

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 Firemen's Disciplinary Act is amended by
5 changing Section 2 as follows:

6 (50 ILCS 745/2) (from Ch. 85, par. 2502)

7 Sec. 2. Definitions. For the purposes of this Act, unless
8 clearly required otherwise, the terms defined in this Section
9 have the meaning ascribed herein:

10 (a) "Fireman" means a person who is a "firefighter" or
11 "fireman" as defined in Sections 4-106 or 6-106 of the Illinois
12 Pension Code, a paramedic employed by a unit of local
13 government, or an EMT, emergency medical
14 technician-intermediate (EMT-I), or advanced emergency medical
15 technician (A-EMT) employed by a unit of local government, and
16 includes a person who is an "employee" as defined in Section
17 15-107 of the Illinois Pension Code and whose primary duties
18 relate to firefighting.

19 (b) "Informal inquiry" means a meeting by supervisory or
20 command personnel with a fireman upon whom an allegation of
21 misconduct has come to the attention of such supervisory or
22 command personnel, the purpose of which meeting is to mediate a
23 citizen complaint or discuss the facts to determine whether a

1 formal investigation should be commenced.

2 (c) "Formal investigation" means the process of
3 investigation ordered by a commanding officer during which the
4 questioning of a fireman is intended to gather evidence of
5 misconduct which may be the basis for filing charges seeking
6 his or her removal, discharge, or suspension from duty in
7 excess of 24 duty hours.

8 (d) "Interrogation" means the questioning of a fireman
9 pursuant to an investigation initiated by the respective State
10 or local governmental unit in connection with an alleged
11 violation of such unit's rules which may be the basis for
12 filing charges seeking his or her suspension, removal, or
13 discharge. The term does not include questioning as part of an
14 informal inquiry as to allegations of misconduct relating to
15 minor infractions of agency rules which may be noted on the
16 fireman's record but which may not in themselves result in
17 removal, discharge, or suspension from duty in excess of 24
18 duty hours.

19 (e) "Administrative proceeding" means any non-judicial
20 hearing which is authorized to recommend, approve or order the
21 suspension, removal, or discharge of a fireman.

22 (Source: P.A. 96-922, eff. 6-10-10.)

23 Section 10. The Volunteer Emergency Worker Job Protection
24 Act is amended by changing Section 3 as follows:

1 (50 ILCS 748/3)

2 Sec. 3. Definitions. As used in this Act:

3 "Volunteer emergency worker" means a firefighter who does
4 not receive monetary compensation for his or her services to a
5 fire department or fire protection district and who does not
6 work for any other fire department or fire protection district
7 for monetary compensation. "Volunteer emergency worker" also
8 means a person who does not receive monetary compensation for
9 his or her services as a volunteer Emergency Medical Technician
10 (licensed as an EMT ~~EMT-B~~, EMT-I, A-EMT, or Paramedic ~~EMT-P~~
11 under the Emergency Medical Services (EMS) Systems Act), a
12 volunteer ambulance driver or attendant, or a volunteer
13 "Emergency Medical First ~~First~~ Responder", as defined in Sec. 3.50
14 ~~3.60~~ of the Emergency Medical Services (EMT) Systems Act, to a
15 fire department, fire protection district, or other
16 governmental entity and who does not work in one of these
17 capacities for any other fire department, fire protection
18 district, or governmental entity for monetary compensation.
19 "Volunteer emergency worker" also means a person who is a
20 volunteer member of a county or municipal emergency services
21 and disaster agency pursuant to the Illinois Emergency
22 Management Agency Act, an auxiliary policeman appointed
23 pursuant to the Municipal Code, or an auxiliary deputy
24 appointed by a county sheriff pursuant to the Counties Code.

25 "Monetary compensation" does not include a monetary
26 incentive awarded to a firefighter by the board of trustees of

1 a fire protection district under Section 6 of the Fire
2 Protection District Act.

3 (Source: P.A. 94-599, eff. 1-1-06; 95-332, eff. 8-21-07.)

4 Section 15. The Illinois Municipal Code is amended by
5 changing Sections 10-1-7, 10-1-7.1, 10-2.1-4, 10-2.1-6.3,
6 10-2.1-14, and 10-2.1-31 as follows:

7 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

8 Sec. 10-1-7. Examination of applicants; disqualifications.

9 (a) All applicants for offices or places in the classified
10 service, except those mentioned in Section 10-1-17, are subject
11 to examination. The examination shall be public, competitive,
12 and open to all citizens of the United States, with specified
13 limitations as to residence, age, health, habits and moral
14 character.

15 (b) Residency requirements in effect at the time an
16 individual enters the fire or police service of a municipality
17 (other than a municipality that has more than 1,000,000
18 inhabitants) cannot be made more restrictive for that
19 individual during his or her period of service for that
20 municipality, or be made a condition of promotion, except for
21 the rank or position of Fire or Police Chief.

22 (c) No person with a record of misdemeanor convictions
23 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
24 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,

1 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,
2 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a) (1) and
3 (a) (2) (C) of Section 11-14.3, and subsections (1), (6) and (8)
4 of Section 24-1 of the Criminal Code of 1961 or the Criminal
5 Code of 2012 or arrested for any cause but not convicted on
6 that cause shall be disqualified from taking the examination on
7 grounds of habits or moral character, unless the person is
8 attempting to qualify for a position on the police department,
9 in which case the conviction or arrest may be considered as a
10 factor in determining the person's habits or moral character.

11 (d) Persons entitled to military preference under Section
12 10-1-16 shall not be subject to limitations specifying age
13 unless they are applicants for a position as a fireman or a
14 policeman having no previous employment status as a fireman or
15 policeman in the regularly constituted fire or police
16 department of the municipality, in which case they must not
17 have attained their 35th birthday, except any person who has
18 served as an auxiliary police officer under Section 3.1-30-20
19 for at least 5 years and is under 40 years of age.

20 (e) All employees of a municipality of less than 500,000
21 population (except those who would be excluded from the
22 classified service as provided in this Division 1) who are
23 holding that employment as of the date a municipality adopts
24 this Division 1, or as of July 17, 1959, whichever date is the
25 later, and who have held that employment for at least 2 years
26 immediately before that later date, and all firemen and

1 policemen regardless of length of service who were either
2 appointed to their respective positions by the board of fire
3 and police commissioners under the provisions of Division 2 of
4 this Article or who are serving in a position (except as a
5 temporary employee) in the fire or police department in the
6 municipality on the date a municipality adopts this Division 1,
7 or as of July 17, 1959, whichever date is the later, shall
8 become members of the classified civil service of the
9 municipality without examination.

10 (f) The examinations shall be practical in their character,
11 and shall relate to those matters that will fairly test the
12 relative capacity of the persons examined to discharge the
13 duties of the positions to which they seek to be appointed. The
14 examinations shall include tests of physical qualifications,
15 health, and (when appropriate) manual skill. If an applicant is
16 unable to pass the physical examination solely as the result of
17 an injury received by the applicant as the result of the
18 performance of an act of duty while working as a temporary
19 employee in the position for which he or she is being examined,
20 however, the physical examination shall be waived and the
21 applicant shall be considered to have passed the examination.
22 No questions in any examination shall relate to political or
23 religious opinions or affiliations. Results of examinations
24 and the eligible registers prepared from the results shall be
25 published by the commission within 60 days after any
26 examinations are held.

1 (g) The commission shall control all examinations, and may,
2 whenever an examination is to take place, designate a suitable
3 number of persons, either in or not in the official service of
4 the municipality, to be examiners. The examiners shall conduct
5 the examinations as directed by the commission and shall make a
6 return or report of the examinations to the commission. If the
7 appointed examiners are in the official service of the
8 municipality, the examiners shall not receive extra
9 compensation for conducting the examinations unless the
10 examiners are subject to a collective bargaining agreement with
11 the municipality. The commission may at any time substitute any
12 other person, whether or not in the service of the
13 municipality, in the place of any one selected as an examiner.
14 The commission members may themselves at any time act as
15 examiners without appointing examiners. The examiners at any
16 examination shall not all be members of the same political
17 party.

18 (h) In municipalities of 500,000 or more population, no
19 person who has attained his or her 35th birthday shall be
20 eligible to take an examination for a position as a fireman or
21 a policeman unless the person has had previous employment
22 status as a policeman or fireman in the regularly constituted
23 police or fire department of the municipality, except as
24 provided in this Section.

25 (i) In municipalities of more than 5,000 but not more than
26 200,000 inhabitants, no person who has attained his or her 35th

1 birthday shall be eligible to take an examination for a
2 position as a fireman or a policeman unless the person has had
3 previous employment status as a policeman or fireman in the
4 regularly constituted police or fire department of the
5 municipality, except as provided in this Section.

6 (j) In all municipalities, applicants who are 20 years of
7 age and who have successfully completed 2 years of law
8 enforcement studies at an accredited college or university may
9 be considered for appointment to active duty with the police
10 department. An applicant described in this subsection (j) who
11 is appointed to active duty shall not have power of arrest, nor
12 shall the applicant be permitted to carry firearms, until he or
13 she reaches 21 years of age.

14 (k) In municipalities of more than 500,000 population,
15 applications for examination for and appointment to positions
16 as firefighters or police shall be made available at various
17 branches of the public library of the municipality.

18 (l) No municipality having a population less than 1,000,000
19 shall require that any fireman appointed to the lowest rank
20 serve a probationary employment period of longer than one year.
21 The limitation on periods of probationary employment provided
22 in this amendatory Act of 1989 is an exclusive power and
23 function of the State. Pursuant to subsection (h) of Section 6
24 of Article VII of the Illinois Constitution, a home rule
25 municipality having a population less than 1,000,000 must
26 comply with this limitation on periods of probationary

1 employment, which is a denial and limitation of home rule
2 powers. Notwithstanding anything to the contrary in this
3 Section, the probationary employment period limitation may be
4 extended for a firefighter who is required, as a condition of
5 employment, to be a licensed ~~certified~~ paramedic, during which
6 time the sole reason that a firefighter may be discharged
7 without a hearing is for failing to meet the requirements for
8 paramedic licensure ~~certification~~.

9 (m) To the extent that this Section or any other Section in
10 this Division conflicts with Section 10-1-7.1 or 10-1-7.2, then
11 Section 10-1-7.1 or 10-1-7.2 shall control.

12 (Source: P.A. 96-1551, eff. 7-1-11; 97-251, eff. 8-4-11;
13 97-898, eff. 8-6-12; 97-1109, eff. 1-1-13; 97-1150, eff.
14 1-25-13.)

15 (65 ILCS 5/10-1-7.1)

16 Sec. 10-1-7.1. Original appointments; full-time fire
17 department.

18 (a) Applicability. Unless a commission elects to follow the
19 provisions of Section 10-1-7.2, this Section shall apply to all
20 original appointments to an affected full-time fire
21 department. Existing registers of eligibles shall continue to
22 be valid until their expiration dates, or up to a maximum of 2
23 years after the effective date of this amendatory Act of the
24 97th General Assembly.

25 Notwithstanding any statute, ordinance, rule, or other law

1 to the contrary, all original appointments to an affected
2 department to which this Section applies shall be administered
3 in the manner provided for in this Section. Provisions of the
4 Illinois Municipal Code, municipal ordinances, and rules
5 adopted pursuant to such authority and other laws relating to
6 initial hiring of firefighters in affected departments shall
7 continue to apply to the extent they are compatible with this
8 Section, but in the event of a conflict between this Section
9 and any other law, this Section shall control.

10 A home rule or non-home rule municipality may not
11 administer its fire department process for original
12 appointments in a manner that is less stringent than this
13 Section. This Section is a limitation under subsection (i) of
14 Section 6 of Article VII of the Illinois Constitution on the
15 concurrent exercise by home rule units of the powers and
16 functions exercised by the State.

17 A municipality that is operating under a court order or
18 consent decree regarding original appointments to a full-time
19 fire department before the effective date of this amendatory
20 Act of the 97th General Assembly is exempt from the
21 requirements of this Section for the duration of the court
22 order or consent decree.

23 Notwithstanding any other provision of this subsection
24 (a), this Section does not apply to a municipality with more
25 than 1,000,000 inhabitants.

26 (b) Original appointments. All original appointments made

1 to an affected fire department shall be made from a register of
2 eligibles established in accordance with the processes
3 established by this Section. Only persons who meet or exceed
4 the performance standards required by this Section shall be
5 placed on a register of eligibles for original appointment to
6 an affected fire department.

7 Whenever an appointing authority authorizes action to hire
8 a person to perform the duties of a firefighter or to hire a
9 firefighter-paramedic to fill a position that is a new position
10 or vacancy due to resignation, discharge, promotion, death, the
11 granting of a disability or retirement pension, or any other
12 cause, the appointing authority shall appoint to that position
13 the person with the highest ranking on the final eligibility
14 list. If the appointing authority has reason to conclude that
15 the highest ranked person fails to meet the minimum standards
16 for the position or if the appointing authority believes an
17 alternate candidate would better serve the needs of the
18 department, then the appointing authority has the right to pass
19 over the highest ranked person and appoint either: (i) any
20 person who has a ranking in the top 5% of the register of
21 eligibles or (ii) any person who is among the top 5 highest
22 ranked persons on the list of eligibles if the number of people
23 who have a ranking in the top 5% of the register of eligibles
24 is less than 5 people.

25 Any candidate may pass on an appointment once without
26 losing his or her position on the register of eligibles. Any

1 candidate who passes a second time may be removed from the list
2 by the appointing authority provided that such action shall not
3 prejudice a person's opportunities to participate in future
4 examinations, including an examination held during the time a
5 candidate is already on the municipality's register of
6 eligibles.

7 The sole authority to issue certificates of appointment
8 shall be vested in the Civil Service Commission. All
9 certificates of appointment issued to any officer or member of
10 an affected department shall be signed by the chairperson and
11 secretary, respectively, of the commission upon appointment of
12 such officer or member to the affected department by the
13 commission. Each person who accepts a certificate of
14 appointment and successfully completes his or her probationary
15 period shall be enrolled as a firefighter and as a regular
16 member of the fire department.

17 For the purposes of this Section, "firefighter" means any
18 person who has been prior to, on, or after the effective date
19 of this amendatory Act of the 97th General Assembly appointed
20 to a fire department or fire protection district or employed by
21 a State university and sworn or commissioned to perform
22 firefighter duties or paramedic duties, or both, except that
23 the following persons are not included: part-time
24 firefighters; auxiliary, reserve, or voluntary firefighters,
25 including paid-on-call firefighters; clerks and dispatchers or
26 other civilian employees of a fire department or fire

1 protection district who are not routinely expected to perform
2 firefighter duties; and elected officials.

3 (c) Qualification for placement on register of eligibles.
4 The purpose of establishing a register of eligibles is to
5 identify applicants who possess and demonstrate the mental
6 aptitude and physical ability to perform the duties required of
7 members of the fire department in order to provide the highest
8 quality of service to the public. To this end, all applicants
9 for original appointment to an affected fire department shall
10 be subject to examination and testing which shall be public,
11 competitive, and open to all applicants unless the municipality
12 shall by ordinance limit applicants to residents of the
13 municipality, county or counties in which the municipality is
14 located, State, or nation. Municipalities may establish
15 educational, emergency medical service licensure, and other
16 pre-requisites for participation in an examination or for hire
17 as a firefighter. Any municipality may charge a fee to cover
18 the costs of the application process.

19 Residency requirements in effect at the time an individual
20 enters the fire service of a municipality cannot be made more
21 restrictive for that individual during his or her period of
22 service for that municipality, or be made a condition of
23 promotion, except for the rank or position of fire chief and
24 for no more than 2 positions that rank immediately below that
25 of the chief rank which are appointed positions pursuant to the
26 Fire Department Promotion Act.

1 No person who is 35 years of age or older shall be eligible
2 to take an examination for a position as a firefighter unless
3 the person has had previous employment status as a firefighter
4 in the regularly constituted fire department of the
5 municipality, except as provided in this Section. The age
6 limitation does not apply to:

7 (1) any person previously employed as a full-time
8 firefighter in a regularly constituted fire department of
9 (i) any municipality or fire protection district located in
10 Illinois, (ii) a fire protection district whose
11 obligations were assumed by a municipality under Section 21
12 of the Fire Protection District Act, or (iii) a
13 municipality whose obligations were taken over by a fire
14 protection district, or

15 (2) any person who has served a municipality as a
16 regularly enrolled volunteer, paid-on-call, or part-time
17 firefighter for the 5 years immediately preceding the time
18 that the municipality begins to use full-time firefighters
19 to provide all or part of its fire protection service.

20 No person who is under 21 years of age shall be eligible
21 for employment as a firefighter.

22 No applicant shall be examined concerning his or her
23 political or religious opinions or affiliations. The
24 examinations shall be conducted by the commissioners of the
25 municipality or their designees and agents.

26 No municipality shall require that any firefighter

1 appointed to the lowest rank serve a probationary employment
2 period of longer than one year of actual active employment,
3 which may exclude periods of training, or injury or illness
4 leaves, including duty related leave, in excess of 30 calendar
5 days. Notwithstanding anything to the contrary in this Section,
6 the probationary employment period limitation may be extended
7 for a firefighter who is required, as a condition of
8 employment, to be a licensed ~~certified~~ paramedic, during which
9 time the sole reason that a firefighter may be discharged
10 without a hearing is for failing to meet the requirements for
11 paramedic licensure ~~certification~~.

12 In the event that any applicant who has been found eligible
13 for appointment and whose name has been placed upon the final
14 eligibility register provided for in this Division 1 has not
15 been appointed to a firefighter position within one year after
16 the date of his or her physical ability examination, the
17 commission may cause a second examination to be made of that
18 applicant's physical ability prior to his or her appointment.
19 If, after the second examination, the physical ability of the
20 applicant shall be found to be less than the minimum standard
21 fixed by the rules of the commission, the applicant shall not
22 be appointed. The applicant's name may be retained upon the
23 register of candidates eligible for appointment and when next
24 reached for certification and appointment that applicant may be
25 again examined as provided in this Section, and if the physical
26 ability of that applicant is found to be less than the minimum

1 standard fixed by the rules of the commission, the applicant
2 shall not be appointed, and the name of the applicant shall be
3 removed from the register.

4 (d) Notice, examination, and testing components. Notice of
5 the time, place, general scope, merit criteria for any
6 subjective component, and fee of every examination shall be
7 given by the commission, by a publication at least 2 weeks
8 preceding the examination: (i) in one or more newspapers
9 published in the municipality, or if no newspaper is published
10 therein, then in one or more newspapers with a general
11 circulation within the municipality, or (ii) on the
12 municipality's Internet website. Additional notice of the
13 examination may be given as the commission shall prescribe.

14 The examination and qualifying standards for employment of
15 firefighters shall be based on: mental aptitude, physical
16 ability, preferences, moral character, and health. The mental
17 aptitude, physical ability, and preference components shall
18 determine an applicant's qualification for and placement on the
19 final register of eligibles. The examination may also include a
20 subjective component based on merit criteria as determined by
21 the commission. Scores from the examination must be made
22 available to the public.

23 (e) Mental aptitude. No person who does not possess at
24 least a high school diploma or an equivalent high school
25 education shall be placed on a register of eligibles.
26 Examination of an applicant's mental aptitude shall be based

1 upon a written examination. The examination shall be practical
2 in character and relate to those matters that fairly test the
3 capacity of the persons examined to discharge the duties
4 performed by members of a fire department. Written examinations
5 shall be administered in a manner that ensures the security and
6 accuracy of the scores achieved.

7 (f) Physical ability. All candidates shall be required to
8 undergo an examination of their physical ability to perform the
9 essential functions included in the duties they may be called
10 upon to perform as a member of a fire department. For the
11 purposes of this Section, essential functions of the job are
12 functions associated with duties that a firefighter may be
13 called upon to perform in response to emergency calls. The
14 frequency of the occurrence of those duties as part of the fire
15 department's regular routine shall not be a controlling factor
16 in the design of examination criteria or evolutions selected
17 for testing. These physical examinations shall be open,
18 competitive, and based on industry standards designed to test
19 each applicant's physical abilities in the following
20 dimensions:

21 (1) Muscular strength to perform tasks and evolutions
22 that may be required in the performance of duties including
23 grip strength, leg strength, and arm strength. Tests shall
24 be conducted under anaerobic as well as aerobic conditions
25 to test both the candidate's speed and endurance in
26 performing tasks and evolutions. Tasks tested may be based

1 on standards developed, or approved, by the local
2 appointing authority.

3 (2) The ability to climb ladders, operate from heights,
4 walk or crawl in the dark along narrow and uneven surfaces,
5 and operate in proximity to hazardous environments.

6 (3) The ability to carry out critical, time-sensitive,
7 and complex problem solving during physical exertion in
8 stressful and hazardous environments. The testing
9 environment may be hot and dark with tightly enclosed
10 spaces, flashing lights, sirens, and other distractions.

11 The tests utilized to measure each applicant's
12 capabilities in each of these dimensions may be tests based on
13 industry standards currently in use or equivalent tests
14 approved by the Joint Labor-Management Committee of the Office
15 of the State Fire Marshal.

16 Physical ability examinations administered under this
17 Section shall be conducted with a reasonable number of proctors
18 and monitors, open to the public, and subject to reasonable
19 regulations of the commission.

20 (g) Scoring of examination components. Appointing
21 authorities may create a preliminary eligibility register. A
22 person shall be placed on the list based upon his or her
23 passage of the written examination or the passage of the
24 written examination and the physical ability component.
25 Passage of the written examination means a score that is at or
26 above the median score for all applicants participating in the

1 written test. The appointing authority may conduct the physical
2 ability component and any subjective components subsequent to
3 the posting of the preliminary eligibility register.

4 The examination components for an initial eligibility
5 register shall be graded on a 100-point scale. A person's
6 position on the list shall be determined by the following: (i)
7 the person's score on the written examination, (ii) the person
8 successfully passing the physical ability component, and (iii)
9 the person's results on any subjective component as described
10 in subsection (d).

11 In order to qualify for placement on the final eligibility
12 register, an applicant's score on the written examination,
13 before any applicable preference points or subjective points
14 are applied, shall be at or above the median score. The local
15 appointing authority may prescribe the score to qualify for
16 placement on the final eligibility register, but the score
17 shall not be less than the median score.

18 The commission shall prepare and keep a register of persons
19 whose total score is not less than the minimum fixed by this
20 Section and who have passed the physical ability examination.
21 These persons shall take rank upon the register as candidates
22 in the order of their relative excellence based on the highest
23 to the lowest total points scored on the mental aptitude,
24 subjective component, and preference components of the test
25 administered in accordance with this Section. No more than 60
26 days after each examination, an initial eligibility list shall

1 be posted by the commission. The list shall include the final
2 grades of the candidates without reference to priority of the
3 time of examination and subject to claim for preference credit.

4 Commissions may conduct additional examinations, including
5 without limitation a polygraph test, after a final eligibility
6 register is established and before it expires with the
7 candidates ranked by total score without regard to date of
8 examination. No more than 60 days after each examination, an
9 initial eligibility list shall be posted by the commission
10 showing the final grades of the candidates without reference to
11 priority of time of examination and subject to claim for
12 preference credit.

