an opportunity for
14 a hearing in accordance with rules adopted by the Department,
15 that (i) a hospital knowingly or willingly offered or provided,
16 solicited, or received any remuneration (including any
17 kickback, bribe, rebate, or discount) directly or indirectly,
18 overtly or covertly, in cash or in kind, to any Vehicle Service
19 Provider licensed under the Emergency Medical Services (EMS)
20 Systems Act for the purpose of providing referrals for
21 transportation by the Vehicle Service Provider or (ii) an
22 employee or contractual agent of a hospital knowingly or
23 willingly falsified any documentation of medical necessity for
24 non-emergency ambulance transportation, the Department may
25 impose against the hospital, or against the employer of the
26 hospital's contractual agent in the case of an individual who
27 became the hospital's contractual agent by virtue of his or her
28 employment by that employer, a civil penalty in an amount not
29 exceeding \$10,000.

30 (b) If the Department makes a determination described in
31 subsection (a), the Department shall refer that determination
32 to the United States Department of Health and Human Services
33 Office of Inspector General.

34 Section 20. The Consumer Fraud and Deceptive Business

1 Practices Act is amended by adding Section 2XX as follows:

2 (815 ILCS 505/2XX new)

3 Sec. 2XX. Notification requirements for non-emergency
4 ambulance services.

5 (a) In this Section:

6 "Ambulance service provider" means a Vehicle Service
7 Provider, as defined in the Emergency Medical Services (EMS)
8 Systems Act, who provides non-emergency transportation
9 services by ambulance.

10 "Patient" means a person who is transported by an ambulance
11 service provider.

12 (b) An ambulance service provider shall provide a written
13 notice, and a verbal explanation of the written notice, prior
14 to non-emergency ambulance transports that originate at a
15 hospital or other health care facility when no written
16 documentation of medical necessity is available at the time of
17 transport. This notice must meet all of the following
18 requirements:

19 (1) The following caption must appear at the beginning
20 of the notice, in at least 14-point type: Notice to Patient
21 Regarding Non-Emergency Ambulance Services.

22 (2) The remainder of the notice must be expressed in
23 clear, simple language and in at least 14-point type.

24 (3) The notice must contain each of the following
25 statements:

26 (A) Notice: Medicare and other insurers may not pay
27 for any part of the cost of your transport by ambulance
28 unless certified by your physician or healthcare
29 provider as allowed under federal rules as being
30 medically necessary.

31 (B) The purpose of this notice is to help you make
32 an informed choice about whether or not you want to be
33 transported by ambulance, knowing that you might have
34 to pay for this transport yourself. Before you make any
35 decision about your options, you should:

1 (i) Read this entire notice carefully.

2 (ii) Ask a representative of the physician or
3 facility ordering transport to explain, if you do
4 not understand or are not sure, the guidelines
5 regarding medical necessity for transport by
6 ambulance and to tell you whether or not you meet
7 these guidelines.

8 (iii) Ask us how much being transported by
9 ambulance will cost you, in case you have to pay
10 for transport by ambulance out of your own pocket
11 or through other insurance. The estimated cost
12 will be \$(amount).

13 (C) Please choose one option by checking one box
14 and signing and dating your selection below:

15 (i) Option 1. Yes. I want to be transported by
16 ambulance. I understand that Medicare and many
17 other insurers may not pay for any part of the cost
18 of my ambulance transport unless certified by my
19 physician or healthcare provider as allowed under
20 federal rules as being medically necessary. I
21 understand that you will file a claim on my behalf
22 to Medicare or my other insurer. I understand that
23 you may bill me for items or services and that I
24 may have to pay the bill while Medicare or my other
25 insurer is making its decision. If Medicare or my
26 other insurer does pay on my behalf, I understand
27 that you will refund to me any payments that I made
28 to you that are due to me. If Medicare or my other
29 insurer denies payment, I agree to be personally
30 and fully responsible for payment. I understand
31 that I can appeal the decision made by Medicare or
32 my other insurer.

33 (ii) Option 2. No. I have decided not to be
34 transported by ambulance.

35 (4) The notice must be signed by the patient or by the
36 patient's authorized representative.

1 (5) The notice must contain the patient's full name and
2 the date of service.

3 (6) The notice must contain the full name and business
4 address (including the street name and number, city, state,
5 and zip code) of the ambulance service provider.

6 (c) If a patient is physically or mentally unable to sign
7 the notice described in subsection (b) at the time of transport
8 by ambulance and no authorized representative of the patient is
9 available to sign the notice on the patient's behalf, the
10 ambulance service provider must be able to provide
11 documentation of the patient's inability to sign the notice and
12 the unavailability of an authorized representative. In any case
13 described in this subsection (c), the ambulance service
14 provider shall be considered to have met the requirements of
15 subsection (b).

16 (d) If an ambulance service provider has obtained
17 documentation of medical necessity prior to transport and the
18 patient's Medicare or other insurer denies the claim for
19 transport by ambulance despite this fact, the ambulance service
20 provider is considered to have met the requirements of
21 subsection (b).

22 (e) In addition to any other penalty provided in this Act,
23 if the court finds that an ambulance service provider has
24 violated any provision of subsection (b), the court may order
25 that the ambulance service provider pay to the patient an
26 amount equal to 3 times the amount claimed due by the ambulance
27 provider, including any interest, collection costs, and
28 attorney's fees claimed by the ambulance service provider, and
29 any attorney's fees incurred by the patient.