

# HB0013



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0013

Introduced 1/19/2007, by Rep. Timothy L. Schmitz

#### SYNOPSIS AS INTRODUCED:

210 ILCS 50/3.35  
210 ILCS 50/3.50  
210 ILCS 50/3.125

Amends the Emergency Medical Services (EMS) Systems Act. Provides that the Department of Financial and Professional Regulation (instead of the Department of Public Health) is responsible for licensing Emergency Medical Technicians (EMTs). Effective immediately.

LRB095 00267 DRJ 20267 b

FISCAL NOTE ACT  
MAY APPLY

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 Act  
5 is amended by changing Sections 3.35, 3.50, and 3.125 as  
6 follows:

7 (210 ILCS 50/3.35)

8 Sec. 3.35. Emergency Medical Services (EMS) Resource  
9 Hospital; Functions. The Resource Hospital of an EMS System  
10 shall:

11 (a) Prepare a Program Plan in accordance with the  
12 provisions of this Act and minimum standards and criteria  
13 established in rules adopted by the Department pursuant to this  
14 Act, and submit such Program Plan to the Department for  
15 approval.

16 (b) Appoint an EMS Medical Director, who will continually  
17 monitor and supervise the System and who will have the  
18 responsibility and authority for total management of the System  
19 as delegated by the EMS Resource Hospital.

20 The Program Plan shall require the EMS Medical Director to  
21 appoint an alternate EMS Medical Director and establish a  
22 written protocol addressing the functions to be carried out in  
23 his or her absence.

1 (c) Appoint an EMS System Coordinator and EMS  
2 Administrative Director in consultation with the EMS Medical  
3 Director and in accordance with rules adopted by the Department  
4 pursuant to this Act.

5 (d) Identify potential EMS System participants and obtain  
6 commitments from them for the provision of services.

7 (e) Educate or coordinate the education of EMT personnel in  
8 accordance with the requirements of this Act, rules adopted by  
9 the Department pursuant to this Act, and the EMS System Program  
10 Plan.

11 (f) Notify the Department of EMT provider personnel who  
12 have successfully completed requirements for licensure testing  
13 and relicensure by the Department of Financial and Professional  
14 Regulation, except that an ILS or ALS level System may require  
15 its EMT-B personnel to apply directly to the Department of  
16 Financial and Professional Regulation for determination of  
17 successful completion of relicensure requirements.

18 (g) Educate or coordinate the education of Emergency  
19 Medical Dispatcher candidates, in accordance with the  
20 requirements of this Act, rules adopted by the Department  
21 pursuant to this Act, and the EMS System Program Plan.

22 (h) Establish or approve protocols for prearrival medical  
23 instructions to callers by System Emergency Medical  
24 Dispatchers who provide such instructions.

25 (i) Educate or coordinate the education of Pre-Hospital RN  
26 and ECRN candidates, in accordance with the requirements of

1 this Act, rules adopted by the Department pursuant to this Act,  
2 and the EMS System Program Plan.

3 (j) Approve Pre-Hospital RN and ECRN candidates to practice  
4 within the System, and reapprove Pre-Hospital RNs and ECRNs  
5 every 4 years in accordance with the requirements of the  
6 Department and the System Program Plan.

7 (k) Establish protocols for the use of Pre-Hospital RNs  
8 within the System.

9 (l) Establish protocols for utilizing ECRNs and physicians  
10 licensed to practice medicine in all of its branches to monitor  
11 telecommunications from, and give voice orders to, EMS  
12 personnel, under the authority of the EMS Medical Director.

13 (m) Monitor emergency and non-emergency medical transports  
14 within the System, in accordance with rules adopted by the  
15 Department pursuant to this Act.

16 (n) Utilize levels of personnel required by the Department  
17 to provide emergency care to the sick and injured at the scene  
18 of an emergency, during transport to a hospital or during  
19 inter-hospital transport and within the hospital emergency  
20 department until the responsibility for the care of the patient  
21 is assumed by the medical personnel of a hospital emergency  
22 department or other facility within the hospital to which the  
23 patient is first delivered by System personnel.

24 (o) Utilize levels of personnel required by the Department  
25 to provide non-emergency medical services during transport to a  
26 health care facility and within the health care facility until

1 the responsibility for the care of the patient is assumed by  
2 the medical personnel of the health care facility to which the  
3 patient is delivered by System personnel.

4 (p) Establish and implement a program for System  
5 participant information and education, in accordance with  
6 rules adopted by the Department pursuant to this Act.

7 (q) Establish and implement a program for public  
8 information and education, in accordance with rules adopted by  
9 the Department pursuant to this Act.

10 (r) Operate in compliance with the EMS Region Plan.

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

12 (210 ILCS 50/3.50)

13 Sec. 3.50. Emergency Medical Technician (EMT) Licensure.

14 (a) "Emergency Medical Technician-Basic" or "EMT-B" means  
15 a person who has successfully completed a course of instruction  
16 in basic life support as prescribed by the Department of  
17 Financial and Professional Regulation, is currently licensed  
18 by the Department of Financial and Professional Regulation in  
19 accordance with standards prescribed by this Act and rules  
20 adopted by the Department of Financial and Professional  
21 Regulation pursuant to this Act, and practices within an EMS  
22 System.

23 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"  
24 means a person who has successfully completed a course of  
25 instruction in intermediate life support as prescribed by the

1 Department of Financial and Professional Regulation, is  
2 currently licensed by the Department of Financial and  
3 Professional Regulation in accordance with standards  
4 prescribed by this Act and rules adopted by the Department of  
5 Financial and Professional Regulation pursuant to this Act, and  
6 practices within an Intermediate or Advanced Life Support EMS  
7 System.