13 (h) Preferences. The following are preferences:

14 (1) Veteran preference. Persons who were engaged in the
15 military service of the United States for a period of at
16 least one year of active duty and who were honorably
17 discharged therefrom, or who are now or have been members
18 on inactive or reserve duty in such military or naval
19 service, shall be preferred for appointment to and
20 employment with the fire department of an affected
21 department.

22 (2) Fire cadet preference. Persons who have
23 successfully completed 2 years of study in fire techniques
24 or cadet training within a cadet program established under
25 the rules of the Joint Labor and Management Committee
26 (JLMC), as defined in Section 50 of the Fire Department

1 Promotion Act, may be preferred for appointment to and
2 employment with the fire department.

3 (3) Educational preference. Persons who have
4 successfully obtained an associate's degree in the field of
5 fire service or emergency medical services, or a bachelor's
6 degree from an accredited college or university may be
7 preferred for appointment to and employment with the fire
8 department.

9 (4) Paramedic preference. Persons who have obtained a
10 license ~~certification~~ as a paramedic ~~an Emergency Medical~~
11 ~~Technician-Paramedic~~ ~~(EMT-P)~~ may be preferred for
12 appointment to and employment with the fire department of
13 an affected department providing emergency medical
14 services.

15 (5) Experience preference. All persons employed by a
16 municipality who have been paid-on-call or part-time
17 certified Firefighter II, certified Firefighter III, State
18 of Illinois or nationally licensed EMT, ~~EMT-B~~ ~~or~~ ~~EMT-I~~,
19 A-EMT, ~~or licensed~~ paramedic, or any combination of those
20 capacities may be awarded up to a maximum of 5 points.
21 However, the applicant may not be awarded more than 0.5
22 points for each complete year of paid-on-call or part-time
23 service. Applicants from outside the municipality who were
24 employed as full-time firefighters or
25 firefighter-paramedics by a fire protection district or
26 another municipality may be awarded up to 5 experience

1 preference points. However, the applicant may not be
2 awarded more than one point for each complete year of
3 full-time service.

4 Upon request by the commission, the governing body of
5 the municipality or in the case of applicants from outside
6 the municipality the governing body of any fire protection
7 district or any other municipality shall certify to the
8 commission, within 10 days after the request, the number of
9 years of successful paid-on-call, part-time, or full-time
10 service of any person. A candidate may not receive the full
11 amount of preference points under this subsection if the
12 amount of points awarded would place the candidate before a
13 veteran on the eligibility list. If more than one candidate
14 receiving experience preference points is prevented from
15 receiving all of their points due to not being allowed to
16 pass a veteran, the candidates shall be placed on the list
17 below the veteran in rank order based on the totals
18 received if all points under this subsection were to be
19 awarded. Any remaining ties on the list shall be determined
20 by lot.

21 (6) Residency preference. Applicants whose principal
22 residence is located within the fire department's
23 jurisdiction may be preferred for appointment to and
24 employment with the fire department.

25 (7) Additional preferences. Up to 5 additional
26 preference points may be awarded for unique categories

1 based on an applicant's experience or background as
2 identified by the commission.

3 (8) Scoring of preferences. The commission shall give
4 preference for original appointment to persons designated
5 in item (1) by adding to the final grade that they receive
6 5 points for the recognized preference achieved. The
7 commission shall determine the number of preference points
8 for each category except (1). The number of preference
9 points for each category shall range from 0 to 5. In
10 determining the number of preference points, the
11 commission shall prescribe that if a candidate earns the
12 maximum number of preference points in all categories, that
13 number may not be less than 10 nor more than 30. The
14 commission shall give preference for original appointment
15 to persons designated in items (2) through (7) by adding
16 the requisite number of points to the final grade for each
17 recognized preference achieved. The numerical result thus
18 attained shall be applied by the commission in determining
19 the final eligibility list and appointment from the
20 eligibility list. The local appointing authority may
21 prescribe the total number of preference points awarded
22 under this Section, but the total number of preference
23 points shall not be less than 10 points or more than 30
24 points.

25 No person entitled to any preference shall be required to
26 claim the credit before any examination held under the

1 provisions of this Section, but the preference shall be given
2 after the posting or publication of the initial eligibility
3 list or register at the request of a person entitled to a
4 credit before any certification or appointments are made from
5 the eligibility register, upon the furnishing of verifiable
6 evidence and proof of qualifying preference credit. Candidates
7 who are eligible for preference credit shall make a claim in
8 writing within 10 days after the posting of the initial
9 eligibility list, or the claim shall be deemed waived. Final
10 eligibility registers shall be established after the awarding
11 of verified preference points. All employment shall be subject
12 to the commission's initial hire background review including,
13 but not limited to, criminal history, employment history, moral
14 character, oral examination, and medical and psychological
15 examinations, all on a pass-fail basis. The medical and
16 psychological examinations must be conducted last, and may only
17 be performed after a conditional offer of employment has been
18 extended.

19 Any person placed on an eligibility list who exceeds the
20 age requirement before being appointed to a fire department
21 shall remain eligible for appointment until the list is
22 abolished, or his or her name has been on the list for a period
23 of 2 years. No person who has attained the age of 35 years
24 shall be inducted into a fire department, except as otherwise
25 provided in this Section.

26 The commission shall strike off the names of candidates for

1 original appointment after the names have been on the list for
2 more than 2 years.

3 (i) Moral character. No person shall be appointed to a fire
4 department unless he or she is a person of good character; not
5 a habitual drunkard, a gambler, or a person who has been
6 convicted of a felony or a crime involving moral turpitude.
7 However, no person shall be disqualified from appointment to
8 the fire department because of the person's record of
9 misdemeanor convictions except those under Sections 11-6,
10 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
11 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
12 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
13 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, or arrest for any cause without
15 conviction thereon. Any such person who is in the department
16 may be removed on charges brought for violating this subsection
17 and after a trial as hereinafter provided.

18 A classifiable set of the fingerprints of every person who
19 is offered employment as a certificated member of an affected
20 fire department whether with or without compensation, shall be
21 furnished to the Illinois Department of State Police and to the
22 Federal Bureau of Investigation by the commission.

23 Whenever a commission is authorized or required by law to
24 consider some aspect of criminal history record information for
25 the purpose of carrying out its statutory powers and
26 responsibilities, then, upon request and payment of fees in

1 conformance with the requirements of Section 2605-400 of the
2 State Police Law of the Civil Administrative Code of Illinois,
3 the Department of State Police is authorized to furnish,
4 pursuant to positive identification, the information contained
5 in State files as is necessary to fulfill the request.

6 (j) Temporary appointments. In order to prevent a stoppage
7 of public business, to meet extraordinary exigencies, or to
8 prevent material impairment of the fire department, the
9 commission may make temporary appointments, to remain in force
10 only until regular appointments are made under the provisions
11 of this Division, but never to exceed 60 days. No temporary
12 appointment of any one person shall be made more than twice in
13 any calendar year.

14 (k) A person who knowingly divulges or receives test
15 questions or answers before a written examination, or otherwise
16 knowingly violates or subverts any requirement of this Section,
17 commits a violation of this Section and may be subject to
18 charges for official misconduct.

19 A person who is the knowing recipient of test information
20 in advance of the examination shall be disqualified from the
21 examination or discharged from the position to which he or she
22 was appointed, as applicable, and otherwise subjected to
23 disciplinary actions.

24 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
25 97-1150, eff. 1-25-13.)

1 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

2 Sec. 10-2.1-4. Fire and police departments; Appointment of
3 members; Certificates of appointments.

4 The board of fire and police commissioners shall appoint
5 all officers and members of the fire and police departments of
6 the municipality, including the chief of police and the chief
7 of the fire department, unless the council or board of trustees
8 shall by ordinance as to them otherwise provide; except as
9 otherwise provided in this Section, and except that in any
10 municipality which adopts or has adopted this Division 2.1 and
11 also adopts or has adopted Article 5 of this Code, the chief of
12 police and the chief of the fire department shall be appointed
13 by the municipal manager, if it is provided by ordinance in
14 such municipality that such chiefs, or either of them, shall
15 not be appointed by the board of fire and police commissioners.

16 If the chief of the fire department or the chief of the
17 police department or both of them are appointed in the manner
18 provided by ordinance, they may be removed or discharged by the
19 appointing authority. In such case the appointing authority
20 shall file with the corporate authorities the reasons for such
21 removal or discharge, which removal or discharge shall not
22 become effective unless confirmed by a majority vote of the
23 corporate authorities.

24 If a member of the department is appointed chief of police
25 or chief of the fire department prior to being eligible to
26 retire on pension, he shall be considered as on furlough from

1 the rank he held immediately prior to his appointment as chief.
2 If he resigns as chief or is discharged as chief prior to
3 attaining eligibility to retire on pension, he shall revert to
4 and be established in whatever rank he currently holds, except
5 for previously appointed positions, and thereafter be entitled
6 to all the benefits and emoluments of that rank, without regard
7 as to whether a vacancy then exists in that rank.

8 All appointments to each department other than that of the
9 lowest rank, however, shall be from the rank next below that to
10 which the appointment is made except as otherwise provided in
11 this Section, and except that the chief of police and the chief
12 of the fire department may be appointed from among members of
13 the police and fire departments, respectively, regardless of
14 rank, unless the council or board of trustees shall have by
15 ordinance as to them otherwise provided. A chief of police or
16 the chief of the fire department, having been appointed from
17 among members of the police or fire department, respectively,
18 shall be permitted, regardless of rank, to take promotional
19 exams and be promoted to a higher classified rank than he
20 currently holds, without having to resign as chief of police or
21 chief of the fire department.

22 The sole authority to issue certificates of appointment
23 shall be vested in the Board of Fire and Police Commissioners
24 and all certificates of appointments issued to any officer or
25 member of the fire or police department of a municipality shall
26 be signed by the chairman and secretary respectively of the

1 board of fire and police commissioners of such municipality,
2 upon appointment of such officer or member of the fire and
3 police department of such municipality by action of the board
4 of fire and police commissioners. In any municipal fire
5 department that employs full-time firefighters and is subject
6 to a collective bargaining agreement, a person who has not
7 qualified for regular appointment under the provisions of this
8 Division 2.1 shall not be used as a temporary or permanent
9 substitute for classified members of a municipality's fire
10 department or for regular appointment as a classified member of
11 a municipality's fire department unless mutually agreed to by
12 the employee's certified bargaining agent. Such agreement
13 shall be considered a permissive subject of bargaining.
14 Municipal fire departments covered by the changes made by this
15 amendatory Act of the 95th General Assembly that are using
16 non-certificated employees as substitutes immediately prior to
17 the effective date of this amendatory Act of the 95th General
18 Assembly may, by mutual agreement with the certified bargaining
19 agent, continue the existing practice or a modified practice
20 and that agreement shall be considered a permissive subject of
21 bargaining. A home rule unit may not regulate the hiring of
22 temporary or substitute members of the municipality's fire
23 department in a manner that is inconsistent with this Section.
24 This Section is a limitation under subsection (i) of Section 6
25 of Article VII of the Illinois Constitution on the concurrent
26 exercise by home rule units of powers and functions exercised

1 by the State.

2 The term "policemen" as used in this Division does not
3 include auxiliary police officers except as provided for in
4 Section 10-2.1-6.

5 Any full time member of a regular fire or police department
6 of any municipality which comes under the provisions of this
7 Division or adopts this Division 2.1 or which has adopted any
8 of the prior Acts pertaining to fire and police commissioners,
9 is a city officer.

10 Notwithstanding any other provision of this Section, the
11 Chief of Police of a department in a non-home rule municipality
12 of more than 130,000 inhabitants may, without the advice or
13 consent of the Board of Fire and Police Commissioners, appoint
14 up to 6 officers who shall be known as deputy chiefs or
15 assistant deputy chiefs, and whose rank shall be immediately
16 below that of Chief. The deputy or assistant deputy chiefs may
17 be appointed from any rank of sworn officers of that
18 municipality, but no person who is not such a sworn officer may
19 be so appointed. Such deputy chief or assistant deputy chief
20 shall have the authority to direct and issue orders to all
21 employees of the Department holding the rank of captain or any
22 lower rank. A deputy chief of police or assistant deputy chief
23 of police, having been appointed from any rank of sworn
24 officers of that municipality, shall be permitted, regardless
25 of rank, to take promotional exams and be promoted to a higher
26 classified rank than he currently holds, without having to

1 resign as deputy chief of police or assistant deputy chief of
2 police.

3 Notwithstanding any other provision of this Section, a
4 non-home rule municipality of 130,000 or fewer inhabitants,
5 through its council or board of trustees, may, by ordinance,
6 provide for a position of deputy chief to be appointed by the
7 chief of the police department. The ordinance shall provide for
8 no more than one deputy chief position if the police department
9 has fewer than 25 full-time police officers and for no more
10 than 2 deputy chief positions if the police department has 25
11 or more full-time police officers. The deputy chief position
12 shall be an exempt rank immediately below that of Chief. The
13 deputy chief may be appointed from any rank of sworn, full-time
14 officers of the municipality's police department, but must have
15 at least 5 years of full-time service as a police officer in
16 that department. A deputy chief shall serve at the discretion
17 of the Chief and, if removed from the position, shall revert to
18 the rank currently held, without regard as to whether a vacancy
19 exists in that rank. A deputy chief of police, having been
20 appointed from any rank of sworn full-time officers of that
21 municipality's police department, shall be permitted,
22 regardless of rank, to take promotional exams and be promoted
23 to a higher classified rank than he currently holds, without
24 having to resign as deputy chief of police.

25 No municipality having a population less than 1,000,000
26 shall require that any firefighter appointed to the lowest rank

1 serve a probationary employment period of longer than one year.
2 The limitation on periods of probationary employment provided
3 in this amendatory Act of 1989 is an exclusive power and
4 function of the State. Pursuant to subsection (h) of Section 6
5 of Article VII of the Illinois Constitution, a home rule
6 municipality having a population less than 1,000,000 must
7 comply with this limitation on periods of probationary
8 employment, which is a denial and limitation of home rule
9 powers. Notwithstanding anything to the contrary in this
10 Section, the probationary employment period limitation may be
11 extended for a firefighter who is required, as a condition of
12 employment, to be a licensed ~~certified~~ paramedic, during which
13 time the sole reason that a firefighter may be discharged
14 without a hearing is for failing to meet the requirements for
15 paramedic licensure ~~certification~~.

16 To the extent that this Section or any other Section in
17 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,
18 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

19 (Source: P.A. 97-251, eff. 8-4-11; 97-813, eff. 7-13-12.)

20 (65 ILCS 5/10-2.1-6.3)

21 Sec. 10-2.1-6.3. Original appointments; full-time fire
22 department.

23 (a) Applicability. Unless a commission elects to follow the
24 provisions of Section 10-2.1-6.4, this Section shall apply to
25 all original appointments to an affected full-time fire

1 department. Existing registers of eligibles shall continue to
2 be valid until their expiration dates, or up to a maximum of 2
3 years after the effective date of this amendatory Act of the
4 97th General Assembly.

5 Notwithstanding any statute, ordinance, rule, or other law
6 to the contrary, all original appointments to an affected
7 department to which this Section applies shall be administered
8 in the manner provided for in this Section. Provisions of the
9 Illinois Municipal Code, municipal ordinances, and rules
10 adopted pursuant to such authority and other laws relating to
11 initial hiring of firefighters in affected departments shall
12 continue to apply to the extent they are compatible with this
13 Section, but in the event of a conflict between this Section
14 and any other law, this Section shall control.

15 A home rule or non-home rule municipality may not
16 administer its fire department process for original
17 appointments in a manner that is less stringent than this
18 Section. This Section is a limitation under subsection (i) of
19 Section 6 of Article VII of the Illinois Constitution on the
20 concurrent exercise by home rule units of the powers and
21 functions exercised by the State.

22 A municipality that is operating under a court order or
23 consent decree regarding original appointments to a full-time
24 fire department before the effective date of this amendatory
25 Act of the 97th General Assembly is exempt from the
26 requirements of this Section for the duration of the court

1 order or consent decree.

2 Notwithstanding any other provision of this subsection
3 (a), this Section does not apply to a municipality with more
4 than 1,000,000 inhabitants.

5 (b) Original appointments. All original appointments made
6 to an affected fire department shall be made from a register of
7 eligibles established in accordance with the processes
8 established by this Section. Only persons who meet or exceed
9 the performance standards required by this Section shall be
10 placed on a register of eligibles for original appointment to
11 an affected fire department.

12 Whenever an appointing authority authorizes action to hire
13 a person to perform the duties of a firefighter or to hire a
14 firefighter-paramedic to fill a position that is a new position
15 or vacancy due to resignation, discharge, promotion, death, the
16 granting of a disability or retirement pension, or any other
17 cause, the appointing authority shall appoint to that position
18 the person with the highest ranking on the final eligibility
19 list. If the appointing authority has reason to conclude that
20 the highest ranked person fails to meet the minimum standards
21 for the position or if the appointing authority believes an
22 alternate candidate would better serve the needs of the
23 department, then the appointing authority has the right to pass
24 over the highest ranked person and appoint either: (i) any
25 person who has a ranking in the top 5% of the register of
26 eligibles or (ii) any person who is among the top 5 highest

1 ranked persons on the list of eligibles if the number of people
2 who have a ranking in the top 5% of the register of eligibles
3 is less than 5 people.

4 Any candidate may pass on an appointment once without
5 losing his or her position on the register of eligibles. Any
6 candidate who passes a second time may be removed from the list
7 by the appointing authority provided that such action shall not
8 prejudice a person's opportunities to participate in future
9 examinations, including an examination held during the time a
10 candidate is already on the municipality's register of
11 eligibles.

12 The sole authority to issue certificates of appointment
13 shall be vested in the board of fire and police commissioners.
14 All certificates of appointment issued to any officer or member
15 of an affected department shall be signed by the chairperson
16 and secretary, respectively, of the board upon appointment of
17 such officer or member to the affected department by action of
18 the board. Each person who accepts a certificate of appointment
19 and successfully completes his or her probationary period shall
20 be enrolled as a firefighter and as a regular member of the
21 fire department.

22 For the purposes of this Section, "firefighter" means any
23 person who has been prior to, on, or after the effective date
24 of this amendatory Act of the 97th General Assembly appointed
25 to a fire department or fire protection district or employed by
26 a State university and sworn or commissioned to perform

1 firefighter duties or paramedic duties, or both, except that
2 the following persons are not included: part-time
3 firefighters; auxiliary, reserve, or voluntary firefighters,
4 including paid-on-call firefighters; clerks and dispatchers or
5 other civilian employees of a fire department or fire
6 protection district who are not routinely expected to perform
7 firefighter duties; and elected officials.

8 (c) Qualification for placement on register of eligibles.
9 The purpose of establishing a register of eligibles is to
10 identify applicants who possess and demonstrate the mental
11 aptitude and physical ability to perform the duties required of
12 members of the fire department in order to provide the highest
13 quality of service to the public. To this end, all applicants
14 for original appointment to an affected fire department shall
15 be subject to examination and testing which shall be public,
16 competitive, and open to all applicants unless the municipality
17 shall by ordinance limit applicants to residents of the
18 municipality, county or counties in which the municipality is
19 located, State, or nation. Municipalities may establish
20 educational, emergency medical service licensure, and other
21 pre-requisites for participation in an examination or for hire
22 as a firefighter. Any municipality may charge a fee to cover
23 the costs of the application process.

24 Residency requirements in effect at the time an individual
25 enters the fire service of a municipality cannot be made more
26 restrictive for that individual during his or her period of

1 service for that municipality, or be made a condition of
2 promotion, except for the rank or position of fire chief and
3 for no more than 2 positions that rank immediately below that
4 of the chief rank which are appointed positions pursuant to the
5 Fire Department Promotion Act.

6 No person who is 35 years of age or older shall be eligible
7 to take an examination for a position as a firefighter unless
8 the person has had previous employment status as a firefighter
9 in the regularly constituted fire department of the
10 municipality, except as provided in this Section. The age
11 limitation does not apply to:

12 (1) any person previously employed as a full-time
13 firefighter in a regularly constituted fire department of
14 (i) any municipality or fire protection district located in
15 Illinois, (ii) a fire protection district whose
16 obligations were assumed by a municipality under Section 21
17 of the Fire Protection District Act, or (iii) a
18 municipality whose obligations were taken over by a fire
19 protection district, or

20 (2) any person who has served a municipality as a
21 regularly enrolled volunteer, paid-on-call, or part-time
22 firefighter for the 5 years immediately preceding the time
23 that the municipality begins to use full-time firefighters
24 to provide all or part of its fire protection service.

25 No person who is under 21 years of age shall be eligible
26 for employment as a firefighter.

1 No applicant shall be examined concerning his or her
2 political or religious opinions or affiliations. The
3 examinations shall be conducted by the commissioners of the
4 municipality or their designees and agents.

5 No municipality shall require that any firefighter
6 appointed to the lowest rank serve a probationary employment
7 period of longer than one year of actual active employment,
8 which may exclude periods of training, or injury or illness
9 leaves, including duty related leave, in excess of 30 calendar
10 days. Notwithstanding anything to the contrary in this Section,
11 the probationary employment period limitation may be extended
12 for a firefighter who is required, as a condition of
13 employment, to be a licensed ~~certified~~ paramedic, during which
14 time the sole reason that a firefighter may be discharged
15 without a hearing is for failing to meet the requirements for
16 paramedic licensure ~~certification~~.

17 In the event that any applicant who has been found eligible
18 for appointment and whose name has been placed upon the final
19 eligibility register provided for in this Section has not been
20 appointed to a firefighter position within one year after the
21 date of his or her physical ability examination, the commission
22 may cause a second examination to be made of that applicant's
23 physical ability prior to his or her appointment. If, after the
24 second examination, the physical ability of the applicant shall
25 be found to be less than the minimum standard fixed by the
26 rules of the commission, the applicant shall not be appointed.

1 The applicant's name may be retained upon the register of
2 candidates eligible for appointment and when next reached for
3 certification and appointment that applicant may be again
4 examined as provided in this Section, and if the physical
5 ability of that applicant is found to be less than the minimum
6 standard fixed by the rules of the commission, the applicant
7 shall not be appointed, and the name of the applicant shall be
8 removed from the register.

9 (d) Notice, examination, and testing components. Notice of
10 the time, place, general scope, merit criteria for any
11 subjective component, and fee of every examination shall be
12 given by the commission, by a publication at least 2 weeks
13 preceding the examination: (i) in one or more newspapers
14 published in the municipality, or if no newspaper is published
15 therein, then in one or more newspapers with a general
16 circulation within the municipality, or (ii) on the
17 municipality's Internet website. Additional notice of the
18 examination may be given as the commission shall prescribe.

19 The examination and qualifying standards for employment of
20 firefighters shall be based on: mental aptitude, physical
21 ability, preferences, moral character, and health. The mental
22 aptitude, physical ability, and preference components shall
23 determine an applicant's qualification for and placement on the
24 final register of eligibles. The examination may also include a
25 subjective component based on merit criteria as determined by
26 the commission. Scores from the examination must be made

1 available to the public.

2 (e) Mental aptitude. No person who does not possess at
3 least a high school diploma or an equivalent high school
4 education shall be placed on a register of eligibles.
5 Examination of an applicant's mental aptitude shall be based
6 upon a written examination. The examination shall be practical
7 in character and relate to those matters that fairly test the
8 capacity of the persons examined to discharge the duties
9 performed by members of a fire department. Written examinations
10 shall be administered in a manner that ensures the security and
11 accuracy of the scores achieved.

12 (f) Physical ability. All candidates shall be required to
13 undergo an examination of their physical ability to perform the
14 essential functions included in the duties they may be called
15 upon to perform as a member of a fire department. For the
16 purposes of this Section, essential functions of the job are
17 functions associated with duties that a firefighter may be
18 called upon to perform in response to emergency calls. The
19 frequency of the occurrence of those duties as part of the fire
20 department's regular routine shall not be a controlling factor
21 in the design of examination criteria or evolutions selected
22 for testing. These physical examinations shall be open,
23 competitive, and based on industry standards designed to test
24 each applicant's physical abilities in the following
25 dimensions:

26 (1) Muscular strength to perform tasks and evolutions

1 that may be required in the performance of duties including
2 grip strength, leg strength, and arm strength. Tests shall
3 be conducted under anaerobic as well as aerobic conditions
4 to test both the candidate's speed and endurance in
5 performing tasks and evolutions. Tasks tested may be based
6 on standards developed, or approved, by the local
7 appointing authority.

8 (2) The ability to climb ladders, operate from heights,
9 walk or crawl in the dark along narrow and uneven surfaces,
10 and operate in proximity to hazardous environments.

11 (3) The ability to carry out critical, time-sensitive,
12 and complex problem solving during physical exertion in
13 stressful and hazardous environments. The testing
14 environment may be hot and dark with tightly enclosed
15 spaces, flashing lights, sirens, and other distractions.

16 The tests utilized to measure each applicant's
17 capabilities in each of these dimensions may be tests based on
18 industry standards currently in use or equivalent tests
19 approved by the Joint Labor-Management Committee of the Office
20 of the State Fire Marshal.

21 Physical ability examinations administered under this
22 Section shall be conducted with a reasonable number of proctors
23 and monitors, open to the public, and subject to reasonable
24 regulations of the commission.

25 (g) Scoring of examination components. Appointing
26 authorities may create a preliminary eligibility register. A

1 person shall be placed on the list based upon his or her
2 passage of the written examination or the passage of the
3 written examination and the physical ability component.
4 Passage of the written examination means a score that is at or
5 above the median score for all applicants participating in the
6 written test. The appointing authority may conduct the physical
7 ability component and any subjective components subsequent to
8 the posting of the preliminary eligibility register.

9 The examination components for an initial eligibility
10 register shall be graded on a 100-point scale. A person's
11 position on the list shall be determined by the following: (i)
12 the person's score on the written examination, (ii) the person
13 successfully passing the physical ability component, and (iii)
14 the person's results on any subjective component as described
15 in subsection (d).

16 In order to qualify for placement on the final eligibility
17 register, an applicant's score on the written examination,
18 before any applicable preference points or subjective points
19 are applied, shall be at or above the median score. The local
20 appointing authority may prescribe the score to qualify for
21 placement on the final eligibility register, but the score
22 shall not be less than the median score.

23 The commission shall prepare and keep a register of persons
24 whose total score is not less than the minimum fixed by this
25 Section and who have passed the physical ability examination.
26 These persons shall take rank upon the register as candidates

1 in the order of their relative excellence based on the highest
2 to the lowest total points scored on the mental aptitude,
3 subjective component, and preference components of the test
4 administered in accordance with this Section. No more than 60
5 days after each examination, an initial eligibility list shall
6 be posted by the commission. The list shall include the final
7 grades of the candidates without reference to priority of the
8 time of examination and subject to claim for preference credit.

9 Commissions may conduct additional examinations, including
10 without limitation a polygraph test, after a final eligibility
11 register is established and before it expires with the
12 candidates ranked by total score without regard to date of
13 examination. No more than 60 days after each examination, an
14 initial eligibility list shall be posted by the commission
15 showing the final grades of the candidates without reference to
16 priority of time of examination and subject to claim for
17 preference credit.

18 (h) Preferences. The following are preferences:

19 (1) Veteran preference. Persons who were engaged in the
20 military service of the United States for a period of at
21 least one year of active duty and who were honorably
22 discharged therefrom, or who are now or have been members
23 on inactive or reserve duty in such military or naval
24 service, shall be preferred for appointment to and
25 employment with the fire department of an affected
26 department.

1 (2) Fire cadet preference. Persons who have
2 successfully completed 2 years of study in fire techniques
3 or cadet training within a cadet program established under
4 the rules of the Joint Labor and Management Committee
5 (JLMC), as defined in Section 50 of the Fire Department
6 Promotion Act, may be preferred for appointment to and
7 employment with the fire department.

8 (3) Educational preference. Persons who have
9 successfully obtained an associate's degree in the field of
10 fire service or emergency medical services, or a bachelor's
11 degree from an accredited college or university may be
12 preferred for appointment to and employment with the fire
13 department.

14 (4) Paramedic preference. Persons who have obtained a
15 license certification as a paramedic ~~an Emergency Medical~~
16 ~~Technician Paramedic (EMT-P)~~ shall be preferred for
17 appointment to and employment with the fire department of
18 an affected department providing emergency medical
19 services.

20 (5) Experience preference. All persons employed by a
21 municipality who have been paid-on-call or part-time
22 certified Firefighter II, State of Illinois or nationally
23 licensed EMT, ~~EMT-B or~~ EMT-I, A-EMT, or any combination of
24 those capacities shall be awarded 0.5 point for each year
25 of successful service in one or more of those capacities,
26 up to a maximum of 5 points. Certified Firefighter III and

1 State of Illinois or nationally licensed paramedics shall
2 be awarded one point per year up to a maximum of 5 points.
3 Applicants from outside the municipality who were employed
4 as full-time firefighters or firefighter-paramedics by a
5 fire protection district or another municipality for at
6 least 2 years shall be awarded 5 experience preference
7 points. These additional points presuppose a rating scale
8 totaling 100 points available for the eligibility list. If
9 more or fewer points are used in the rating scale for the
10 eligibility list, the points awarded under this subsection
11 shall be increased or decreased by a factor equal to the
12 total possible points available for the examination
13 divided by 100.

14 Upon request by the commission, the governing body of
15 the municipality or in the case of applicants from outside
16 the municipality the governing body of any fire protection
17 district or any other municipality shall certify to the
18 commission, within 10 days after the request, the number of
19 years of successful paid-on-call, part-time, or full-time
20 service of any person. A candidate may not receive the full
21 amount of preference points under this subsection if the
22 amount of points awarded would place the candidate before a
23 veteran on the eligibility list. If more than one candidate
24 receiving experience preference points is prevented from
25 receiving all of their points due to not being allowed to
26 pass a veteran, the candidates shall be placed on the list

1 below the veteran in rank order based on the totals
2 received if all points under this subsection were to be
3 awarded. Any remaining ties on the list shall be determined
4 by lot.

5 (6) Residency preference. Applicants whose principal
6 residence is located within the fire department's
7 jurisdiction shall be preferred for appointment to and
8 employment with the fire department.

9 (7) Additional preferences. Up to 5 additional
10 preference points may be awarded for unique categories
11 based on an applicant's experience or background as
12 identified by the commission.

13 (8) Scoring of preferences. The commission shall give
14 preference for original appointment to persons designated
15 in item (1) by adding to the final grade that they receive
16 5 points for the recognized preference achieved. The
17 commission shall determine the number of preference points
18 for each category except (1). The number of preference
19 points for each category shall range from 0 to 5. In
20 determining the number of preference points, the
21 commission shall prescribe that if a candidate earns the
22 maximum number of preference points in all categories, that
23 number may not be less than 10 nor more than 30. The
24 commission shall give preference for original appointment
25 to persons designated in items (2) through (7) by adding
26 the requisite number of points to the final grade for each

1 recognized preference achieved. The numerical result thus
2 attained shall be applied by the commission in determining
3 the final eligibility list and appointment from the
4 eligibility list. The local appointing authority may
5 prescribe the total number of preference points awarded
6 under this Section, but the total number of preference
7 points shall not be less than 10 points or more than 30
8 points.

9 No person entitled to any preference shall be required to
10 claim the credit before any examination held under the
11 provisions of this Section, but the preference shall be given
12 after the posting or publication of the initial eligibility
13 list or register at the request of a person entitled to a
14 credit before any certification or appointments are made from
15 the eligibility register, upon the furnishing of verifiable
16 evidence and proof of qualifying preference credit. Candidates
17 who are eligible for preference credit shall make a claim in
18 writing within 10 days after the posting of the initial
19 eligibility list, or the claim shall be deemed waived. Final
20 eligibility registers shall be established after the awarding
21 of verified preference points. All employment shall be subject
22 to the commission's initial hire background review including,
23 but not limited to, criminal history, employment history, moral
24 character, oral examination, and medical and psychological
25 examinations, all on a pass-fail basis. The medical and
26 psychological examinations must be conducted last, and may only

1 be performed after a conditional offer of employment has been
2 extended.

3 Any person placed on an eligibility list who exceeds the
4 age requirement before being appointed to a fire department
5 shall remain eligible for appointment until the list is
6 abolished, or his or her name has been on the list for a period
7 of 2 years. No person who has attained the age of 35 years
8 shall be inducted into a fire department, except as otherwise
9 provided in this Section.

10 The commission shall strike off the names of candidates for
11 original appointment after the names have been on the list for
12 more than 2 years.

13 (i) Moral character. No person shall be appointed to a fire
14 department unless he or she is a person of good character; not
15 a habitual drunkard, a gambler, or a person who has been
16 convicted of a felony or a crime involving moral turpitude.
17 However, no person shall be disqualified from appointment to
18 the fire department because of the person's record of
19 misdemeanor convictions except those under Sections 11-6,
20 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
21 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
22 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
23 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, or arrest for any cause without
25 conviction thereon. Any such person who is in the department
26 may be removed on charges brought for violating this subsection

1 and after a trial as hereinafter provided.

2 A classifiable set of the fingerprints of every person who
3 is offered employment as a certificated member of an affected
4 fire department whether with or without compensation, shall be
5 furnished to the Illinois Department of State Police and to the
6 Federal Bureau of Investigation by the commission.

7 Whenever a commission is authorized or required by law to
8 consider some aspect of criminal history record information for
9 the purpose of carrying out its statutory powers and
10 responsibilities, then, upon request and payment of fees in
11 conformance with the requirements of Section 2605-400 of the
12 State Police Law of the Civil Administrative Code of Illinois,
13 the Department of State Police is authorized to furnish,
14 pursuant to positive identification, the information contained
15 in State files as is necessary to fulfill the request.

16 (j) Temporary appointments. In order to prevent a stoppage
17 of public business, to meet extraordinary exigencies, or to
18 prevent material impairment of the fire department, the
19 commission may make temporary appointments, to remain in force
20 only until regular appointments are made under the provisions
21 of this Division, but never to exceed 60 days. No temporary
22 appointment of any one person shall be made more than twice in
23 any calendar year.

24 (k) A person who knowingly divulges or receives test
25 questions or answers before a written examination, or otherwise
26 knowingly violates or subverts any requirement of this Section,

1 commits a violation of this Section and may be subject to
2 charges for official misconduct.

3 A person who is the knowing recipient of test information
4 in advance of the examination shall be disqualified from the
5 examination or discharged from the position to which he or she
6 was appointed, as applicable, and otherwise subjected to
7 disciplinary actions.

8 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
9 97-1150, eff. 1-25-13.)

10 (65 ILCS 5/10-2.1-14) (from Ch. 24, par. 10-2.1-14)

11 Sec. 10-2.1-14. Register of eligibles. The board of fire
12 and police commissioners shall prepare and keep a register of
13 persons whose general average standing, upon examination, is
14 not less than the minimum fixed by the rules of the board, and
15 who are otherwise eligible. These persons shall take rank upon
16 the register as candidates in the order of their relative
17 excellence as determined by examination, without reference to
18 priority of time of examination. The board of fire and police
19 commissioners may prepare and keep a second register of persons
20 who have previously been full-time sworn officers of a regular
21 police department in any municipal, county, university, or
22 State law enforcement agency, provided they are certified by
23 the Illinois Law Enforcement Training Standards Board and have
24 been with their respective law enforcement agency within the
25 State for at least 2 years. The persons on this list shall take

1 rank upon the register as candidates in the order of their
2 relative excellence as determined by members of the board of
3 fire and police commissioners. Applicants who have been awarded
4 a certificate attesting to their successful completion of the
5 Minimum Standards Basic Law Enforcement Training Course, as
6 provided in the Illinois Police Training Act, may be given
7 preference in appointment over noncertified applicants.
8 Applicants for appointment to fire departments who are licensed
9 as an EMT ~~EMT-B~~, EMT-I, A-EMT, or paramedic ~~EMT-P~~ under the
10 Emergency Medical Services (EMS) Systems Act, may be given
11 preference in appointment over non-licensed applicants.

12 Within 60 days after each examination, an eligibility list
13 shall be posted by the board, which shall show the final grades
14 of the candidates without reference to priority of time of
15 examination and subject to claim for military credit.
16 Candidates who are eligible for military credit shall make a
17 claim in writing within 10 days after the posting of the
18 eligibility list or such claim shall be deemed waived.
19 Appointment shall be subject to a final physical examination.

20 If a person is placed on an eligibility list and becomes
21 overage before he or she is appointed to a police or fire
22 department, the person remains eligible for appointment until
23 the list is abolished pursuant to authorized procedures.
24 Otherwise no person who has attained the age of 36 years shall
25 be inducted as a member of a police department and no person
26 who has attained the age of 35 years shall be inducted as a

1 member of a fire department, except as otherwise provided in
2 this division. With respect to a police department, a veteran
3 shall be allowed to exceed the maximum age provision of this
4 Section by the number of years served on active military duty,
5 but by no more than 10 years of active military duty.

6 (Source: P.A. 95-931, eff. 1-1-09; 96-472, eff. 8-14-09.)

7 (65 ILCS 5/10-2.1-31)

8 Sec. 10-2.1-31. Emergency medical technician licensure.
9 The corporate authorities of any municipality may require that
10 all firefighters hired by the municipality on or after January
11 1, 2009 (the effective date of Public Act 95-935) ~~this~~
12 ~~amendatory Act of the 95th General Assembly~~ be licensed as an
13 EMT ~~EMT-B~~, EMT-I, A-EMT, or paramedic ~~EMT-P~~ under the Emergency
14 Medical Services (EMS) Systems Act.

15 (Source: P.A. 95-935, eff. 1-1-09.)

16 Section 20. The Fire Protection District Act is amended by
17 changing Sections 16.06b, 16.08b, and 16.13b as follows:

18 (70 ILCS 705/16.06b)

19 Sec. 16.06b. Original appointments; full-time fire
20 department.

21 (a) Applicability. Unless a commission elects to follow the
22 provisions of Section 16.06c, this Section shall apply to all
23 original appointments to an affected full-time fire

1 department. Existing registers of eligibles shall continue to
2 be valid until their expiration dates, or up to a maximum of 2
3 years after the effective date of this amendatory Act of the
4 97th General Assembly.

5 Notwithstanding any statute, ordinance, rule, or other law
6 to the contrary, all original appointments to an affected
7 department to which this Section applies shall be administered
8 in a no less stringent manner than the manner provided for in
9 this Section. Provisions of the Illinois Municipal Code, Fire
10 Protection District Act, fire district ordinances, and rules
11 adopted pursuant to such authority and other laws relating to
12 initial hiring of firefighters in affected departments shall
13 continue to apply to the extent they are compatible with this
14 Section, but in the event of a conflict between this Section
15 and any other law, this Section shall control.

16 A fire protection district that is operating under a court
17 order or consent decree regarding original appointments to a
18 full-time fire department before the effective date of this
19 amendatory Act of the 97th General Assembly is exempt from the
20 requirements of this Section for the duration of the court
21 order or consent decree.

22 (b) Original appointments. All original appointments made
23 to an affected fire department shall be made from a register of
24 eligibles established in accordance with the processes
25 required by this Section. Only persons who meet or exceed the
26 performance standards required by the Section shall be placed

1 on a register of eligibles for original appointment to an
2 affected fire department.

3 Whenever an appointing authority authorizes action to hire
4 a person to perform the duties of a firefighter or to hire a
5 firefighter-paramedic to fill a position that is a new position
6 or vacancy due to resignation, discharge, promotion, death, the
7 granting of a disability or retirement pension, or any other
8 cause, the appointing authority shall appoint to that position
9 the person with the highest ranking on the final eligibility
10 list. If the appointing authority has reason to conclude that
11 the highest ranked person fails to meet the minimum standards
12 for the position or if the appointing authority believes an
13 alternate candidate would better serve the needs of the
14 department, then the appointing authority has the right to pass
15 over the highest ranked person and appoint either: (i) any
16 person who has a ranking in the top 5% of the register of
17 eligibles or (ii) any person who is among the top 5 highest
18 ranked persons on the list of eligibles if the number of people
19 who have a ranking in the top 5% of the register of eligibles
20 is less than 5 people.

21 Any candidate may pass on an appointment once without
22 losing his or her position on the register of eligibles. Any
23 candidate who passes a second time may be removed from the list
24 by the appointing authority provided that such action shall not
25 prejudice a person's opportunities to participate in future
26 examinations, including an examination held during the time a

1 candidate is already on the fire district's register of
2 eligibles.

3 The sole authority to issue certificates of appointment
4 shall be vested in the board of fire commissioners, or board of
5 trustees serving in the capacity of a board of fire
6 commissioners. All certificates of appointment issued to any
7 officer or member of an affected department shall be signed by
8 the chairperson and secretary, respectively, of the commission
9 upon appointment of such officer or member to the affected
10 department by action of the commission. Each person who accepts
11 a certificate of appointment and successfully completes his or
12 her probationary period shall be enrolled as a firefighter and
13 as a regular member of the fire department.

14 For the purposes of this Section, "firefighter" means any
15 person who has been prior to, on, or after the effective date
16 of this amendatory Act of the 97th General Assembly appointed
17 to a fire department or fire protection district or employed by
18 a State university and sworn or commissioned to perform
19 firefighter duties or paramedic duties, or both, except that
20 the following persons are not included: part-time
21 firefighters; auxiliary, reserve, or voluntary firefighters,
22 including paid-on-call firefighters; clerks and dispatchers or
23 other civilian employees of a fire department or fire
24 protection district who are not routinely expected to perform
25 firefighter duties; and elected officials.

26 (c) Qualification for placement on register of eligibles.

1 The purpose of establishing a register of eligibles is to
2 identify applicants who possess and demonstrate the mental
3 aptitude and physical ability to perform the duties required of
4 members of the fire department in order to provide the highest
5 quality of service to the public. To this end, all applicants
6 for original appointment to an affected fire department shall
7 be subject to examination and testing which shall be public,
8 competitive, and open to all applicants unless the district
9 shall by ordinance limit applicants to residents of the
10 district, county or counties in which the district is located,
11 State, or nation. Districts may establish educational,
12 emergency medical service licensure, and other pre-requisites
13 for participation in an examination or for hire as a
14 firefighter. Any fire protection district may charge a fee to
15 cover the costs of the application process.

16 Residency requirements in effect at the time an individual
17 enters the fire service of a district cannot be made more
18 restrictive for that individual during his or her period of
19 service for that district, or be made a condition of promotion,
20 except for the rank or position of fire chief and for no more
21 than 2 positions that rank immediately below that of the chief
22 rank which are appointed positions pursuant to the Fire
23 Department Promotion Act.

24 No person who is 35 years of age or older shall be eligible
25 to take an examination for a position as a firefighter unless
26 the person has had previous employment status as a firefighter

1 in the regularly constituted fire department of the district,
2 except as provided in this Section. The age limitation does not
3 apply to:

4 (1) any person previously employed as a full-time
5 firefighter in a regularly constituted fire department of
6 (i) any municipality or fire protection district located in
7 Illinois, (ii) a fire protection district whose
8 obligations were assumed by a municipality under Section 21
9 of the Fire Protection District Act, or (iii) a
10 municipality whose obligations were taken over by a fire
11 protection district, or

12 (2) any person who has served a fire district as a
13 regularly enrolled volunteer, paid-on-call, or part-time
14 firefighter for the 5 years immediately preceding the time
15 that the district begins to use full-time firefighters to
16 provide all or part of its fire protection service.

17 No person who is under 21 years of age shall be eligible
18 for employment as a firefighter.

19 No applicant shall be examined concerning his or her
20 political or religious opinions or affiliations. The
21 examinations shall be conducted by the commissioners of the
22 district or their designees and agents.

23 No district shall require that any firefighter appointed to
24 the lowest rank serve a probationary employment period of
25 longer than one year of actual active employment, which may
26 exclude periods of training, or injury or illness leaves,

1 including duty related leave, in excess of 30 calendar days.
2 Notwithstanding anything to the contrary in this Section, the
3 probationary employment period limitation may be extended for a
4 firefighter who is required, as a condition of employment, to
5 be a licensed ~~certified~~ paramedic, during which time the sole
6 reason that a firefighter may be discharged without a hearing
7 is for failing to meet the requirements for paramedic licensure
8 ~~certification~~.

9 In the event that any applicant who has been found eligible
10 for appointment and whose name has been placed upon the final
11 eligibility register provided for in this Section has not been
12 appointed to a firefighter position within one year after the
13 date of his or her physical ability examination, the commission
14 may cause a second examination to be made of that applicant's
15 physical ability prior to his or her appointment. If, after the
16 second examination, the physical ability of the applicant shall
17 be found to be less than the minimum standard fixed by the
18 rules of the commission, the applicant shall not be appointed.
19 The applicant's name may be retained upon the register of
20 candidates eligible for appointment and when next reached for
21 certification and appointment that applicant may be again
22 examined as provided in this Section, and if the physical
23 ability of that applicant is found to be less than the minimum
24 standard fixed by the rules of the commission, the applicant
25 shall not be appointed, and the name of the applicant shall be
26 removed from the register.

1 (d) Notice, examination, and testing components. Notice of
2 the time, place, general scope, merit criteria for any
3 subjective component, and fee of every examination shall be
4 given by the commission, by a publication at least 2 weeks
5 preceding the examination: (i) in one or more newspapers
6 published in the district, or if no newspaper is published
7 therein, then in one or more newspapers with a general
8 circulation within the district, or (ii) on the fire protection
9 district's Internet website. Additional notice of the
10 examination may be given as the commission shall prescribe.

11 The examination and qualifying standards for employment of
12 firefighters shall be based on: mental aptitude, physical
13 ability, preferences, moral character, and health. The mental
14 aptitude, physical ability, and preference components shall
15 determine an applicant's qualification for and placement on the
16 final register of eligibles. The examination may also include a
17 subjective component based on merit criteria as determined by
18 the commission. Scores from the examination must be made
19 available to the public.

20 (e) Mental aptitude. No person who does not possess at
21 least a high school diploma or an equivalent high school
22 education shall be placed on a register of eligibles.
23 Examination of an applicant's mental aptitude shall be based
24 upon a written examination. The examination shall be practical
25 in character and relate to those matters that fairly test the
26 capacity of the persons examined to discharge the duties

1 performed by members of a fire department. Written examinations
2 shall be administered in a manner that ensures the security and
3 accuracy of the scores achieved.