8 (c) "Emergency Medical Technician-Paramedic" or "EMT-P"  
9 means a person who has successfully completed a course of  
10 instruction in advanced life support care as prescribed by the  
11 Department of Financial and Professional Regulation, is  
12 licensed by the Department of Financial and Professional  
13 Regulation in accordance with standards prescribed by this Act  
14 and rules adopted by the Department of Financial and  
15 Professional Regulation pursuant to this Act, and practices  
16 within an Advanced Life Support EMS System.

17 (d) The Department of Financial and Professional  
18 Regulation shall have the authority and responsibility to:

19 (1) Prescribe education and training requirements,  
20 which includes training in the use of epinephrine, for all  
21 levels of EMT, based on the respective national curricula  
22 of the United States Department of Transportation and any  
23 modifications to such curricula specified by the  
24 Department through rules adopted pursuant to this Act;

25 (2) Prescribe licensure testing requirements for all  
26 levels of EMT, which shall include a requirement that all

1 phases of instruction, training, and field experience be  
2 completed before taking the EMT licensure examination.  
3 Candidates may elect to take the National Registry of  
4 Emergency Medical Technicians examination in lieu of the  
5 Department's examination, but are responsible for making  
6 their own arrangements for taking the National Registry  
7 examination;

8 (3) License individuals as an EMT-B, EMT-I, or EMT-P  
9 who have met the Department's education, training and  
10 testing requirements;

11 (4) Prescribe annual continuing education and  
12 relicensure requirements for all levels of EMT;

13 (5) Relicense individuals as an EMT-B, EMT-I, or EMT-P  
14 every 4 years, based on their compliance with continuing  
15 education and relicensure requirements;

16 (6) Grant inactive status to any EMT who qualifies,  
17 based on standards and procedures established by the  
18 Department in rules adopted pursuant to this Act;

19 (7) Charge each candidate for EMT a fee to be submitted  
20 with an application for a licensure examination;

21 (8) Suspend, revoke, or refuse to renew the license of  
22 an EMT, after an opportunity for a hearing, when findings  
23 show one or more of the following:

24 (A) The EMT has not met continuing education or  
25 relicensure requirements as prescribed by the  
26 Department;

1 (B) The EMT has failed to maintain proficiency in  
2 the level of skills for which he or she is licensed;

3 (C) The EMT, during the provision of medical  
4 services, engaged in dishonorable, unethical or  
5 unprofessional conduct of a character likely to  
6 deceive, defraud or harm the public;

7 (D) The EMT has failed to maintain or has violated  
8 standards of performance and conduct as prescribed by  
9 the Department in rules adopted pursuant to this Act or  
10 his or her EMS System's Program Plan;

11 (E) The EMT is physically impaired to the extent  
12 that he or she cannot physically perform the skills and  
13 functions for which he or she is licensed, as verified  
14 by a physician, unless the person is on inactive status  
15 pursuant to Department regulations;

16 (F) The EMT is mentally impaired to the extent that  
17 he or she cannot exercise the appropriate judgment,  
18 skill and safety for performing the functions for which  
19 he or she is licensed, as verified by a physician,  
20 unless the person is on inactive status pursuant to  
21 Department regulations; or

22 (G) The EMT has violated this Act or any rule  
23 adopted by the Department pursuant to this Act.

24 The education requirements prescribed by the Department of  
25 Financial and Professional Regulation under this subsection  
26 must allow for the suspension of those requirements in the case

1 of a member of the armed services or reserve forces of the  
2 United States or a member of the Illinois National Guard who is  
3 on active duty pursuant to an executive order of the President  
4 of the United States, an act of the Congress of the United  
5 States, or an order of the Governor at the time that the member  
6 would otherwise be required to fulfill a particular education  
7 requirement. Such a person must fulfill the education  
8 requirement within 6 months after his or her release from  
9 active duty.

10 (e) In the event that any rule of the Department of  
11 Financial and Professional Regulation or an EMS Medical  
12 Director that requires testing for drug use as a condition for  
13 EMT licensure conflicts with or duplicates a provision of a  
14 collective bargaining agreement that requires testing for drug  
15 use, that rule shall not apply to any person covered by the  
16 collective bargaining agreement.

17 (Source: P.A. 94-504, eff. 8-8-05.)

18 (210 ILCS 50/3.125)

19 Sec. 3.125. Complaint Investigations.

20 (a) The Department of Public Health shall promptly  
21 investigate complaints which it receives concerning any person  
22 or entity which the Department of Financial and Professional  
23 Regulation or the Department of Public Health licenses,  
24 certifies, approves, permits or designates pursuant to this  
25 Act.

1 (b) The Department shall notify an EMS Medical Director of  
2 any complaints it receives involving System personnel or  
3 participants.

4 (c) The Department shall conduct any inspections,  
5 interviews and reviews of records which it deems necessary in  
6 order to investigate complaints.

7 (d) All persons and entities which are licensed, certified,  
8 approved, permitted or designated pursuant to this Act shall  
9 fully cooperate with any Department complaint investigation,  
10 including providing patient medical records requested by the  
11 Department. Any patient medical record received or reviewed by  
12 the Department shall not be disclosed publicly in such a manner  
13 as to identify individual patients, without the consent of such  
14 patient or his or her legally authorized representative.  
15 Patient medical records may be disclosed to a party in  
16 administrative proceedings brought by the Department pursuant  
17 to this Act, but such patient's identity shall be masked before  
18 disclosure of such record during any public hearing unless  
19 otherwise authorized by the patient or his or her legally  
20 authorized representative.

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

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.