4 (f) Physical ability. All candidates shall be required to
5 undergo an examination of their physical ability to perform the
6 essential functions included in the duties they may be called
7 upon to perform as a member of a fire department. For the
8 purposes of this Section, essential functions of the job are
9 functions associated with duties that a firefighter may be
10 called upon to perform in response to emergency calls. The
11 frequency of the occurrence of those duties as part of the fire
12 department's regular routine shall not be a controlling factor
13 in the design of examination criteria or evolutions selected
14 for testing. These physical examinations shall be open,
15 competitive, and based on industry standards designed to test
16 each applicant's physical abilities in the following
17 dimensions:

18 (1) Muscular strength to perform tasks and evolutions
19 that may be required in the performance of duties including
20 grip strength, leg strength, and arm strength. Tests shall
21 be conducted under anaerobic as well as aerobic conditions
22 to test both the candidate's speed and endurance in
23 performing tasks and evolutions. Tasks tested may be based
24 on standards developed, or approved, by the local
25 appointing authority.

26 (2) The ability to climb ladders, operate from heights,

1 walk or crawl in the dark along narrow and uneven surfaces,
2 and operate in proximity to hazardous environments.

3 (3) The ability to carry out critical, time-sensitive,
4 and complex problem solving during physical exertion in
5 stressful and hazardous environments. The testing
6 environment may be hot and dark with tightly enclosed
7 spaces, flashing lights, sirens, and other distractions.

8 The tests utilized to measure each applicant's
9 capabilities in each of these dimensions may be tests based on
10 industry standards currently in use or equivalent tests
11 approved by the Joint Labor-Management Committee of the Office
12 of the State Fire Marshal.

13 Physical ability examinations administered under this
14 Section shall be conducted with a reasonable number of proctors
15 and monitors, open to the public, and subject to reasonable
16 regulations of the commission.

17 (g) Scoring of examination components. Appointing
18 authorities may create a preliminary eligibility register. A
19 person shall be placed on the list based upon his or her
20 passage of the written examination or the passage of the
21 written examination and the physical ability component.
22 Passage of the written examination means a score that is at or
23 above the median score for all applicants participating in the
24 written test. The appointing authority may conduct the physical
25 ability component and any subjective components subsequent to
26 the posting of the preliminary eligibility register.

1 The examination components for an initial eligibility
2 register shall be graded on a 100-point scale. A person's
3 position on the list shall be determined by the following: (i)
4 the person's score on the written examination, (ii) the person
5 successfully passing the physical ability component, and (iii)
6 the person's results on any subjective component as described
7 in subsection (d).

8 In order to qualify for placement on the final eligibility
9 register, an applicant's score on the written examination,
10 before any applicable preference points or subjective points
11 are applied, shall be at or above the median score. The local
12 appointing authority may prescribe the score to qualify for
13 placement on the final eligibility register, but the score
14 shall not be less than the median score.

15 The commission shall prepare and keep a register of persons
16 whose total score is not less than the minimum fixed by this
17 Section and who have passed the physical ability examination.
18 These persons shall take rank upon the register as candidates
19 in the order of their relative excellence based on the highest
20 to the lowest total points scored on the mental aptitude,
21 subjective component, and preference components of the test
22 administered in accordance with this Section. No more than 60
23 days after each examination, an initial eligibility list shall
24 be posted by the commission. The list shall include the final
25 grades of the candidates without reference to priority of the
26 time of examination and subject to claim for preference credit.

1 Commissions may conduct additional examinations, including
2 without limitation a polygraph test, after a final eligibility
3 register is established and before it expires with the
4 candidates ranked by total score without regard to date of
5 examination. No more than 60 days after each examination, an
6 initial eligibility list shall be posted by the commission
7 showing the final grades of the candidates without reference to
8 priority of time of examination and subject to claim for
9 preference credit.

10 (h) Preferences. The following are preferences:

11 (1) Veteran preference. Persons who were engaged in the
12 military service of the United States for a period of at
13 least one year of active duty and who were honorably
14 discharged therefrom, or who are now or have been members
15 on inactive or reserve duty in such military or naval
16 service, shall be preferred for appointment to and
17 employment with the fire department of an affected
18 department.

19 (2) Fire cadet preference. Persons who have
20 successfully completed 2 years of study in fire techniques
21 or cadet training within a cadet program established under
22 the rules of the Joint Labor and Management Committee
23 (JLMC), as defined in Section 50 of the Fire Department
24 Promotion Act, may be preferred for appointment to and
25 employment with the fire department.

26 (3) Educational preference. Persons who have

1 successfully obtained an associate's degree in the field of
2 fire service or emergency medical services, or a bachelor's
3 degree from an accredited college or university may be
4 preferred for appointment to and employment with the fire
5 department.

6 (4) Paramedic preference. Persons who have obtained a
7 license ~~certification~~ as a paramedic ~~an Emergency Medical~~
8 ~~Technician Paramedic~~ ~~(EMT-P)~~ may be preferred for
9 appointment to and employment with the fire department of
10 an affected department providing emergency medical
11 services.

12 (5) Experience preference. All persons employed by a
13 district who have been paid-on-call or part-time certified
14 Firefighter II, certified Firefighter III, State of
15 Illinois or nationally licensed EMT, ~~EMT-B or~~ EMT-I, A-EMT,
16 or licensed paramedic, or any combination of those
17 capacities may be awarded up to a maximum of 5 points.
18 However, the applicant may not be awarded more than 0.5
19 points for each complete year of paid-on-call or part-time
20 service. Applicants from outside the district who were
21 employed as full-time firefighters or
22 firefighter-paramedics by a fire protection district or
23 municipality for at least 2 years may be awarded up to 5
24 experience preference points. However, the applicant may
25 not be awarded more than one point for each complete year
26 of full-time service.

1 Upon request by the commission, the governing body of
2 the district or in the case of applicants from outside the
3 district the governing body of any other fire protection
4 district or any municipality shall certify to the
5 commission, within 10 days after the request, the number of
6 years of successful paid-on-call, part-time, or full-time
7 service of any person. A candidate may not receive the full
8 amount of preference points under this subsection if the
9 amount of points awarded would place the candidate before a
10 veteran on the eligibility list. If more than one candidate
11 receiving experience preference points is prevented from
12 receiving all of their points due to not being allowed to
13 pass a veteran, the candidates shall be placed on the list
14 below the veteran in rank order based on the totals
15 received if all points under this subsection were to be
16 awarded. Any remaining ties on the list shall be determined
17 by lot.

18 (6) Residency preference. Applicants whose principal
19 residence is located within the fire department's
20 jurisdiction may be preferred for appointment to and
21 employment with the fire department.

22 (7) Additional preferences. Up to 5 additional
23 preference points may be awarded for unique categories
24 based on an applicant's experience or background as
25 identified by the commission.

26 (8) Scoring of preferences. The commission shall give

1 preference for original appointment to persons designated
2 in item (1) by adding to the final grade that they receive
3 5 points for the recognized preference achieved. The
4 commission shall determine the number of preference points
5 for each category except (1). The number of preference
6 points for each category shall range from 0 to 5. In
7 determining the number of preference points, the
8 commission shall prescribe that if a candidate earns the
9 maximum number of preference points in all categories, that
10 number may not be less than 10 nor more than 30. The
11 commission shall give preference for original appointment
12 to persons designated in items (2) through (7) by adding
13 the requisite number of points to the final grade for each
14 recognized preference achieved. The numerical result thus
15 attained shall be applied by the commission in determining
16 the final eligibility list and appointment from the
17 eligibility list. The local appointing authority may
18 prescribe the total number of preference points awarded
19 under this Section, but the total number of preference
20 points shall not be less than 10 points or more than 30
21 points.

22 No person entitled to any preference shall be required to
23 claim the credit before any examination held under the
24 provisions of this Section, but the preference shall be given
25 after the posting or publication of the initial eligibility
26 list or register at the request of a person entitled to a

1 credit before any certification or appointments are made from
2 the eligibility register, upon the furnishing of verifiable
3 evidence and proof of qualifying preference credit. Candidates
4 who are eligible for preference credit shall make a claim in
5 writing within 10 days after the posting of the initial
6 eligibility list, or the claim shall be deemed waived. Final
7 eligibility registers shall be established after the awarding
8 of verified preference points. All employment shall be subject
9 to the commission's initial hire background review including,
10 but not limited to, criminal history, employment history, moral
11 character, oral examination, and medical and psychological
12 examinations, all on a pass-fail basis. The medical and
13 psychological examinations must be conducted last, and may only
14 be performed after a conditional offer of employment has been
15 extended.

16 Any person placed on an eligibility list who exceeds the
17 age requirement before being appointed to a fire department
18 shall remain eligible for appointment until the list is
19 abolished, or his or her name has been on the list for a period
20 of 2 years. No person who has attained the age of 35 years
21 shall be inducted into a fire department, except as otherwise
22 provided in this Section.

23 The commission shall strike off the names of candidates for
24 original appointment after the names have been on the list for
25 more than 2 years.

26 (i) Moral character. No person shall be appointed to a fire

1 department unless he or she is a person of good character; not
2 a habitual drunkard, a gambler, or a person who has been
3 convicted of a felony or a crime involving moral turpitude.
4 However, no person shall be disqualified from appointment to
5 the fire department because of the person's record of
6 misdemeanor convictions except those under Sections 11-6,
7 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
8 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
9 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
10 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, or arrest for any cause without
12 conviction thereon. Any such person who is in the department
13 may be removed on charges brought for violating this subsection
14 and after a trial as hereinafter provided.

15 A classifiable set of the fingerprints of every person who
16 is offered employment as a certificated member of an affected
17 fire department whether with or without compensation, shall be
18 furnished to the Illinois Department of State Police and to the
19 Federal Bureau of Investigation by the commission.

20 Whenever a commission is authorized or required by law to
21 consider some aspect of criminal history record information for
22 the purpose of carrying out its statutory powers and
23 responsibilities, then, upon request and payment of fees in
24 conformance with the requirements of Section 2605-400 of the
25 State Police Law of the Civil Administrative Code of Illinois,
26 the Department of State Police is authorized to furnish,

1 pursuant to positive identification, the information contained
2 in State files as is necessary to fulfill the request.

3 (j) Temporary appointments. In order to prevent a stoppage
4 of public business, to meet extraordinary exigencies, or to
5 prevent material impairment of the fire department, the
6 commission may make temporary appointments, to remain in force
7 only until regular appointments are made under the provisions
8 of this Section, but never to exceed 60 days. No temporary
9 appointment of any one person shall be made more than twice in
10 any calendar year.

11 (k) A person who knowingly divulges or receives test
12 questions or answers before a written examination, or otherwise
13 knowingly violates or subverts any requirement of this Section,
14 commits a violation of this Section and may be subject to
15 charges for official misconduct.

16 A person who is the knowing recipient of test information
17 in advance of the examination shall be disqualified from the
18 examination or discharged from the position to which he or she
19 was appointed, as applicable, and otherwise subjected to
20 disciplinary actions.

21 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
22 97-1150, eff. 1-25-13.)

23 (70 ILCS 705/16.08b)

24 Sec. 16.08b. Emergency medical technician licensure. The
25 board of trustees of a fire protection district may require

1 that all firefighters hired on or after January 1, 2005 (the
2 effective date of Public Act 93-952) ~~this amendatory Act of the~~
3 ~~93rd General Assembly~~ by any fire department within the
4 district must be licensed as an EMT ~~EMT-B~~, EMT-I, A-EMT, or
5 paramedic ~~EMT-P~~ under the Emergency Medical Services (EMS)
6 Systems Act.

7 (Source: P.A. 93-952, eff. 1-1-05.)

8 (70 ILCS 705/16.13b) (from Ch. 127 1/2, par. 37.13b)

9 Sec. 16.13b. Unless the employer and a labor organization
10 have agreed to a contract provision providing for final and
11 binding arbitration of disputes concerning the existence of
12 just cause for disciplinary action, no officer or member of the
13 fire department of any protection district who has held that
14 position for one year shall be removed or discharged except for
15 just cause, upon written charges specifying the complainant and
16 the basis for the charges, and after a hearing on those charges
17 before the board of fire commissioners, affording the officer
18 or member an opportunity to be heard in his own defense. In
19 such case the appointing authority shall file with the board of
20 trustees the reasons for such removal or discharge, which
21 removal or discharge shall not become effective unless
22 confirmed by a majority vote of the board of trustees. If
23 written charges are brought against an officer or member, the
24 board of fire commissioners shall conduct a fair and impartial
25 hearing of the charges, to be commenced within 30 days of the

1 filing thereof, which hearing may be continued from time to
2 time. The Chief of the department shall bear the burden of
3 proving the guilt of the officer or member by a preponderance
4 of the evidence. In case an officer or member is found guilty,
5 the board may discharge him, or may suspend him not exceeding
6 30 calendar days without pay. The board may suspend any officer
7 or member pending the hearing with or without pay, but in no
8 event shall the suspension pending hearing and the ultimate
9 suspension imposed on the officer or member, if any, exceed 30
10 calendar days without pay in the aggregate. If the board of
11 fire commissioners determines that the charges are not
12 sustained, the officer or member shall be reimbursed for all
13 wages withheld or lost, if any. In the conduct of this hearing,
14 each member of the board shall have power to secure by its
15 subpoena both the attendance and testimony of witnesses and the
16 production of books and papers relevant to the hearing.

17 Notwithstanding any other provision of this Section, a
18 probationary employment period may be extended beyond one year
19 for a firefighter who is required as a condition of employment
20 to be a licensed ~~certified~~ paramedic, during which time the
21 sole reason that a firefighter may be discharged without a
22 hearing is for failing to meet the requirements for paramedic
23 licensure ~~certification~~.

24 The age for mandatory retirement of firemen in the service
25 of any department of such district is 65 years, unless the
26 board of trustees shall by ordinance provide for an earlier

1 mandatory retirement age of not less than 60 years.

2 The provisions of the Administrative Review Law, and all
3 amendments and modifications thereof, and the rules adopted
4 pursuant thereto, shall apply to and govern all proceedings for
5 the judicial review of final administrative decisions of the
6 board of fire commissioners hereunder. The term
7 "administrative decision" is defined as in Section 3-101 of the
8 Code of Civil Procedure.

9 Nothing in this Section shall be construed to prevent the
10 Chief of the fire department from suspending without pay a
11 member of his department for a period of not more than 5
12 consecutive calendar days, but he shall notify the board in
13 writing of such suspension. Any fireman so suspended may appeal
14 to the board of fire commissioners for a review of the
15 suspension within 5 calendar days after such suspension. Upon
16 such appeal, the Chief of the department shall bear the burden
17 of proof in establishing the guilt of the officer or member by
18 a preponderance of the evidence. The board may sustain the
19 action of the Chief of the department, may reduce the
20 suspension to a lesser penalty, or may reverse it with
21 instructions that the officer or member receive his pay and
22 other benefits withheld for the period involved, or may suspend
23 the officer for an additional period of not more than 30 days,
24 or discharge him, depending upon the facts presented.

25 (Source: P.A. 94-135, eff. 7-7-05.)

1 Section 25. The Emergency Medical Services (EMS) Systems
2 Act is amended by changing Sections 3.5, 3.10, 3.15, 3.20,
3 3.25, 3.35, 3.40, 3.45, 3.50, 3.55, 3.65, 3.70, 3.75, 3.80,
4 3.130, 3.140, 3.165, 3.170, 3.180, 3.200, 3.205, and 3.210 as
5 follows:

6 (210 ILCS 50/3.5)

7 Sec. 3.5. Definitions. As used in this Act:

8 "Department" means the Illinois Department of Public
9 Health.

10 "Director" means the Director of the Illinois Department of
11 Public Health.

12 "Emergency" means a medical condition of recent onset and
13 severity that would lead a prudent layperson, possessing an
14 average knowledge of medicine and health, to believe that
15 urgent or unscheduled medical care is required.

16 "Emergency Medical Services personnel" or "EMS personnel"
17 means persons licensed as an Emergency Medical Responder (EMR)
18 (First Responder), Emergency Medical Dispatcher (EMD),
19 Emergency Medical Technician (EMT), Emergency Medical
20 Technician-Intermediate (EMT-I), Advanced Emergency Medical
21 Technician (A-EMT), Paramedic (EMT-P), Emergency
22 Communications Registered Nurse (ECRN), or Pre-Hospital
23 Registered Nurse (PHRN).

24 "Health Care Facility" means a hospital, nursing home,
25 physician's office or other fixed location at which medical and

1 health care services are performed. It does not include
2 "pre-hospital emergency care settings" which utilize EMS
3 personnel ~~EMTs~~ to render pre-hospital emergency care prior to
4 the arrival of a transport vehicle, as defined in this Act.

5 "Hospital" has the meaning ascribed to that term in the
6 Hospital Licensing Act.

7 "Trauma" means any significant injury which involves
8 single or multiple organ systems.

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

10 (210 ILCS 50/3.10)

11 Sec. 3.10. Scope of Services.

12 (a) "Advanced Life Support (ALS) Services" means an
13 advanced level of pre-hospital and inter-hospital emergency
14 care and non-emergency medical services that includes basic
15 life support care, cardiac monitoring, cardiac defibrillation,
16 electrocardiography, intravenous therapy, administration of
17 medications, drugs and solutions, use of adjunctive medical
18 devices, trauma care, and other authorized techniques and
19 procedures, as outlined in the provisions of the National EMS
20 Education Standards relating to Advanced Life Support ~~national~~
21 ~~curriculum of the United States Department of Transportation~~
22 and any modifications to that curriculum specified in rules
23 adopted by the Department pursuant to this Act.

24 That care shall be initiated as authorized by the EMS
25 Medical Director in a Department approved advanced life support

1 EMS System, under the written or verbal direction of a
2 physician licensed to practice medicine in all of its branches
3 or under the verbal direction of an Emergency Communications
4 Registered Nurse.

5 (b) "Intermediate Life Support (ILS) Services" means an
6 intermediate level of pre-hospital and inter-hospital
7 emergency care and non-emergency medical services that
8 includes basic life support care plus intravenous cannulation
9 and fluid therapy, invasive airway management, trauma care, and
10 other authorized techniques and procedures, as outlined in the
11 Intermediate Life Support national curriculum of the United
12 States Department of Transportation and any modifications to
13 that curriculum specified in rules adopted by the Department
14 pursuant to this Act.

15 That care shall be initiated as authorized by the EMS
16 Medical Director in a Department approved intermediate or
17 advanced life support EMS System, under the written or verbal
18 direction of a physician licensed to practice medicine in all
19 of its branches or under the verbal direction of an Emergency
20 Communications Registered Nurse.

21 (c) "Basic Life Support (BLS) Services" means a basic level
22 of pre-hospital and inter-hospital emergency care and
23 non-emergency medical services that includes airway
24 management, cardiopulmonary resuscitation (CPR), control of
25 shock and bleeding and splinting of fractures, as outlined in
26 the provisions of the National EMS Education Standards relating

1 to Basic Life Support ~~national curriculum of the United States~~
2 ~~Department of Transportation~~ and any modifications to that
3 curriculum specified in rules adopted by the Department
4 pursuant to this Act.

5 That care shall be initiated, where authorized by the EMS
6 Medical Director in a Department approved EMS System, under the
7 written or verbal direction of a physician licensed to practice
8 medicine in all of its branches or under the verbal direction
9 of an Emergency Communications Registered Nurse.

10 (d) "Emergency Medical Responder ~~First Response~~ Services"
11 means a preliminary level of pre-hospital emergency care that
12 includes cardiopulmonary resuscitation (CPR), monitoring vital
13 signs and control of bleeding, as outlined in the Emergency
14 Medical Responder (EMR) curriculum of the National EMS
15 Education Standards ~~First Responder curriculum of the United~~
16 ~~States Department of Transportation~~ and any modifications to
17 that curriculum specified in rules adopted by the Department
18 pursuant to this Act.

19 (e) "Pre-hospital care" means those ~~emergency~~ medical
20 services rendered to ~~emergency~~ patients for analytic,
21 resuscitative, stabilizing, or preventive purposes, precedent
22 to and during transportation of such patients to health care
23 facilities ~~hospitals~~.

24 (f) "Inter-hospital care" means those ~~emergency~~ medical
25 services rendered to ~~emergency~~ patients for analytic,
26 resuscitative, stabilizing, or preventive purposes, during

1 transportation of such patients from one hospital to another
2 hospital.

3 (f-5) "Critical care transport" means the pre-hospital or
4 inter-hospital transportation of a critically injured or ill
5 patient by a vehicle service provider, including the provision
6 of medically necessary supplies and services, at a level of
7 service beyond the scope of the Paramedic ~~EMT-paramedic~~. When
8 medically indicated for a patient, as determined by a physician
9 licensed to practice medicine in all of its branches, an
10 advanced practice nurse, or a physician's assistant, in
11 compliance with subsections (b) and (c) of Section 3.155 of
12 this Act, critical care transport may be provided by:

13 (1) Department-approved critical care transport
14 providers, not owned or operated by a hospital, utilizing
15 Paramedics ~~EMT-paramedics~~ with additional training,
16 nurses, or other qualified health professionals; or

17 (2) Hospitals, when utilizing any vehicle service
18 provider or any hospital-owned or operated vehicle service
19 provider. Nothing in Public Act 96-1469 ~~this amendatory Act~~
20 ~~of the 96th General Assembly~~ requires a hospital to use, or
21 to be, a Department-approved critical care transport
22 provider when transporting patients, including those
23 critically injured or ill. Nothing in this Act shall
24 restrict or prohibit a hospital from providing, or
25 arranging for, the medically appropriate transport of any
26 patient, as determined by a physician licensed to practice

1 in all of its branches, an advanced practice nurse, or a
2 physician's assistant.

3 (g) "Non-emergency medical services" means medical care or
4 monitoring rendered to patients whose conditions do not meet
5 this Act's definition of emergency, before or during
6 transportation of such patients to or from health care
7 facilities visited for the purpose of obtaining medical or
8 health care services which are not emergency in nature, using a
9 vehicle regulated by this Act.

10 (g-5) The Department shall have the authority to promulgate
11 minimum standards for critical care transport providers
12 through rules adopted pursuant to this Act. All critical care
13 transport providers must function within a Department-approved
14 EMS System. Nothing in Department rules shall restrict a
15 hospital's ability to furnish personnel, equipment, and
16 medical supplies to any vehicle service provider, including a
17 critical care transport provider. Minimum critical care
18 transport provider standards shall include, but are not limited
19 to:

- 20 (1) Personnel staffing and licensure.
- 21 (2) Education, certification, and experience.
- 22 (3) Medical equipment and supplies.
- 23 (4) Vehicular standards.
- 24 (5) Treatment and transport protocols.
- 25 (6) Quality assurance and data collection.

26 (h) The provisions of this Act shall not apply to the use

1 of an ambulance or SEMSV, unless and until emergency or
2 non-emergency medical services are needed during the use of the
3 ambulance or SEMSV.

4 (Source: P.A. 96-1469, eff. 1-1-11.)

5 (210 ILCS 50/3.15)

6 Sec. 3.15. Emergency Medical Services (EMS) Regions. The
7 ~~Beginning September 1, 1995, the~~ Department shall designate
8 Emergency Medical Services (EMS) Regions within the State,
9 consisting of specific geographic areas encompassing EMS
10 Systems and trauma centers, in which emergency medical
11 services, trauma services, and non-emergency medical services
12 are coordinated under an EMS Region Plan.

13 In designating EMS Regions, the Department shall take into
14 consideration, but not be limited to, the location of existing
15 EMS Systems, Trauma Regions and trauma centers, existing
16 patterns of inter-System transports, population locations and
17 density, transportation modalities, and geographical distance
18 from available trauma and emergency department care.

19 Use of the term Trauma Region to identify a specific
20 geographic area shall be discontinued upon designation of areas
21 as EMS Regions.

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

23 (210 ILCS 50/3.20)

24 Sec. 3.20. Emergency Medical Services (EMS) Systems.

1 (a) "Emergency Medical Services (EMS) System" means an
2 organization of hospitals, vehicle service providers and
3 personnel approved by the Department in a specific geographic
4 area, which coordinates and provides pre-hospital and
5 inter-hospital emergency care and non-emergency medical
6 transports at a BLS, ILS and/or ALS level pursuant to a System
7 program plan submitted to and approved by the Department, and
8 pursuant to the EMS Region Plan adopted for the EMS Region in
9 which the System is located.

10 (b) One hospital in each System program plan must be
11 designated as the Resource Hospital. All other hospitals which
12 are located within the geographic boundaries of a System and
13 which have standby, basic or comprehensive level emergency
14 departments must function in that EMS System as either an
15 Associate Hospital or Participating Hospital and follow all
16 System policies specified in the System Program Plan, including
17 but not limited to the replacement of drugs and equipment used
18 by providers who have delivered patients to their emergency
19 departments. All hospitals and vehicle service providers
20 participating in an EMS System must specify their level of
21 participation in the System Program Plan.

22 (c) The Department shall have the authority and
23 responsibility to:

24 (1) Approve BLS, ILS and ALS level EMS Systems which
25 meet minimum standards and criteria established in rules
26 adopted by the Department pursuant to this Act, including

1 the submission of a Program Plan for Department approval.
2 Beginning September 1, 1997, the Department shall approve
3 the development of a new EMS System only when a local or
4 regional need for establishing such System has been
5 verified by the Department. This shall not be construed as
6 a needs assessment for health planning or other purposes
7 outside of this Act. Following Department approval, EMS
8 Systems must be fully operational within one year from the
9 date of approval.

10 (2) Monitor EMS Systems, based on minimum standards for
11 continuing operation as prescribed in rules adopted by the
12 Department pursuant to this Act, which shall include
13 requirements for submitting Program Plan amendments to the
14 Department for approval.

15 (3) Renew EMS System approvals every 4 years, after an
16 inspection, based on compliance with the standards for
17 continuing operation prescribed in rules adopted by the
18 Department pursuant to this Act.

19 (4) Suspend, revoke, or refuse to renew approval of any
20 EMS System, after providing an opportunity for a hearing,
21 when findings show that it does not meet the minimum
22 standards for continuing operation as prescribed by the
23 Department, or is found to be in violation of its
24 previously approved Program Plan.

25 (5) Require each EMS System to adopt written protocols
26 for the bypassing of or diversion to any hospital, trauma

1 center or regional trauma center, which provide that a
2 person shall not be transported to a facility other than
3 the nearest hospital, regional trauma center or trauma
4 center unless the medical benefits to the patient
5 reasonably expected from the provision of appropriate
6 medical treatment at a more distant facility outweigh the
7 increased risks to the patient from transport to the more
8 distant facility, or the transport is in accordance with
9 the System's protocols for patient choice or refusal.

10 (6) Require that the EMS Medical Director of an ILS or
11 ALS level EMS System be a physician licensed to practice
12 medicine in all of its branches in Illinois, and certified
13 by the American Board of Emergency Medicine or the American
14 Osteopathic Board of ~~Osteopathic~~ Emergency Medicine, and
15 that the EMS Medical Director of a BLS level EMS System be
16 a physician licensed to practice medicine in all of its
17 branches in Illinois, with regular and frequent
18 involvement in pre-hospital emergency medical services. In
19 addition, all EMS Medical Directors shall:

20 (A) Have experience on an EMS vehicle at the
21 highest level available within the System, or make
22 provision to gain such experience within 12 months
23 prior to the date responsibility for the System is
24 assumed or within 90 days after assuming the position;

25 (B) Be thoroughly knowledgeable of all skills
26 included in the scope of practices of all levels of EMS

1 personnel within the System;

2 (C) Have or make provision to gain experience
3 instructing students at a level similar to that of the
4 levels of EMS personnel within the System; and

5 (D) For ILS and ALS EMS Medical Directors,
6 successfully complete a Department-approved EMS
7 Medical Director's Course.

8 (7) Prescribe statewide EMS data elements to be
9 collected and documented by providers in all EMS Systems
10 for all emergency and non-emergency medical services, with
11 a one-year phase-in for commencing collection of such data
12 elements.

13 (8) Define, through rules adopted pursuant to this Act,
14 the terms "Resource Hospital", "Associate Hospital",
15 "Participating Hospital", "Basic Emergency Department",
16 "Standby Emergency Department", "Comprehensive Emergency
17 Department", "EMS Medical Director", "EMS Administrative
18 Director", and "EMS System Coordinator".

19 (A) (Blank). ~~Upon the effective date of this~~
20 ~~amendatory Act of 1995, all existing Project Medical~~
21 ~~Directors shall be considered EMS Medical Directors,~~
22 ~~and all persons serving in such capacities on the~~
23 ~~effective date of this amendatory Act of 1995 shall be~~
24 ~~exempt from the requirements of paragraph (7) of this~~
25 ~~subsection;~~

26 (B) (Blank). ~~Upon the effective date of this~~

1 ~~amendatory Act of 1995, all existing EMS System Project~~
2 ~~Directors shall be considered EMS Administrative~~
3 ~~Directors.~~

4 (9) Investigate the circumstances that caused a
5 hospital in an EMS system to go on bypass status to
6 determine whether that hospital's decision to go on bypass
7 status was reasonable. The Department may impose
8 sanctions, as set forth in Section 3.140 of the Act, upon a
9 Department determination that the hospital unreasonably
10 went on bypass status in violation of the Act.

11 (10) Evaluate the capacity and performance of any
12 freestanding emergency center established under Section
13 32.5 of this Act in meeting emergency medical service needs
14 of the public, including compliance with applicable
15 emergency medical standards and assurance of the
16 availability of and immediate access to the highest quality
17 of medical care possible.

18 (11) Permit limited EMS System participation by
19 facilities operated by the United States Department of
20 Veterans Affairs, Veterans Health Administration. Subject
21 to patient preference, Illinois EMS providers may
22 transport patients to Veterans Health Administration
23 facilities that voluntarily participate in an EMS System.
24 Any Veterans Health Administration facility seeking
25 limited participation in an EMS System shall agree to
26 comply with all Department administrative rules

1 implementing this Section. The Department may promulgate
2 rules, including, but not limited to, the types of Veterans
3 Health Administration facilities that may participate in
4 an EMS System and the limitations of participation.

5 (Source: P.A. 96-1009, eff. 1-1-11; 96-1469, eff. 1-1-11;
6 97-333, eff. 8-12-11.)

7 (210 ILCS 50/3.25)

8 Sec. 3.25. EMS Region Plan; Development.

9 (a) Within 6 months after designation of an EMS Region, an
10 EMS Region Plan addressing at least the information prescribed
11 in Section 3.30 shall be submitted to the Department for
12 approval. The Plan shall be developed by the Region's EMS
13 Medical Directors Committee with advice from the Regional EMS
14 Advisory Committee; portions of the plan concerning trauma
15 shall be developed jointly with the Region's Trauma Center
16 Medical Directors or Trauma Center Medical Directors
17 Committee, whichever is applicable, with advice from the
18 Regional Trauma Advisory Committee, if such Advisory Committee
19 has been established in the Region. Portions of the Plan
20 concerning stroke shall be developed jointly with the Regional
21 Stroke Advisory Subcommittee.

22 (1) A Region's EMS Medical Directors Committee shall be
23 comprised of the Region's EMS Medical Directors, along with
24 the medical advisor to a fire department vehicle service
25 provider. For regions which include a municipal fire

1 department serving a population of over 2,000,000 people,
2 that fire department's medical advisor shall serve on the
3 Committee. For other regions, the fire department vehicle
4 service providers shall select which medical advisor to
5 serve on the Committee on an annual basis.

6 (2) A Region's Trauma Center Medical Directors
7 Committee shall be comprised of the Region's Trauma Center
8 Medical Directors.

9 (b) A Region's Trauma Center Medical Directors may choose
10 to participate in the development of the EMS Region Plan
11 through membership on the Regional EMS Advisory Committee,
12 rather than through a separate Trauma Center Medical Directors
13 Committee. If that option is selected, the Region's Trauma
14 Center Medical Director shall also determine whether a separate
15 Regional Trauma Advisory Committee is necessary for the Region.

16 (c) In the event of disputes over content of the Plan
17 between the Region's EMS Medical Directors Committee and the
18 Region's Trauma Center Medical Directors or Trauma Center
19 Medical Directors Committee, whichever is applicable, the
20 Director of the Illinois Department of Public Health shall
21 intervene through a mechanism established by the Department
22 through rules adopted pursuant to this Act.

23 (d) "Regional EMS Advisory Committee" means a committee
24 formed within an Emergency Medical Services (EMS) Region to
25 advise the Region's EMS Medical Directors Committee and to
26 select the Region's representative to the State Emergency

1 Medical Services Advisory Council, consisting of at least the
2 members of the Region's EMS Medical Directors Committee, the
3 Chair of the Regional Trauma Committee, the EMS System
4 Coordinators from each Resource Hospital within the Region, one
5 administrative representative from an Associate Hospital
6 within the Region, one administrative representative from a
7 Participating Hospital within the Region, one administrative
8 representative from the vehicle service provider which
9 responds to the highest number of calls for emergency service
10 within the Region, one administrative representative of a
11 vehicle service provider from each System within the Region,
12 one individual from each level of license provided in Section
13 3.50 of this Act, one Pre-Hospital Registered Nurse ~~Emergency~~
14 ~~Medical Technician (EMT)/Pre-Hospital RN from each level of~~
15 ~~EMT/Pre-Hospital RN~~ practicing within the Region, and one
16 registered professional nurse currently practicing in an
17 emergency department within the Region. Of the 2 administrative
18 representatives of vehicle service providers, at least one
19 shall be an administrative representative of a private vehicle
20 service provider. The Department's Regional EMS Coordinator
21 for each Region shall serve as a non-voting member of that
22 Region's EMS Advisory Committee.

23 Every 2 years, the members of the Region's EMS Medical
24 Directors Committee shall rotate serving as Committee Chair,
25 and select the Associate Hospital, Participating Hospital and
26 vehicle service providers which shall send representatives to

1 the Advisory Committee, and the EMS personnel
2 ~~EMTs/Pre-Hospital RN~~ and nurse who shall serve on the Advisory
3 Committee.

4 (e) "Regional Trauma Advisory Committee" means a committee
5 formed within an Emergency Medical Services (EMS) Region, to
6 advise the Region's Trauma Center Medical Directors Committee,
7 consisting of at least the Trauma Center Medical Directors and
8 Trauma Coordinators from each Trauma Center within the Region,
9 one EMS Medical Director from a resource hospital within the
10 Region, one EMS System Coordinator from another resource
11 hospital within the Region, one representative each from a
12 public and private vehicle service provider which transports
13 trauma patients within the Region, an administrative
14 representative from each trauma center within the Region, one
15 EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, or PHRN ~~EMT~~
16 representing the highest level of EMS personnel ~~EMT~~ practicing
17 within the Region, one emergency physician and one Trauma Nurse
18 Specialist (TNS) currently practicing in a trauma center. The
19 Department's Regional EMS Coordinator for each Region shall
20 serve as a non-voting member of that Region's Trauma Advisory
21 Committee.

22 Every 2 years, the members of the Trauma Center Medical
23 Directors Committee shall rotate serving as Committee Chair,
24 and select the vehicle service providers, EMS personnel ~~EMT~~,
25 emergency physician, EMS System Coordinator and TNS who shall
26 serve on the Advisory Committee.

1 (Source: P.A. 96-514, eff. 1-1-10.)

2 (210 ILCS 50/3.35)

3 Sec. 3.35. Emergency Medical Services (EMS) Resource
4 Hospital; Functions. The Resource Hospital of an EMS System
5 shall:

6 (a) Prepare a Program Plan in accordance with the
7 provisions of this Act and minimum standards and criteria
8 established in rules adopted by the Department pursuant to this
9 Act, and submit such Program Plan to the Department for
10 approval.

11 (b) Appoint an EMS Medical Director, who will continually
12 monitor and supervise the System and who will have the
13 responsibility and authority for total management of the System
14 as delegated by the EMS Resource Hospital.

15 The Program Plan shall require the EMS Medical Director to
16 appoint an alternate EMS Medical Director and establish a
17 written protocol addressing the functions to be carried out in
18 his or her absence.

19 (c) Appoint an EMS System Coordinator and EMS
20 Administrative Director in consultation with the EMS Medical
21 Director and in accordance with rules adopted by the Department
22 pursuant to this Act.

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

25 (e) Educate or coordinate the education of EMS personnel

1 and all other license holders ~~EMT personnel~~ in accordance with
2 the requirements of this Act, rules adopted by the Department
3 pursuant to this Act, and the EMS System Program Plan.

4 (f) Notify the Department of EMS personnel ~~EMT provider~~
5 ~~personnel~~ who have successfully completed the requirements as
6 provided by law for initial licensure, license renewal, and
7 license reinstatement ~~testing and relicensure~~ by the
8 Department, ~~except that an ILS or ALS level System may require~~
9 ~~its EMT B personnel to apply directly to the Department for~~
10 ~~determination of successful completion of relicensure~~
11 ~~requirements.~~

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

16 (h) Establish or approve protocols for prearrival medical
17 instructions to callers by System Emergency Medical
18 Dispatchers who provide such instructions.

19 (i) Educate or coordinate the education of Pre-Hospital
20 Registered Nurse ~~RN~~ and ECRN candidates, in accordance with the
21 requirements of this Act, rules adopted by the Department
22 pursuant to this Act, and the EMS System Program Plan.

23 (j) Approve Pre-Hospital Registered Nurse ~~RN~~ and ECRN
24 candidates to practice within the System, and reapprove
25 Pre-Hospital Registered Nurses ~~RNs~~ and ECRNs every 4 years in
26 accordance with the requirements of the Department and the

1 System Program Plan.

2 (k) Establish protocols for the use of Pre-Hospital
3 Registered Nurses ~~RNs~~ within the System.

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

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

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

19 (o) Utilize levels of personnel required by the Department
20 to provide non-emergency medical services during transport to a
21 health care facility and within the health care facility until
22 the responsibility for the care of the patient is assumed by
23 the medical personnel of the health care facility to which the
24 patient is delivered by System personnel.

25 (p) Establish and implement a program for System
26 participant information and education, in accordance with

1 rules adopted by the Department pursuant to this Act.

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

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

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

7 (210 ILCS 50/3.40)

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

10 (a) An EMS Medical Director may suspend from participation
11 within the System any EMS personnel, EMS Lead Instructor (LI),
12 individual, individual provider or other participant
13 considered not to be meeting the requirements of the Program
14 Plan of that approved EMS System.

15 (b) Prior to suspending any individual or entity ~~an EMT or~~
16 ~~other provider,~~ an EMS Medical Director shall provide an ~~the~~
17 ~~EMT or provider with the~~ opportunity for a hearing before the
18 local System review board in accordance with subsection (f) and
19 the rules promulgated by the Department.

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

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

7 (3) The suspension shall commence only upon the
8 occurrence of one of the following:

9 (A) the individual or entity ~~EMT or provider~~ has
10 waived the opportunity for a hearing before the local
11 System review board; or

12 (B) the ~~suspension~~ order has been affirmed or
13 modified by the local system review board and the
14 individual or entity ~~EMT or provider~~ has waived the
15 opportunity for review by the State Board; or

16 (C) the ~~suspension~~ order has been affirmed or
17 modified by the local system review board, and the
18 local board's decision has been affirmed or modified by
19 the State Board.

20 (c) An EMS Medical Director may immediately suspend an EMR,
21 EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHRN, LI, or other
22 individual or entity ~~EMT or other provider~~ if he or she finds
23 that ~~the information in his or her possession indicates that~~
24 the continuation in practice by the individual or entity ~~an EMT~~
25 ~~or other provider~~ would constitute an imminent danger to the
26 public. The suspended individual or entity ~~EMT or other~~

1 ~~provider~~ shall be issued an immediate verbal notification
2 followed by a written suspension order ~~to the EMT or other~~
3 ~~provider~~ by the EMS Medical Director which states the length,
4 terms and basis for the suspension.

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

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

1 (3) Within 24 hours following receipt of the EMS
2 Medical Director's suspension order or the individual or
3 entity's ~~EMT or provider's~~ written response, whichever is
4 later, the Director or the Director's designee shall
5 determine whether the suspension should be stayed pending
6 an ~~the EMT's or provider's~~ opportunity for a hearing or
7 review in accordance with this Act, or whether the
8 suspension should continue during the course of that
9 hearing or review. The Director or the Director's designee
10 shall issue this determination to the EMS Medical Director,
11 who shall immediately notify the suspended individual or
12 entity ~~EMT or provider~~. The suspension shall remain in
13 effect during this period of review by the Director or the
14 Director's designee.

15 (d) Upon issuance of a suspension order for reasons
16 directly related to medical care, the EMS Medical Director
17 shall also provide the individual or entity ~~EMT or provider~~
18 with the opportunity for a hearing before the local System
19 review board, in accordance with subsection (f) and the rules
20 promulgated by the Department.

21 (1) If the local System review board affirms or
22 modifies the EMS Medical Director's suspension order, the
23 individual or entity ~~EMT or provider~~ shall have the
24 opportunity for a review of the local board's decision by
25 the State EMS Disciplinary Review Board, pursuant to
26 Section 3.45 of this Act.

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

7 (3) The suspended individual or entity ~~EMT or provider~~
8 may elect to bypass the local System review board and seek
9 direct review of the EMS Medical Director's suspension
10 order by the State EMS Disciplinary Review Board.

11 (e) The Resource Hospital shall designate a local System
12 review board in accordance with the rules of the Department,
13 for the purpose of providing a hearing to any individual or
14 entity ~~individual provider~~ participating within the System who
15 is suspended from participation by the EMS Medical Director.
16 The EMS Medical Director shall arrange for a certified
17 shorthand reporter to make a stenographic record of that
18 hearing and thereafter prepare a transcript of the proceedings.
19 The transcript, all documents or materials received as evidence
20 during the hearing and the local System review board's written
21 decision shall be retained in the custody of the EMS system.
22 The System shall implement a decision of the local System
23 review board unless that decision has been appealed to the
24 State Emergency Medical Services Disciplinary Review Board in
25 accordance with this Act and the rules of the Department.

26 (f) The Resource Hospital shall implement a decision of the

1 State Emergency Medical Services Disciplinary Review Board
2 which has been rendered in accordance with this Act and the
3 rules of the Department.

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

5 (210 ILCS 50/3.45)

6 Sec. 3.45. State Emergency Medical Services Disciplinary
7 Review Board.

8 (a) The Governor shall appoint a State Emergency Medical
9 Services Disciplinary Review Board, composed of an EMS Medical
10 Director, an EMS System Coordinator, a Paramedic ~~an Emergency~~
11 ~~Medical Technician Paramedic (EMT-P)~~, an Emergency Medical
12 Technician (EMT) ~~Technician Basic (EMT-B)~~, and the following
13 members, who shall only review cases in which a party is from
14 the same professional category: a Pre-Hospital Registered
15 Nurse RN, an ECRN, a Trauma Nurse Specialist, an Emergency
16 Medical Technician-Intermediate (EMT-I), an Advanced Emergency
17 Medical Technician (A-EMT), a representative from a private
18 vehicle service provider, a representative from a public
19 vehicle service provider, and an emergency physician who
20 monitors telecommunications from and gives voice orders to EMS
21 personnel. The Governor shall also appoint one alternate for
22 each member of the Board, from the same professional category
23 as the member of the Board.

24 (b) ~~The~~ Of the members first appointed, 2 members shall be
25 ~~appointed for a term of one year, 2 members shall be appointed~~

1 ~~for a term of 2 years and the remaining~~ members shall be
2 appointed for a term of 3 years. ~~The terms of subsequent~~
3 ~~appointments shall be 3 years.~~ All appointees shall serve until
4 their successors are appointed. The alternate members shall be
5 appointed and serve in the same fashion as the members of the
6 Board. If a member resigns his or her appointment, the
7 corresponding alternate shall serve the remainder of that
8 member's term until a subsequent member is appointed by the
9 Governor.

10 (c) The function of the Board is to review and affirm,
11 reverse or modify disciplinary orders ~~to suspend an EMT or~~
12 ~~other individual provider from participating within an EMS~~
13 ~~System.~~

14 (d) Any An individual or entity, ~~individual provider or~~
15 ~~other participant~~ who received an immediate suspension from an
16 EMS Medical Director may request the Board to reverse or modify
17 the suspension order. If the suspension had been affirmed or
18 modified by a local System review board, the suspended
19 individual or entity ~~participant~~ may request the Board to
20 reverse or modify the local board's decision.

21 (e) Any An individual or entity, ~~individual provider or~~
22 ~~other participant~~ who received a non-immediate suspension
23 order from an EMS Medical Director which was affirmed or
24 modified by a local System review board may request the Board
25 to reverse or modify the local board's decision.

26 (f) An EMS Medical Director whose suspension order was

1 reversed or modified by a local System review board may request
2 the Board to reverse or modify the local board's decision.

3 (g) The Board shall ~~regularly~~ meet on the first Tuesday of
4 every month, unless no requests for review have been submitted.
5 Additional meetings of the Board shall be scheduled ~~as~~
6 ~~necessary~~ to ensure ~~insure~~ that a request for direct review of
7 an immediate suspension order is scheduled within 14 days after
8 the Department receives the request for review or as soon
9 thereafter as a quorum is available. The Board shall meet in
10 Springfield or Chicago, whichever location is closer to the
11 majority of the members or alternates attending the meeting.
12 The Department shall reimburse the members and alternates of
13 the Board for reasonable travel expenses incurred in attending
14 meetings of the Board.

15 (h) A request for review shall be submitted in writing to
16 the Chief of the Department's Division of Emergency Medical
17 Services and Highway Safety, within 10 days after receiving the
18 local board's decision or the EMS Medical Director's suspension
19 order, whichever is applicable, a copy of which shall be
20 enclosed.

21 (i) At its regularly scheduled meetings, the Board shall
22 review requests which have been received by the Department at
23 least 10 working days prior to the Board's meeting date.
24 Requests for review which are received less than 10 working
25 days prior to a scheduled meeting shall be considered at the
26 Board's next scheduled meeting, except that requests for direct

1 review of an immediate suspension order may be scheduled up to
2 3 working days prior to the Board's meeting date.

3 (j) A quorum shall be required for the Board to meet, which
4 shall consist of 3 members or alternates, including the EMS
5 Medical Director or alternate and the member or alternate from
6 the same professional category as the subject of the suspension
7 order. At each meeting of the Board, the members or alternates
8 present shall select a Chairperson to conduct the meeting.

9 (k) Deliberations for decisions of the State EMS
10 Disciplinary Review Board shall be conducted in closed session.
11 Department staff may attend for the purpose of providing
12 clerical assistance, but no other persons may be in attendance
13 except for the parties to the dispute being reviewed by the
14 Board and their attorneys, unless by request of the Board.

15 (l) The Board shall review the transcript, evidence and
16 written decision of the local review board or the written
17 decision and supporting documentation of the EMS Medical
18 Director, whichever is applicable, along with any additional
19 written or verbal testimony or argument offered by the parties
20 to the dispute.

21 (m) At the conclusion of its review, the Board shall issue
22 its decision and the basis for its decision on a form provided
23 by the Department, and shall submit to the Department its
24 written decision together with the record of the local System
25 review board. The Department shall promptly issue a copy of the
26 Board's decision to all affected parties. The Board's decision

1 shall be binding on all parties.

2 (Source: P.A. 89-177, eff. 7-19-95; 90-144, eff. 7-23-97.)

3 (210 ILCS 50/3.50)

4 Sec. 3.50. Emergency Medical Services personnel licensure
5 levels ~~Technician (EMT) Licensure~~.

6 (a) "Emergency Medical Technician ~~Technician-Basic~~" or
7 "EMT ~~EMT-B~~" means a person who has successfully completed a
8 course ~~of instruction~~ in basic life support as approved
9 ~~prescribed~~ by the Department, is currently licensed by the
10 Department in accordance with standards prescribed by this Act
11 and rules adopted by the Department pursuant to this Act, and
12 practices within an EMS System. A valid Emergency Medical
13 Technician-Basic (EMT-B) license issued under this Act shall
14 continue to be valid and shall be recognized as an Emergency
15 Medical Technician (EMT) license until the Emergency Medical
16 Technician-Basic (EMT-B) license expires.

17 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"
18 means a person who has successfully completed a course ~~of~~
19 ~~instruction~~ in intermediate life support as approved
20 ~~prescribed~~ by the Department, is currently licensed by the
21 Department in accordance with standards prescribed by this Act
22 and rules adopted by the Department pursuant to this Act, and
23 practices within an Intermediate or Advanced Life Support EMS
24 System.

25 (b-5) "Advanced Emergency Medical Technician" or "A-EMT"

1 means a person who has successfully completed a course in basic
2 and limited advanced emergency medical care as approved by the
3 Department, is currently licensed by the Department in
4 accordance with standards prescribed by this Act and rules
5 adopted by the Department pursuant to this Act, and practices
6 within an Intermediate or Advanced Life Support EMS System.

7 (c) "Paramedic (EMT-P) ~~Emergency Medical~~
8 ~~Technician-Paramedic" or "EMT-P"~~ means a person who has
9 successfully completed a course ~~of instruction~~ in advanced life
10 support care as approved ~~prescribed~~ by the Department, is
11 licensed by the Department in accordance with standards
12 prescribed by this Act and rules adopted by the Department
13 pursuant to this Act, and practices within an Advanced Life
14 Support EMS System. A valid Emergency Medical
15 Technician-Paramedic (EMT-P) license issued under this Act
16 shall continue to be valid and shall be recognized as a
17 Paramedic license until the Emergency Medical
18 Technician-Paramedic (EMT-P) license expires.

19 (c-5) "Emergency Medical Responder" or "EMR (First
20 Responder)" means a person who has successfully completed a
21 course in emergency medical response as approved by the
22 Department and provides emergency medical response services
23 prior to the arrival of an ambulance or specialized emergency
24 medical services vehicle, in accordance with the level of care
25 established by the National EMS Educational Standards
26 Emergency Medical Responder course as modified by the

1 Department. An Emergency Medical Responder who provides
2 services as part of an EMS System response plan shall comply
3 with the applicable sections of the Program Plan, as approved
4 by the Department, of that EMS System. The Department shall
5 have the authority to adopt rules governing the curriculum,
6 practice, and necessary equipment applicable to Emergency
7 Medical Responders.

8 On the effective date of this amendatory Act of the 98th
9 General Assembly, a person who is licensed by the Department as
10 a First Responder and has completed a Department-approved
11 course in first responder defibrillator training based on, or
12 equivalent to, the National EMS Educational Standards or other
13 standards previously recognized by the Department shall be
14 eligible for licensure as an Emergency Medical Responder upon
15 meeting the licensure requirements and submitting an
16 application to the Department. A valid First Responder license
17 issued under this Act shall continue to be valid and shall be
18 recognized as an Emergency Medical Responder license until the
19 First Responder license expires.

20 (c-10) All EMS Systems and licensees shall be fully
21 compliant with the National EMS Education Standards, as
22 modified by the Department in administrative rules, within 24
23 months after the adoption of the administrative rules.

24 (d) The Department shall have the authority and
25 responsibility to:

26 (1) Prescribe education and training requirements,

1 which includes training in the use of epinephrine, for all
2 levels of EMS personnel except for EMRs EMT, based on the
3 National EMS Educational Standards ~~respective national~~
4 ~~curricula of the United States Department of~~
5 ~~Transportation~~ and any modifications to those ~~such~~
6 curricula specified by the Department through rules
7 adopted pursuant to this Act.

8 (2) Prescribe licensure testing requirements for all
9 levels of EMS personnel EMT, which shall include a
10 requirement that all phases of instruction, training, and
11 field experience be completed before taking the
12 appropriate EMT licensure examination. Candidates may
13 elect to take the appropriate National Registry ~~of~~
14 ~~Emergency Medical Technicians~~ examination in lieu of the
15 Department's examination, but are responsible for making
16 their own arrangements for taking the National Registry
17 examination. In prescribing licensure testing requirements
18 for honorably discharged members of the armed forces of the
19 United States under this paragraph (2), the Department
20 shall ensure that a candidate's military emergency medical
21 training, emergency medical curriculum completed, and
22 clinical experience, as described in paragraph (2.5), are
23 recognized.

24 (2.5) Review applications for EMS personnel EMT
25 licensure from honorably discharged members of the armed
26 forces of the United States with military emergency medical

1 training. Applications shall be filed with the Department
2 within one year after military discharge and shall contain:
3 (i) proof of successful completion of military emergency
4 medical training; (ii) a detailed description of the
5 emergency medical curriculum completed; and (iii) a
6 detailed description of the applicant's clinical
7 experience. The Department may request additional and
8 clarifying information. The Department shall evaluate the
9 application, including the applicant's training and
10 experience, consistent with the standards set forth under
11 subsections (a), (b), (c), and (d) of Section 3.10. If the
12 application clearly demonstrates that the training and
13 experience meets such standards, the Department shall
14 offer the applicant the opportunity to successfully
15 complete a Department-approved EMS personnel ~~EMT~~
16 examination for the level of license for which the
17 applicant is qualified. Upon passage of an examination, the
18 Department shall issue a license, which shall be subject to
19 all provisions of this Act that are otherwise applicable to
20 the level ~~class~~ of EMS personnel ~~EMT~~ license issued.

21 (3) License individuals as an EMR, EMT ~~EMT-B~~, EMT-I,
22 A-EMT, or Paramedic ~~EMT-P~~ who have met the Department's
23 education, training and examination requirements.

24 (4) Prescribe annual continuing education and
25 relicensure requirements for all EMS personnel licensure
26 levels ~~levels of EMT~~.

1 (5) Relicense individuals as an EMD, EMR, EMT ~~EMT-B,~~
2 EMT-I, A-EMT, or Paramedic ~~EMT-P~~ every 4 years, based on
3 their compliance with continuing education and relicensure
4 requirements as required by the Department pursuant to this
5 Act. Every 4 years, a Paramedic ~~an EMT-P~~ shall have 100
6 hours of approved continuing education, an EMT-I and an
7 advanced EMT shall have 80 hours of approved continuing
8 education, and an EMT ~~EMT-B~~ shall have 60 hours of approved
9 continuing education. An Illinois licensed EMR, EMD, EMT,
10 EMT-I, A-EMT, Paramedic, ECRN, or PHRN ~~Emergency Medical~~
11 ~~Technician~~ whose license has been expired for less than 36
12 months may apply for reinstatement by the Department.
13 Reinstatement shall require that the applicant (i) submit
14 satisfactory proof of completion of continuing medical
15 education and clinical requirements to be prescribed by the
16 Department in an administrative rule; (ii) submit a
17 positive recommendation from an Illinois EMS Medical
18 Director attesting to the applicant's qualifications for
19 retesting; and (iii) pass a Department approved test for
20 the level of EMS personnel ~~EMT~~ license sought to be
21 reinstated.

22 (6) Grant inactive status to any EMR, EMD, EMT, EMT-I,
23 A-EMT, Paramedic, ECRN, or PHRN ~~EMT~~ who qualifies, based on
24 standards and procedures established by the Department in
25 rules adopted pursuant to this Act.

26 (7) Charge a fee for EMS personnel ~~EMT~~ examination,

1 licensure, and license renewal.

2 (8) Suspend, revoke, or refuse to issue or renew the
3 license of any licensee, after an opportunity for an
4 impartial hearing before a neutral administrative law
5 judge appointed by the Director, where the preponderance of
6 the evidence shows one or more of the following:

7 (A) The licensee has not met continuing education
8 or relicensure requirements as prescribed by the
9 Department;

10 (B) The licensee has failed to maintain
11 proficiency in the level of skills for which he or she
12 is licensed;

13 (C) The licensee, during the provision of medical
14 services, engaged in dishonorable, unethical, or
15 unprofessional conduct of a character likely to
16 deceive, defraud, or harm the public;

17 (D) The licensee has failed to maintain or has
18 violated standards of performance and conduct as
19 prescribed by the Department in rules adopted pursuant
20 to this Act or his or her EMS System's Program Plan;

21 (E) The licensee is physically impaired to the
22 extent that he or she cannot physically perform the
23 skills and functions for which he or she is licensed,
24 as verified by a physician, unless the person is on
25 inactive status pursuant to Department regulations;

26 (F) The licensee is mentally impaired to the extent

1 that he or she cannot exercise the appropriate
2 judgment, skill and safety for performing the
3 functions for which he or she is licensed, as verified
4 by a physician, unless the person is on inactive status
5 pursuant to Department regulations;

6 (G) The licensee has violated this Act or any rule
7 adopted by the Department pursuant to this Act; or

8 (H) The licensee has been convicted (or entered a
9 plea of guilty or nolo-contendere) by a court of
10 competent jurisdiction of a Class X, Class 1, or Class
11 2 felony in this State or an out-of-state equivalent
12 offense.

13 (d-5) An EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, or
14 PHRN ~~An EMT~~ who is a member of the Illinois National Guard or
15 an Illinois State Trooper or who exclusively serves as a
16 volunteer for units of local government with a population base
17 of less than 5,000 or as a volunteer for a not-for-profit
18 organization that serves a service area with a population base
19 of less than 5,000 may submit an application to the Department
20 for a waiver of the fees described under paragraph (7) of
21 subsection (d) of this Section on a form prescribed by the
22 Department.

23 The education requirements prescribed by the Department
24 under this Section ~~subsection~~ must allow for the suspension of
25 those requirements in the case of a member of the armed
26 services or reserve forces of the United States or a member of

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

8 (e) In the event that any rule of the Department or an EMS
9 Medical Director that requires testing for drug use as a
10 condition of the applicable EMS personnel license ~~for EMT~~
11 ~~licensure~~ conflicts with or duplicates a provision of a
12 collective bargaining agreement that requires testing for drug
13 use, that rule shall not apply to any person covered by the
14 collective bargaining agreement.

15 (Source: P.A. 97-333, eff. 8-12-11; 97-509, eff. 8-23-11;
16 97-813, eff. 7-13-12; 97-1014, eff. 1-1-13; 98-53, eff. 1-1-14;
17 98-463, eff. 8-16-13.)

18 (210 ILCS 50/3.55)

19 Sec. 3.55. Scope of practice.

20 (a) Any person currently licensed as an EMR, EMT ~~EMT-B,~~
21 ~~EMT-I,~~ A-EMT, or Paramedic ~~EMT-P~~ may perform emergency and
22 non-emergency medical services as defined in this Act, in
23 accordance with his or her level of education, training and
24 licensure, the standards of performance and conduct prescribed
25 by the Department in rules adopted pursuant to this Act, and

1 the requirements of the EMS System in which he or she
2 practices, as contained in the approved Program Plan for that
3 System. The Director may, by written order, temporarily modify
4 individual scopes of practice in response to public health
5 emergencies for periods not exceeding 180 days.

6 (a-5) EMS personnel ~~A person currently approved as a First~~
7 ~~Responder or licensed as an EMT-B, EMT-I, or EMT-P~~ who have ~~has~~
8 successfully completed a Department approved course in
9 automated defibrillator operation and who are ~~is~~ functioning
10 within a Department approved EMS System may utilize such
11 automated defibrillator according to the standards of
12 performance and conduct prescribed by the Department in rules
13 adopted pursuant to this Act and the requirements of the EMS
14 System in which they practice ~~he or she practices~~, as contained
15 in the approved Program Plan for that System.

16 (a-7) An EMT ~~A person currently licensed as an EMT-B,~~
17 ~~EMT-I, A-EMT, or Paramedic EMT-P~~ who has successfully completed
18 a Department approved course in the administration of
19 epinephrine, shall be required to carry epinephrine with him or
20 her as part of the EMS personnel ~~EMT~~ medical supplies whenever
21 he or she is performing official ~~the~~ duties as determined by
22 the EMS System ~~of an emergency medical technician~~.

23 (b) An EMR, EMT ~~A person currently licensed as an EMT-B,~~
24 ~~EMT-I, A-EMT, or Paramedic EMT-P~~ may ~~only~~ practice as an EMR,
25 EMT, EMT-I, A-EMT, or Paramedic ~~EMT~~ or utilize his or her EMR,
26 EMT, EMT-I, A-EMT, or Paramedic ~~EMT~~ license in pre-hospital or

1 inter-hospital emergency care settings or non-emergency
2 medical transport situations, under the written or verbal
3 direction of the EMS Medical Director. For purposes of this
4 Section, a "pre-hospital emergency care setting" may include a
5 location, that is not a health care facility, which utilizes
6 EMS personnel ~~EMTs~~ to render pre-hospital emergency care prior
7 to the arrival of a transport vehicle. The location shall
8 include communication equipment and all of the portable
9 equipment and drugs appropriate for the EMR, EMT, EMT-I, A-EMT,
10 or Paramedic's ~~EMT's~~ level of care, as required by this Act,
11 rules adopted by the Department pursuant to this Act, and the
12 protocols of the EMS Systems, and shall operate only with the
13 approval and under the direction of the EMS Medical Director.

14 This Section shall not prohibit an EMR, EMT ~~EMT-B~~, EMT-I,
15 A-EMT, or Paramedic ~~EMT-P~~ from practicing within an emergency
16 department or other health care setting for the purpose of
17 receiving continuing education or training approved by the EMS
18 Medical Director. This Section shall also not prohibit an EMT
19 ~~EMT-B~~, EMT-I, A-EMT, or Paramedic ~~EMT-P~~ from seeking
20 credentials other than his or her EMT, EMT-I, A-EMT, or
21 Paramedic license and utilizing such credentials to work in
22 emergency departments or other health care settings under the
23 jurisdiction of that employer.

24 (c) An EMT ~~A person currently licensed as an EMT-B, EMT-I,~~
25 A-EMT, or Paramedic ~~EMT-P~~ may honor Do Not Resuscitate (DNR)
26 orders and powers of attorney for health care only in

1 accordance with rules adopted by the Department pursuant to
2 this Act and protocols of the EMS System in which he or she
3 practices.

4 (d) A student enrolled in a Department approved EMS
5 personnel ~~emergency—medical—technician~~ program, while
6 fulfilling the clinical training and in-field supervised
7 experience requirements mandated for licensure or approval by
8 the System and the Department, may perform prescribed
9 procedures under the direct supervision of a physician licensed
10 to practice medicine in all of its branches, a qualified
11 registered professional nurse, or a qualified EMS personnel
12 ~~EMT~~, only when authorized by the EMS Medical Director.

13 (Source: P.A. 92-376, eff. 8-15-01.)

14 (210 ILCS 50/3.65)

15 Sec. 3.65. EMS Lead Instructor.

16 (a) "EMS Lead Instructor" means a person who has
17 successfully completed a course of education as approved
18 ~~prescribed~~ by the Department, and who is currently approved by
19 the Department to coordinate or teach education, training and
20 continuing education courses, in accordance with standards
21 prescribed by this Act and rules adopted by the Department
22 pursuant to this Act.

23 (b) The Department shall have the authority and
24 responsibility to:

25 (1) Prescribe education requirements for EMS Lead

1 Instructor candidates through rules adopted pursuant to
2 this Act.

3 (2) Prescribe testing requirements for EMS Lead
4 Instructor candidates through rules adopted pursuant to
5 this Act.

6 (3) Charge each candidate for EMS Lead Instructor a fee
7 to be submitted with an application for an examination, an
8 application for licensure ~~certification~~, and an
9 application for relicensure ~~recertification~~.

10 (4) Approve individuals as EMS Lead Instructors who
11 have met the Department's education and testing
12 requirements.

13 (5) Require that all education, training and
14 continuing education courses for EMT ~~EMT-B~~, EMT-I, A-EMT,
15 Paramedic, PHRN ~~EMT-P~~, ~~Pre-Hospital RN~~, ECRN, EMR, ~~First~~
16 ~~Responder~~ and Emergency Medical Dispatcher be coordinated
17 by at least one approved EMS Lead Instructor. A program
18 which includes education, training or continuing education
19 for more than one type of personnel may use one EMS Lead
20 Instructor to coordinate the program, and a single EMS Lead
21 Instructor may simultaneously coordinate more than one
22 program or course.

23 (6) Provide standards and procedures for awarding EMS
24 Lead Instructor approval to persons previously approved by
25 the Department to coordinate such courses, based on
26 qualifications prescribed by the Department through rules

1 adopted pursuant to this Act.

2 (7) Suspend, ~~or~~ revoke, or refuse to issue or renew the
3 approval of an EMS Lead Instructor, after an opportunity
4 for a hearing, when findings show one or more of the
5 following:

6 (A) The EMS Lead Instructor has failed to conduct a
7 course in accordance with the curriculum prescribed by
8 this Act and rules adopted by the Department pursuant
9 to this Act; or

10 (B) The EMS Lead Instructor has failed to comply
11 with protocols prescribed by the Department through
12 rules adopted pursuant to this Act.

13 (Source: P.A. 96-1469, eff. 1-1-11.)

14 (210 ILCS 50/3.70)

15 Sec. 3.70. Emergency Medical Dispatcher.

16 (a) "Emergency Medical Dispatcher" means a person who has
17 successfully completed a training course in emergency medical
18 dispatching ~~meeting or exceeding the national curriculum of the~~
19 ~~United States Department of Transportation~~ in accordance with
20 rules adopted by the Department pursuant to this Act, who
21 accepts calls from the public for emergency medical services
22 and dispatches designated emergency medical services personnel
23 and vehicles. The Emergency Medical Dispatcher must use the
24 Department-approved emergency medical dispatch priority
25 reference system (EMDPRS) protocol selected for use by its

1 agency and approved by its EMS medical director. This protocol
2 must be used by an emergency medical dispatcher in an emergency
3 medical dispatch agency to dispatch aid to medical emergencies
4 which includes systematized caller interrogation questions;
5 systematized prearrival support instructions; and systematized
6 coding protocols that match the dispatcher's evaluation of the
7 injury or illness severity with the vehicle response mode and
8 vehicle response configuration and includes an appropriate
9 training curriculum and testing process consistent with the
10 specific EMDPRS protocol used by the emergency medical dispatch
11 agency. Prearrival support instructions shall be provided in a
12 non-discriminatory manner and shall be provided in accordance
13 with the EMDPRS established by the EMS medical director of the
14 EMS system in which the EMD operates. If the dispatcher
15 operates under the authority of an Emergency Telephone System
16 Board established under the Emergency Telephone System Act, the
17 protocols shall be established by such Board in consultation
18 with the EMS Medical Director. ~~Persons who have already~~
19 ~~completed a course of instruction in emergency medical dispatch~~
20 ~~based on, equivalent to or exceeding the national curriculum of~~
21 ~~the United States Department of Transportation, or as otherwise~~
22 ~~approved by the Department, shall be considered Emergency~~
23 ~~Medical Dispatchers on the effective date of this amendatory~~
24 ~~Act.~~

25 (b) The Department shall have the authority and
26 responsibility to:

1 (1) Require licensure and relicensure ~~certification~~
2 ~~and recertification~~ of a person who meets the training and
3 other requirements as an emergency medical dispatcher
4 pursuant to this Act.

5 (2) Require licensure and relicensure ~~certification~~
6 ~~and recertification~~ of a person, organization, or
7 government agency that operates an emergency medical
8 dispatch agency that meets the minimum standards
9 prescribed by the Department for an emergency medical
10 dispatch agency pursuant to this Act.

11 (3) Prescribe minimum education and continuing
12 education requirements for the Emergency Medical
13 Dispatcher, which meet standards specified by ~~the national~~
14 ~~curriculum of the United States Department of~~
15 ~~Transportation, through~~ rules adopted pursuant to this
16 Act.

17 (4) Require each EMS Medical Director to report to the
18 Department whenever an action has taken place that may
19 require the revocation or suspension of a license
20 ~~certificate~~ issued by the Department.

21 (5) Require each EMD to provide prearrival
22 instructions in compliance with protocols selected and
23 approved by the system's EMS medical director and approved
24 by the Department.

25 (6) Require the Emergency Medical Dispatcher to keep
26 the Department currently informed as to the entity or

1 agency that employs or supervises his activities as an
2 Emergency Medical Dispatcher.

3 (7) Establish an annual relicensure ~~recertification~~
4 requirement that requires ~~at least 12 hours of~~ medical
5 dispatch-specific continuing education as prescribed by
6 the Department through rules adopted pursuant to this Act
7 ~~each year~~.

8 (8) Approve all EMDPRS protocols used by emergency
9 medical dispatch agencies to assure compliance with
10 national standards.

11 (9) Require that Department-approved emergency medical
12 dispatch training programs are conducted in accordance
13 with national standards.

14 (10) Require that the emergency medical dispatch
15 agency be operated in accordance with national standards,
16 including, but not limited to, (i) the use on every request
17 for medical assistance of an emergency medical dispatch
18 priority reference system (EMDPRS) in accordance with
19 Department-approved policies and procedures and (ii) under
20 the approval and supervision of the EMS medical director,
21 the establishment of a continuous quality improvement
22 program.

23 (11) Require that a person may not represent himself or
24 herself, nor may an agency or business represent an agent
25 or employee of that agency or business, as an emergency
26 medical dispatcher unless licensed ~~certified~~ by the

1 Department as an emergency medical dispatcher.

2 (12) Require that a person, organization, or
3 government agency not represent itself as an emergency
4 medical dispatch agency unless the person, organization,
5 or government agency is certified by the Department as an
6 emergency medical dispatch agency.

7 (13) Require that a person, organization, or
8 government agency may not offer or conduct a training
9 course that is represented as a course for an emergency
10 medical dispatcher unless the person, organization, or
11 agency is approved by the Department to offer or conduct
12 that course.

13 (14) Require that Department-approved emergency
14 medical dispatcher training programs are conducted by
15 instructors licensed by the Department who:

16 (i) are, at a minimum, licensed ~~certified~~ as
17 emergency medical dispatchers;

18 (ii) have completed a Department-approved course
19 on methods of instruction;

20 (iii) have previous experience in a medical
21 dispatch agency; and

22 (iv) have demonstrated experience as an EMS
23 instructor.

24 (15) Establish criteria for modifying or waiving
25 Emergency Medical Dispatcher requirements based on (i) the
26 scope and frequency of dispatch activities and the

1 dispatcher's access to training or (ii) whether the
2 previously-attended dispatcher training program merits
3 automatic relicensure ~~recertification~~ for the dispatcher.

4 (16) Charge each Emergency Medical Dispatcher
5 applicant a fee for licensure and license renewal.

6 (c) The Department shall have the authority to suspend,
7 revoke, or refuse to issue or renew the license of an EMD when,
8 after notice and the opportunity for an impartial hearing, the
9 Department demonstrates that the licensee has violated this
10 Act, violated the rules adopted by the Department, or failed to
11 comply with the applicable standard of care.

12 (Source: P.A. 96-1469, eff. 1-1-11.)

13 (210 ILCS 50/3.75)

14 Sec. 3.75. Trauma Nurse Specialist (TNS) licensure
15 Certification.

16 (a) "Trauma Nurse Specialist" or "TNS" means a registered
17 professional nurse licensed under the Nurse Practice Act who
18 has successfully completed supplemental education and testing
19 requirements as prescribed by the Department, and is licensed
20 ~~certified~~ by the Department in accordance with rules adopted by
21 the Department pursuant to this Act. For out-of-state
22 facilities that have Illinois recognition under the EMS,
23 trauma, or pediatric programs, the professional shall have an
24 unencumbered registered nurse license in the state in which he
25 or she practices. In this Section, the term "license" is used

1 to reflect a change in terminology from "certification" to
2 "license" only.

3 (b) The Department shall have the authority and
4 responsibility to:

5 (1) Establish criteria for TNS training sites, through
6 rules adopted pursuant to this Act;

7 (2) Prescribe education and testing requirements for
8 TNS candidates, which shall include an opportunity for
9 licensure ~~certification~~ based on examination only, through
10 rules adopted pursuant to this Act;

11 (3) Charge each candidate for TNS licensure
12 ~~certification~~ a fee to be submitted with an application for
13 a licensure ~~certification~~ examination, an application for
14 licensure ~~certification~~, and an application for
15 relicensure ~~recertification~~;

16 (4) License ~~Certify~~ an individual as a TNS who has met
17 the Department's education and testing requirements;

18 (5) Prescribe relicensure ~~recertification~~ requirements
19 through rules adopted pursuant to this Act;

20 (6) Relicense ~~Recertify~~ an individual as a TNS every 4
21 years, based on compliance with relicensure
22 ~~recertification~~ requirements;

23 (7) Grant inactive status to any TNS who qualifies,
24 based on standards and procedures established by the
25 Department in rules adopted pursuant to this Act; and

26 (8) Suspend, revoke, or refuse to issue or renew ~~deny~~

1 ~~renewal~~ of the license ~~certification~~ of a TNS, after an
2 opportunity for hearing by the Department, if findings show
3 that the TNS has failed to maintain proficiency in the
4 level of skills for which the TNS is licensed ~~certified~~ or
5 has failed to comply with relicensure ~~recertification~~
6 requirements.

7 (Source: P.A. 96-1469, eff. 1-1-11.)

8 (210 ILCS 50/3.80)

9 Sec. 3.80. Pre-Hospital Registered Nurse ~~RN~~ and Emergency
10 Communications Registered Nurse.

11 (a) "Emergency Communications Registered Nurse" or "ECRN"
12 means a registered professional nurse licensed under the Nurse
13 Practice Act who has successfully completed supplemental
14 education in accordance with rules adopted by the Department,
15 and who is approved by an EMS Medical Director to monitor
16 telecommunications from and give voice orders to EMS System
17 personnel, under the authority of the EMS Medical Director and
18 in accordance with System protocols. For out-of-state
19 facilities that have Illinois recognition under the EMS, trauma
20 or pediatric programs, the professional shall have an
21 unencumbered registered nurse license in the state in which he
22 or she practices. In this Section, the term "license" is used
23 to reflect a change in terminology from "certification" to
24 "license" only.

25 ~~Upon the effective date of this amendatory Act of 1995, all~~

1 ~~existing Registered Professional Nurse/MICNs shall be~~
2 ~~considered ECRNs.~~

3 (b) "Pre-Hospital Registered Nurse", ~~or~~ "PHRN", or
4 "Pre-Hospital RN" means a registered professional nurse
5 licensed under the Nurse Practice Act who has successfully
6 completed supplemental education in accordance with rules
7 adopted by the Department pursuant to this Act, and who is
8 approved by an EMS Medical Director to practice within an
9 Illinois EMS System as emergency medical services personnel for
10 pre-hospital and inter-hospital emergency care and
11 non-emergency medical transports. For out-of-state facilities
12 that have Illinois recognition under the EMS, trauma or
13 pediatric programs, the professional shall have an
14 unencumbered registered nurse license in the state in which he
15 or she practices. In this Section, the term "license" is used
16 to reflect a change in terminology from "certification" to
17 "license" only.

18 ~~Upon the effective date of this amendatory Act of 1995, all~~
19 ~~existing Registered Professional Nurse/Field RNs shall be~~
20 ~~considered Pre-Hospital RNs.~~

21 (c) The Department shall have the authority and
22 responsibility to:

23 (1) Prescribe education and continuing education
24 requirements for Pre-Hospital Registered Nurse ~~RN~~ and ECRN
25 candidates through rules adopted pursuant to this Act:

26 (A) Education for Pre-Hospital Registered Nurse ~~RN~~

1 shall include extrication, telecommunications, and
2 pre-hospital cardiac, medical, and trauma care;

3 (B) Education for ECRN shall include
4 telecommunications, System standing medical orders and
5 the procedures and protocols established by the EMS
6 Medical Director;

7 (C) A Pre-Hospital Registered Nurse ~~RN~~ candidate
8 who is fulfilling clinical training and in-field
9 supervised experience requirements may perform
10 prescribed procedures under the direct supervision of
11 a physician licensed to practice medicine in all of its
12 branches, a qualified registered professional nurse or
13 a qualified EMT, only when authorized by the EMS
14 Medical Director;

15 (D) An EMS Medical Director may impose in-field
16 supervised field experience requirements on System
17 ECRNs as part of their training or continuing
18 education, in which they perform prescribed procedures
19 under the direct supervision of a physician licensed to
20 practice medicine in all of its branches, a qualified
21 registered professional nurse, or qualified EMS
22 personnel ~~EMT~~, only when authorized by the EMS Medical
23 Director;

24 (2) Require EMS Medical Directors to reapprove
25 Pre-Hospital Registered Nurses ~~RNs~~ and ECRNs every 4 years,
26 based on compliance with continuing education requirements

1 prescribed by the Department through rules adopted
2 pursuant to this Act;

3 (3) Allow EMS Medical Directors to grant inactive
4 status to any Pre-Hospital Registered Nurse ~~RN~~ or ECRN who
5 qualifies, based on standards and procedures established
6 by the Department in rules adopted pursuant to this Act;

7 (4) Require a Pre-Hospital Registered Nurse ~~RN~~ to honor
8 Do Not Resuscitate (DNR) orders and powers of attorney for
9 health care only in accordance with rules adopted by the
10 Department pursuant to this Act and protocols of the EMS
11 System in which he or she practices;

12 (5) Charge each Pre-Hospital Registered Nurse ~~RN~~
13 applicant and ECRN applicant a fee for licensure and
14 relicensure ~~certification and recertification~~.

15 (d) The Department shall have the authority to suspend,
16 revoke, or refuse to issue or renew a Department-issued PHRN or
17 ECRN license when, after notice and the opportunity for a
18 hearing, the Department demonstrates that the licensee has
19 violated this Act, violated the rules adopted by the
20 Department, or failed to comply with the applicable standards
21 of care.

22 (Source: P.A. 95-639, eff. 10-5-07; 96-1469, eff. 1-1-11.)

23 (210 ILCS 50/3.130)

24 Sec. 3.130. Facility, system, and equipment violations;
25 Plans of Correction. Except for emergency suspension orders, or

1 actions initiated pursuant to Sections 3.117(a), 3.117(b), and
2 3.90(b)(10) of this Act, prior to initiating an action in
3 response to a facility, system, or equipment violation ~~for~~
4 ~~suspension, revocation, denial, nonrenewal, or imposition of a~~
5 ~~fine pursuant to this Act~~, the Department shall:

6 (a) Issue a Notice of Violation which specifies the
7 Department's allegations of noncompliance and requests a plan
8 of correction to be submitted within 10 days after receipt of
9 the Notice of Violation;

10 (b) Review and approve or reject the plan of correction. If
11 the Department rejects the plan of correction, it shall send
12 notice of the rejection and the reason for the rejection. The
13 party shall have 10 days after receipt of the notice of
14 rejection in which to submit a modified plan;

15 (c) Impose a plan of correction if a modified plan is not
16 submitted in a timely manner or if the modified plan is
17 rejected by the Department;

18 (d) Issue a Notice of Intent to fine, suspend, revoke,
19 nonrenew or deny if the party has failed to comply with the
20 imposed plan of correction, and provide the party with an
21 opportunity to request an administrative hearing. The Notice of
22 Intent shall be effected by certified mail or by personal
23 service, shall set forth the particular reasons for the
24 proposed action, and shall provide the party with 15 days in
25 which to request a hearing.

26 (Source: P.A. 96-514, eff. 1-1-10; 96-1469, eff. 1-1-11.)

1 (210 ILCS 50/3.140)

2 Sec. 3.140. Violations; Fines.

3 (a) The Department shall have the authority to impose fines
4 on any licensed vehicle service provider, stretcher van
5 provider, designated trauma center, resource hospital,
6 associate hospital, or participating hospital.

7 (b) The Department shall adopt rules pursuant to this Act
8 which establish a system of fines related to the type and level
9 of violation or repeat violation, including but not limited to:

10 (1) A fine not exceeding \$10,000 for a violation which
11 created a condition or occurrence presenting a substantial
12 probability that death or serious harm to an individual
13 will or did result therefrom; and

14 (2) A fine not exceeding \$5,000 for a violation which
15 creates or created a condition or occurrence which
16 threatens the health, safety or welfare of an individual.

17 (c) A Notice of Intent to Impose Fine may be issued in
18 conjunction with or in lieu of a Notice of Intent to Suspend,
19 Revoke, Nonrenew or Deny, and shall conform to the requirements
20 specified in Section 3.130(d) of this Act. All Hearings
21 conducted pursuant to a Notice of Intent to Impose Fine shall
22 conform to the requirements specified in Section 3.135 of this
23 Act.

24 (d) All fines collected pursuant to this Section shall be
25 deposited into the EMS Assistance Fund.

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

2 (210 ILCS 50/3.165)

3 Sec. 3.165. Misrepresentation.

4 (a) No person shall hold himself or herself out to be or
5 engage in the practice of an EMS Medical Director, EMS
6 Administrative Director, EMS System Coordinator, EMR, EMD,
7 EMT, EMT-I, A-EMT, Paramedic, ECRN, PHRN, TNS, or LI ~~EMT,~~
8 ~~Trauma Nurse Specialist, Pre Hospital RN, Emergency~~
9 ~~Communications Registered Nurse, EMS Lead Instructor,~~
10 ~~Emergency Medical Dispatcher or First Responder~~ without being
11 licensed, certified, approved or otherwise authorized pursuant
12 to this Act.

13 (b) A hospital or other entity which employs or utilizes an
14 EMR, EMD, EMT, EMT-I, A-EMT, or Paramedic ~~EMT~~ in a manner which
15 is outside the scope of his or her ~~EMT~~ license shall not use
16 the words "emergency medical responder", "EMR", "emergency
17 medical technician", "EMT", "emergency medical
18 technician-intermediate", "EMT-I", "advanced emergency medical
19 technician", "A-EMT", or "Paramedic" ~~"emergency medical~~
20 ~~technician"~~, "~~EMT~~" or "~~paramedic~~" in that person's job
21 description or title, or in any other manner hold that person
22 out to be so licensed ~~an emergency medical technician~~.

23 (c) No provider or participant within an EMS System shall
24 hold itself out as providing a type or level of service that
25 has not been approved by that System's EMS Medical Director.

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

2 (210 ILCS 50/3.170)

3 Sec. 3.170. Falsification of Documents. No person shall
4 fabricate any license or knowingly enter any false information
5 on any application form, run sheet, record or other document
6 required to be completed or submitted pursuant to this Act or
7 any rule adopted pursuant to this Act, or knowingly submit any
8 application form, run sheet, record or other document which
9 contains false information.

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

11 (210 ILCS 50/3.180)

12 Sec. 3.180. Injunctions. Notwithstanding the existence or
13 pursuit of any other remedy, the Director may, through the
14 Attorney General, seek an injunction:

15 (a) To restrain or prevent any person or entity from
16 functioning, practicing or operating without a license,
17 certification, classification, approval, permit, designation
18 or authorization required by this Act;

19 (b) To restrain or prevent any person, institution or
20 governmental unit from representing itself to be a trauma
21 center after the effective date of this amendatory Act of 1995
22 without designation as such pursuant to this Act;

23 (c) To restrain or prevent any hospital or other entity
24 which employs or utilizes an EMR, EMT, EMT-I, A-EMT, or

1 Paramedic EMT in a manner which is outside the scope of his or
2 her EMT license from representing that person to be an EMR,
3 EMT, EMT-I, A-EMT, or Paramedic EMT.

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

5 (210 ILCS 50/3.200)

6 Sec. 3.200. State Emergency Medical Services Advisory
7 Council.

8 (a) There shall be established within the Department of
9 Public Health a State Emergency Medical Services Advisory
10 Council, which shall serve as an advisory body to the
11 Department on matters related to this Act.

12 (b) Membership of the Council shall include one
13 representative from each EMS Region, to be appointed by each
14 region's EMS Regional Advisory Committee. The Governor shall
15 appoint additional members to the Council as necessary to
16 insure that the Council includes one representative from each
17 of the following categories:

18 (1) EMS Medical Director,

19 (2) Trauma Center Medical Director,

20 (3) Licensed, practicing physician with regular and
21 frequent involvement in the provision of emergency care,

22 (4) Licensed, practicing physician with special
23 expertise in the surgical care of the trauma patient,

24 (5) EMS System Coordinator,

25 (6) TNS,

- 1 (7) Paramedic ~~EMT-P,~~
2 (7.5) A-EMT,
3 (8) EMT-I,
4 (9) EMT ~~EMT-B,~~
5 (10) Private vehicle service provider,
6 (11) Law enforcement officer,
7 (12) Chief of a public vehicle service provider,
8 (13) Statewide firefighters' union member affiliated
9 with a vehicle service provider,
10 (14) Administrative representative from a fire
11 department vehicle service provider in a municipality with
12 a population of over 2 million people;
13 (15) Administrative representative from a Resource
14 Hospital or EMS System Administrative Director.

15 (c) ~~Members~~ ~~Of the members first appointed, 5 members shall~~
16 ~~be appointed for a term of one year, 5 members shall be~~
17 ~~appointed for a term of 2 years, and the remaining members~~
18 ~~shall be appointed for a term of 3 years. The terms of~~
19 ~~subsequent appointees shall be 3 years.~~ All appointees shall
20 serve until their successors are appointed and qualified.

21 (d) The Council shall be provided a 90-day period in which
22 to review and comment, in consultation with the subcommittee to
23 which the rules are relevant, upon all rules proposed by the
24 Department pursuant to this Act, except for rules adopted
25 pursuant to Section 3.190(a) of this Act, rules submitted to
26 the State Trauma Advisory Council and emergency rules adopted

1 pursuant to Section 5-45 of the Illinois Administrative
2 Procedure Act. The 90-day review and comment period may
3 commence upon the Department's submission of the proposed rules
4 to the individual Council members, if the Council is not
5 meeting at the time the proposed rules are ready for Council
6 review. Any non-emergency rules adopted prior to the Council's
7 90-day review and comment period shall be null and void. If the
8 Council fails to advise the Department within its 90-day review
9 and comment period, the rule shall be considered acted upon.

10 (e) Council members shall be reimbursed for reasonable
11 travel expenses incurred during the performance of their duties
12 under this Section.

13 (f) The Department shall provide administrative support to
14 the Council for the preparation of the agenda and minutes for
15 Council meetings and distribution of proposed rules to Council
16 members.

17 (g) The Council shall act pursuant to bylaws which it
18 adopts, which shall include the annual election of a Chair and
19 Vice-Chair.

20 (h) The Director or his designee shall be present at all
21 Council meetings.

22 (i) Nothing in this Section shall preclude the Council from
23 reviewing and commenting on proposed rules which fall under the
24 purview of the State Trauma Advisory Council.

25 (Source: P.A. 96-514, eff. 1-1-10.)

1 (210 ILCS 50/3.205)

2 Sec. 3.205. State Trauma Advisory Council.

3 (a) There shall be established within the Department of
4 Public Health a State Trauma Advisory Council, which shall
5 serve as an advisory body to the Department on matters related
6 to trauma care and trauma centers.

7 (b) Membership of the Council shall include one
8 representative from each Regional Trauma Advisory Committee,
9 to be appointed by each Committee. The Governor shall appoint
10 the following additional members:

11 (1) An EMS Medical Director,

12 (2) A trauma center medical director,

13 (3) A trauma surgeon,

14 (4) A trauma nurse coordinator,

15 (5) A representative from a private vehicle service
16 provider,

17 (6) A representative from a public vehicle service
18 provider,

19 (7) A member of the State EMS Advisory Council, and

20 (8) A neurosurgeon.

21 (c) ~~Members~~ ~~Of the members first appointed, 5 members shall~~
22 ~~be appointed for a term of one year, 5 members shall be~~
23 ~~appointed for a term of 2 years, and the remaining members~~
24 ~~shall be appointed for a term of 3 years. The terms of~~
25 ~~subsequent appointees shall be 3 years.~~ All appointees shall
26 serve until their successors are appointed and qualified.

1 (d) The Council shall be provided a 90-day period in which
2 to review and comment upon all rules proposed by the Department
3 pursuant to this Act concerning trauma care, except for
4 emergency rules adopted pursuant to Section 5-45 of the
5 Illinois Administrative Procedure Act. The 90-day review and
6 comment period may commence upon the Department's submission of
7 the proposed rules to the individual Council members, if the
8 Council is not meeting at the time the proposed rules are ready
9 for Council review. Any non-emergency rules adopted prior to
10 the Council's 90-day review and comment period shall be null
11 and void. If the Council fails to advise the Department within
12 its 90-day review and comment period, the rule shall be
13 considered acted upon;

14 (e) Council members shall be reimbursed for reasonable
15 travel expenses incurred during the performance of their duties
16 under this Section.

17 (f) The Department shall provide administrative support to
18 the Council for the preparation of the agenda and minutes for
19 Council meetings and distribution of proposed rules to Council
20 members.

21 (g) The Council shall act pursuant to bylaws which it
22 adopts, which shall include the annual election of a Chair and
23 Vice-Chair.

24 (h) The Director or his designee shall be present at all
25 Council meetings.

26 (i) Nothing in this Section shall preclude the Council from

1 reviewing and commenting on proposed rules which fall under the
2 purview of the State EMS Advisory Council.

3 (Source: P.A. 90-655, eff. 7-30-98; 91-743, eff. 6-2-00.)

4 (210 ILCS 50/3.210)

5 Sec. 3.210. EMS Medical Consultant. If the Chief of the
6 Department's Division of Emergency Medical Services and
7 Highway Safety is not a physician licensed to practice medicine
8 in all of its branches, with extensive emergency medical
9 services experience, and certified by the American Board of
10 Emergency Medicine or the Osteopathic American Board of
11 ~~Osteopathic~~ Emergency Medicine, then the Director shall
12 appoint such a physician to serve as EMS Medical Consultant to
13 the Division Chief.

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

15 Section 30. The Boxing and Full-contact Martial Arts Act is
16 amended by changing Section 12 as follows:

17 (225 ILCS 105/12) (from Ch. 111, par. 5012)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 12. Professional or amateur contests.

20 (a) The professional or amateur contest, or a combination
21 of both, shall be held in an area where adequate neurosurgical
22 facilities are immediately available for skilled emergency
23 treatment of an injured professional or amateur.

1 (b) Each professional or amateur shall be examined before
2 the contest and promptly after each bout by a physician. The
3 physician shall determine, prior to the contest, if each
4 professional or amateur is physically fit to compete in the
5 contest. After the bout the physician shall examine the
6 professional or amateur to determine possible injury. If the
7 professional's or amateur's physical condition so indicates,
8 the physician shall recommend to the Department immediate
9 medical suspension. The physician or a licensed paramedic
10 ~~emergency medical technician paramedic (EMT-P)~~ must check the
11 vital signs of all contestants as established by rule.

12 (c) The physician may, at any time during the professional
13 or amateur bout, stop the professional or amateur bout to
14 examine a professional or amateur contestant and may direct the
15 referee to terminate the bout when, in the physician's opinion,
16 continuing the bout could result in serious injury to the
17 professional or amateur. If the professional's or amateur's
18 physical condition so indicates, the physician shall recommend
19 to the Department immediate medical suspension. The physician
20 shall certify to the condition of the professional or amateur
21 in writing, over his signature on forms provided by the
22 Department. Such reports shall be submitted to the Department
23 in a timely manner.

24 (d) No professional or amateur contest, or a combination of
25 both, shall be allowed to begin or be held unless at least one
26 physician, at least one EMT and one paramedic ~~EMT-P~~, and one

1 ambulance have been contracted with solely for the care of
2 professionals or amateurs who are competing as defined by rule.

3 (e) No professional boxing bout shall be more than 12
4 rounds in length. The rounds shall not be more than 3 minutes
5 each with a one minute interval between them, and no
6 professional boxer shall be allowed to participate in more than
7 one contest within a 7-day period.

8 The number and length of rounds for all other professional
9 or amateur boxing or full-contact martial arts contests, or a
10 combination of both, shall be determined by rule.

11 (f) The number and types of officials required for each
12 professional or amateur contest, or a combination of both,
13 shall be determined by rule.

14 (g) The Department or its representative shall have
15 discretion to declare a price, remuneration, or purse or any
16 part of it belonging to the professional withheld if in the
17 judgment of the Department or its representative the
18 professional is not honestly competing.

19 (h) The Department shall have the authority to prevent a
20 professional or amateur contest, or a combination of both, from
21 being held and shall have the authority to stop a professional
22 or amateur contest, or a combination of both, for noncompliance
23 with any part of this Act or rules or when, in the judgment of
24 the Department, or its representative, continuation of the
25 event would endanger the health, safety, and welfare of the
26 professionals or amateurs or spectators. The Department's

1 authority to stop a contest on the basis that the professional
2 or amateur contest, or a combination of both, would endanger
3 the health, safety, and welfare of the professionals or
4 amateurs or spectators shall extend to any professional or
5 amateur contest, or a combination of both, regardless of
6 whether that amateur contest is exempted from the prohibition
7 in Section 6 of this Act. Department staff, or its
8 representative, may be present at any full-contact martial arts
9 contest with scheduled amateur bouts.

10 (Source: P.A. 97-119, eff. 7-14-11.)

11 Section 35. The Abandoned Newborn Infant Protection Act is
12 amended by changing Section 10 as follows:

13 (325 ILCS 2/10)

14 Sec. 10. Definitions. In this Act:

15 "Abandon" has the same meaning as in the Abused and
16 Neglected Child Reporting Act.

17 "Abused child" has the same meaning as in the Abused and
18 Neglected Child Reporting Act.

19 "Child-placing agency" means a licensed public or private
20 agency that receives a child for the purpose of placing or
21 arranging for the placement of the child in a foster family
22 home or other facility for child care, apart from the custody
23 of the child's parents.

24 "Department" or "DCFS" means the Illinois Department of

1 Children and Family Services.

2 "Emergency medical facility" means a freestanding
3 emergency center or trauma center, as defined in the Emergency
4 Medical Services (EMS) Systems Act.

5 "Emergency medical professional" includes licensed
6 physicians, and any emergency medical technician
7 ~~technician basic~~, emergency medical technician-intermediate,
8 advanced emergency medical technician, paramedic ~~emergency~~
9 ~~medical technician paramedic~~, trauma nurse specialist, and
10 pre-hospital registered nurse RN, as defined in the Emergency
11 Medical Services (EMS) Systems Act.

12 "Fire station" means a fire station within the State with
13 at least one staff person.

14 "Hospital" has the same meaning as in the Hospital
15 Licensing Act.

16 "Legal custody" means the relationship created by a court
17 order in the best interest of a newborn infant that imposes on
18 the infant's custodian the responsibility of physical
19 possession of the infant, the duty to protect, train, and
20 discipline the infant, and the duty to provide the infant with
21 food, shelter, education, and medical care, except as these are
22 limited by parental rights and responsibilities.

23 "Neglected child" has the same meaning as in the Abused and
24 Neglected Child Reporting Act.

25 "Newborn infant" means a child who a licensed physician
26 reasonably believes is 30 days old or less at the time the

1 child is initially relinquished to a hospital, police station,
2 fire station, or emergency medical facility, and who is not an
3 abused or a neglected child.

4 "Police station" means a municipal police station, a county
5 sheriff's office, a campus police department located on any
6 college or university owned or controlled by the State or any
7 private college or private university that is not owned or
8 controlled by the State when employees of the campus police
9 department are present, or any of the district headquarters of
10 the Illinois State Police.

11 "Relinquish" means to bring a newborn infant, who a
12 licensed physician reasonably believes is 30 days old or less,
13 to a hospital, police station, fire station, or emergency
14 medical facility and to leave the infant with personnel of the
15 facility, if the person leaving the infant does not express an
16 intent to return for the infant or states that he or she will
17 not return for the infant. In the case of a mother who gives
18 birth to an infant in a hospital, the mother's act of leaving
19 that newborn infant at the hospital (i) without expressing an
20 intent to return for the infant or (ii) stating that she will
21 not return for the infant is not a "relinquishment" under this
22 Act.

23 "Temporary protective custody" means the temporary
24 placement of a newborn infant within a hospital or other
25 medical facility out of the custody of the infant's parent.

26 (Source: P.A. 96-345, eff. 1-1-10; 97-293, eff. 8-11-11.)

1 Section 40. The Coal Mine Medical Emergencies Act is
2 amended by changing Section 2 as follows:

3 (410 ILCS 15/2) (from Ch. 96 1/2, par. 3952)

4 Sec. 2. As used in this Act, unless the context clearly
5 otherwise requires:

6 (a) "Emergency medical technician" means a person who has
7 successfully completed the course on emergency first-aid care
8 and transportation of the sick and injured recommended by the
9 American Academy of Orthopedic Surgeons, or the equivalent
10 thereof, and has been licensed ~~certified~~ by the Department of
11 Public Health to provide emergency care.

12 (b) "Mine" means any surface coal mine or underground coal
13 mine, as defined in Section 1.03 of "The Coal Mining Act of
14 1953".

15 (Source: P.A. 80-294.)

16 Section 45. The AIDS Confidentiality Act is amended by
17 changing Sections 7 and 9 as follows:

18 (410 ILCS 305/7) (from Ch. 111 1/2, par. 7307)

19 Sec. 7. (a) Notwithstanding the provisions of Sections 4, 5
20 and 6 of this Act, informed consent is not required for a
21 health care provider or health facility to perform a test when
22 the health care provider or health facility procures,

1 processes, distributes or uses a human body part donated for a
2 purpose specified under the Illinois Anatomical Gift Act, or
3 semen provided prior to the effective date of this Act for the
4 purpose of artificial insemination, and such a test is
5 necessary to assure medical acceptability of such gift or semen
6 for the purposes intended.

7 (b) Informed consent is not required for a health care
8 provider or health facility to perform a test when a health
9 care provider or employee of a health facility, or a
10 firefighter or an EMR, EMT ~~EMT-A~~, EMT-I, A-EMT, paramedic, or
11 PHRN ~~EMT-P~~, is involved in an accidental direct skin or mucous
12 membrane contact with the blood or bodily fluids of an
13 individual which is of a nature that may transmit HIV, as
14 determined by a physician in his medical judgment. Should such
15 test prove to be positive, the patient and the health care
16 provider, health facility employee, firefighter, EMR, EMT
17 ~~EMT-A~~, EMT-I, A-EMT, paramedic, or PHRN ~~EMT-P~~ shall be provided
18 appropriate counseling consistent with this Act.

19 (c) Informed consent is not required for a health care
20 provider or health facility to perform a test when a law
21 enforcement officer is involved in the line of duty in a direct
22 skin or mucous membrane contact with the blood or bodily fluids
23 of an individual which is of a nature that may transmit HIV, as
24 determined by a physician in his medical judgment. Should such
25 test prove to be positive, the patient shall be provided
26 appropriate counseling consistent with this Act. For purposes

1 of this subsection (c), "law enforcement officer" means any
2 person employed by the State, a county or a municipality as a
3 policeman, peace officer, auxiliary policeman, correctional
4 officer or in some like position involving the enforcement of
5 the law and protection of the public interest at the risk of
6 that person's life.

7 (Source: P.A. 95-7, eff. 6-1-08.)

8 (410 ILCS 305/9) (from Ch. 111 1/2, par. 7309)

9 Sec. 9. No person may disclose or be compelled to disclose
10 the identity of any person upon whom a test is performed, or
11 the results of such a test in a manner which permits
12 identification of the subject of the test, except to the
13 following persons:

14 (a) The subject of the test or the subject's legally
15 authorized representative. A physician may notify the spouse of
16 the test subject, if the test result is positive and has been
17 confirmed pursuant to rules adopted by the Department, provided
18 that the physician has first sought unsuccessfully to persuade
19 the patient to notify the spouse or that, a reasonable time
20 after the patient has agreed to make the notification, the
21 physician has reason to believe that the patient has not
22 provided the notification. This paragraph shall not create a
23 duty or obligation under which a physician must notify the
24 spouse of the test results, nor shall such duty or obligation
25 be implied. No civil liability or criminal sanction under this

1 Act shall be imposed for any disclosure or non-disclosure of a
2 test result to a spouse by a physician acting in good faith
3 under this paragraph. For the purpose of any proceedings, civil
4 or criminal, the good faith of any physician acting under this
5 paragraph shall be presumed.

6 (b) Any person designated in a legally effective release of
7 the test results executed by the subject of the test or the
8 subject's legally authorized representative.

9 (c) An authorized agent or employee of a health facility or
10 health care provider if the health facility or health care
11 provider itself is authorized to obtain the test results, the
12 agent or employee provides patient care or handles or processes
13 specimens of body fluids or tissues, and the agent or employee
14 has a need to know such information.

15 (d) The Department and local health authorities serving a
16 population of over 1,000,000 residents or other local health
17 authorities as designated by the Department, in accordance with
18 rules for reporting and controlling the spread of disease, as
19 otherwise provided by State law. The Department, local health
20 authorities, and authorized representatives shall not disclose
21 information and records held by them relating to known or
22 suspected cases of AIDS or HIV infection, publicly or in any
23 action of any kind in any court or before any tribunal, board,
24 or agency. AIDS and HIV infection data shall be protected from
25 disclosure in accordance with the provisions of Sections 8-2101
26 through 8-2105 of the Code of Civil Procedure.

1 (e) A health facility or health care provider which
2 procures, processes, distributes or uses: (i) a human body part
3 from a deceased person with respect to medical information
4 regarding that person; or (ii) semen provided prior to the
5 effective date of this Act for the purpose of artificial
6 insemination.

7 (f) Health facility staff committees for the purposes of
8 conducting program monitoring, program evaluation or service
9 reviews.

10 (f-5) A court in accordance with the provisions of Section
11 12-5.01 of the Criminal Code of 2012.

12 (g) (Blank).

13 (h) Any health care provider or employee of a health
14 facility, and any firefighter or EMR ~~EMT-A~~, EMT, A-EMT,
15 paramedic, PHRN ~~EMT-P~~, or EMT-I, involved in an accidental
16 direct skin or mucous membrane contact with the blood or bodily
17 fluids of an individual which is of a nature that may transmit
18 HIV, as determined by a physician in his medical judgment.

19 (i) Any law enforcement officer, as defined in subsection
20 (c) of Section 7, involved in the line of duty in a direct skin
21 or mucous membrane contact with the blood or bodily fluids of
22 an individual which is of a nature that may transmit HIV, as
23 determined by a physician in his medical judgment.

24 (j) A temporary caretaker of a child taken into temporary
25 protective custody by the Department of Children and Family
26 Services pursuant to Section 5 of the Abused and Neglected

1 Child Reporting Act, as now or hereafter amended.

2 (k) In the case of a minor under 18 years of age whose test
3 result is positive and has been confirmed pursuant to rules
4 adopted by the Department, the health care provider who ordered
5 the test shall make a reasonable effort to notify the minor's
6 parent or legal guardian if, in the professional judgment of
7 the health care provider, notification would be in the best
8 interest of the child and the health care provider has first
9 sought unsuccessfully to persuade the minor to notify the
10 parent or legal guardian or a reasonable time after the minor
11 has agreed to notify the parent or legal guardian, the health
12 care provider has reason to believe that the minor has not made
13 the notification. This subsection shall not create a duty or
14 obligation under which a health care provider must notify the
15 minor's parent or legal guardian of the test results, nor shall
16 a duty or obligation be implied. No civil liability or criminal
17 sanction under this Act shall be imposed for any notification
18 or non-notification of a minor's test result by a health care
19 provider acting in good faith under this subsection. For the
20 purpose of any proceeding, civil or criminal, the good faith of
21 any health care provider acting under this subsection shall be
22 presumed.

23 (Source: P.A. 96-328, eff. 8-11-09; 97-1046, eff. 8-21-12;
24 97-1150, eff. 1-25-13.)

25 Section 50. The Burn Injury Reporting Act is amended by

1 changing Section 5 as follows:

2 (425 ILCS 7/5)

3 Sec. 5. Burn injury reporting.

4 (a) Every case of a burn injury treated in a hospital as
5 described in this Act may be reported to the Office of the
6 State Fire Marshal. The hospital's administrator, manager,
7 superintendent, or his or her designee deciding to report under
8 this Act shall make an oral report of every burn injury in a
9 timely manner as soon as treatment permits, except as provided
10 in subsection (c) of this Section, that meets one of the
11 following criteria:

12 (1) a person receives a serious second-degree burn or a
13 third degree burn, but not a radiation burn, to 10% or more
14 of the person's body as a whole;

15 (2) a person sustains a burn to the upper respiratory
16 tract or occurring laryngeal edema due to the inhalation of
17 superheated air;

18 (3) a person sustains any burn injury likely to result
19 in death; or

20 (4) a person sustains any other burn injury not
21 excluded by subsection (c).

22 (b) The oral report shall consist of notification by
23 telephone to the Office of the State Fire Marshal using a
24 toll-free number established by the Office of the State Fire
25 Marshal for this purpose.

1 (c) A hospital's administrator, manager, superintendent,
2 or his or her designee deciding to report under this Act shall
3 not report any of the following burn injuries:

4 (1) a burn injury of an emergency medical ~~a first~~
5 responder, as defined in Section 3.50 ~~3.60~~ of the Emergency
6 Medical Services (EMS) Systems Act, sustained in the line
7 of duty;

8 (2) a burn injury caused by lighting;

9 (3) a burn injury caused by a motor vehicle accident;

10 or

11 (4) a burn injury caused by an identifiable industrial
12 accident or work-related accident.

13 (Source: P.A. 94-828, eff. 1-1-07.)

14 Section 55. The Illinois Vehicle Code is amended by
15 changing Sections 11-501.01 and 11-501.2 as follows:

16 (625 ILCS 5/11-501.01)

17 Sec. 11-501.01. Additional administrative sanctions.

18 (a) After a finding of guilt and prior to any final
19 sentencing or an order for supervision, for an offense based
20 upon an arrest for a violation of Section 11-501 or a similar
21 provision of a local ordinance, individuals shall be required
22 to undergo a professional evaluation to determine if an
23 alcohol, drug, or intoxicating compound abuse problem exists
24 and the extent of the problem, and undergo the imposition of

1 treatment as appropriate. Programs conducting these
2 evaluations shall be licensed by the Department of Human
3 Services. The cost of any professional evaluation shall be paid
4 for by the individual required to undergo the professional
5 evaluation.

6 (b) Any person who is found guilty of or pleads guilty to
7 violating Section 11-501, including any person receiving a
8 disposition of court supervision for violating that Section,
9 may be required by the Court to attend a victim impact panel
10 offered by, or under contract with, a county State's Attorney's
11 office, a probation and court services department, Mothers
12 Against Drunk Driving, or the Alliance Against Intoxicated
13 Motorists. All costs generated by the victim impact panel shall
14 be paid from fees collected from the offender or as may be
15 determined by the court.

16 (c) Every person found guilty of violating Section 11-501,
17 whose operation of a motor vehicle while in violation of that
18 Section proximately caused any incident resulting in an
19 appropriate emergency response, shall be liable for the expense
20 of an emergency response as provided in subsection (i) of this
21 Section.

22 (d) The Secretary of State shall revoke the driving
23 privileges of any person convicted under Section 11-501 or a
24 similar provision of a local ordinance.

25 (e) The Secretary of State shall require the use of
26 ignition interlock devices on all vehicles owned by a person

1 who has been convicted of a second or subsequent offense of
2 Section 11-501 or a similar provision of a local ordinance. The
3 person must pay to the Secretary of State DUI Administration
4 Fund an amount not to exceed \$30 for each month that he or she
5 uses the device. The Secretary shall establish by rule and
6 regulation the procedures for certification and use of the
7 interlock system, the amount of the fee, and the procedures,
8 terms, and conditions relating to these fees.

9 (f) In addition to any other penalties and liabilities, a
10 person who is found guilty of or pleads guilty to violating
11 Section 11-501, including any person placed on court
12 supervision for violating Section 11-501, shall be assessed
13 \$750, payable to the circuit clerk, who shall distribute the
14 money as follows: \$350 to the law enforcement agency that made
15 the arrest, and \$400 shall be forwarded to the State Treasurer
16 for deposit into the General Revenue Fund. If the person has
17 been previously convicted of violating Section 11-501 or a
18 similar provision of a local ordinance, the fine shall be
19 \$1,000, and the circuit clerk shall distribute \$200 to the law
20 enforcement agency that made the arrest and \$800 to the State
21 Treasurer for deposit into the General Revenue Fund. In the
22 event that more than one agency is responsible for the arrest,
23 the amount payable to law enforcement agencies shall be shared
24 equally. Any moneys received by a law enforcement agency under
25 this subsection (f) shall be used for enforcement and
26 prevention of driving while under the influence of alcohol,

1 other drug or drugs, intoxicating compound or compounds or any
2 combination thereof, as defined by Section 11-501 of this Code,
3 including but not limited to the purchase of law enforcement
4 equipment and commodities that will assist in the prevention of
5 alcohol related criminal violence throughout the State; police
6 officer training and education in areas related to alcohol
7 related crime, including but not limited to DUI training; and
8 police officer salaries, including but not limited to salaries
9 for hire back funding for safety checkpoints, saturation
10 patrols, and liquor store sting operations. Any moneys received
11 by the Department of State Police under this subsection (f)
12 shall be deposited into the State Police DUI Fund and shall be
13 used to purchase law enforcement equipment that will assist in
14 the prevention of alcohol related criminal violence throughout
15 the State.

16 (g) The Secretary of State Police DUI Fund is created as a
17 special fund in the State treasury. All moneys received by the
18 Secretary of State Police under subsection (f) of this Section
19 shall be deposited into the Secretary of State Police DUI Fund
20 and, subject to appropriation, shall be used for enforcement
21 and prevention of driving while under the influence of alcohol,
22 other drug or drugs, intoxicating compound or compounds or any
23 combination thereof, as defined by Section 11-501 of this Code,
24 including but not limited to the purchase of law enforcement
25 equipment and commodities to assist in the prevention of
26 alcohol related criminal violence throughout the State; police

1 officer training and education in areas related to alcohol
2 related crime, including but not limited to DUI training; and
3 police officer salaries, including but not limited to salaries
4 for hire back funding for safety checkpoints, saturation
5 patrols, and liquor store sting operations.

6 (h) Whenever an individual is sentenced for an offense
7 based upon an arrest for a violation of Section 11-501 or a
8 similar provision of a local ordinance, and the professional
9 evaluation recommends remedial or rehabilitative treatment or
10 education, neither the treatment nor the education shall be the
11 sole disposition and either or both may be imposed only in
12 conjunction with another disposition. The court shall monitor
13 compliance with any remedial education or treatment
14 recommendations contained in the professional evaluation.
15 Programs conducting alcohol or other drug evaluation or
16 remedial education must be licensed by the Department of Human
17 Services. If the individual is not a resident of Illinois,
18 however, the court may accept an alcohol or other drug
19 evaluation or remedial education program in the individual's
20 state of residence. Programs providing treatment must be
21 licensed under existing applicable alcoholism and drug
22 treatment licensure standards.

23 (i) In addition to any other fine or penalty required by
24 law, an individual convicted of a violation of Section 11-501,
25 Section 5-7 of the Snowmobile Registration and Safety Act,
26 Section 5-16 of the Boat Registration and Safety Act, or a

1 similar provision, whose operation of a motor vehicle,
2 snowmobile, or watercraft while in violation of Section 11-501,
3 Section 5-7 of the Snowmobile Registration and Safety Act,
4 Section 5-16 of the Boat Registration and Safety Act, or a
5 similar provision proximately caused an incident resulting in
6 an appropriate emergency response, shall be required to make
7 restitution to a public agency for the costs of that emergency
8 response. The restitution may not exceed \$1,000 per public
9 agency for each emergency response. As used in this subsection
10 (i), "emergency response" means any incident requiring a
11 response by a police officer, a firefighter carried on the
12 rolls of a regularly constituted fire department, or an
13 ambulance. With respect to funds designated for the Department
14 of State Police, the moneys shall be remitted by the circuit
15 court clerk to the State Police within one month after receipt
16 for deposit into the State Police DUI Fund. With respect to
17 funds designated for the Department of Natural Resources, the
18 Department of Natural Resources shall deposit the moneys into
19 the Conservation Police Operations Assistance Fund.

20 (j) A person that is subject to a chemical test or tests of
21 blood under subsection (a) of Section 11-501.1 or subdivision
22 (c)(2) of Section 11-501.2 of this Code, whether or not that
23 person consents to testing, shall be liable for the expense up
24 to \$500 for blood withdrawal by a physician authorized to
25 practice medicine, a licensed physician assistant, a licensed
26 advanced practice nurse, a registered nurse, a trained

1 phlebotomist, a licensed ~~certified~~ paramedic, or a qualified
2 person other than a police officer approved by the Department
3 of State Police to withdraw blood, who responds, whether at a
4 law enforcement facility or a health care facility, to a police
5 department request for the drawing of blood based upon refusal
6 of the person to submit to a lawfully requested breath test or
7 probable cause exists to believe the test would disclose the
8 ingestion, consumption, or use of drugs or intoxicating
9 compounds if:

10 (1) the person is found guilty of violating Section
11 11-501 of this Code or a similar provision of a local
12 ordinance; or

13 (2) the person pleads guilty to or stipulates to facts
14 supporting a violation of Section 11-503 of this Code or a
15 similar provision of a local ordinance when the plea or
16 stipulation was the result of a plea agreement in which the
17 person was originally charged with violating Section
18 11-501 of this Code or a similar local ordinance.

19 (Source: P.A. 97-931, eff. 1-1-13; 97-1050, eff. 1-1-13;
20 98-292, eff. 1-1-14; 98-463, eff. 8-16-13.)

21 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

22 Sec. 11-501.2. Chemical and other tests.

23 (a) Upon the trial of any civil or criminal action or
24 proceeding arising out of an arrest for an offense as defined
25 in Section 11-501 or a similar local ordinance or proceedings

1 pursuant to Section 2-118.1, evidence of the concentration of
2 alcohol, other drug or drugs, or intoxicating compound or
3 compounds, or any combination thereof in a person's blood or
4 breath at the time alleged, as determined by analysis of the
5 person's blood, urine, breath or other bodily substance, shall
6 be admissible. Where such test is made the following provisions
7 shall apply:

8 1. Chemical analyses of the person's blood, urine,
9 breath or other bodily substance to be considered valid
10 under the provisions of this Section shall have been
11 performed according to standards promulgated by the
12 Department of State Police by a licensed physician,
13 registered nurse, trained phlebotomist, licensed ~~certified~~
14 paramedic, or other individual possessing a valid permit
15 issued by that Department for this purpose. The Director of
16 State Police is authorized to approve satisfactory
17 techniques or methods, to ascertain the qualifications and
18 competence of individuals to conduct such analyses, to
19 issue permits which shall be subject to termination or
20 revocation at the discretion of that Department and to
21 certify the accuracy of breath testing equipment. The
22 Department of State Police shall prescribe regulations as
23 necessary to implement this Section.

24 2. When a person in this State shall submit to a blood
25 test at the request of a law enforcement officer under the
26 provisions of Section 11-501.1, only a physician

1 authorized to practice medicine, a licensed physician
2 assistant, a licensed advanced practice nurse, a
3 registered nurse, trained phlebotomist, or licensed
4 ~~certified~~ paramedic, or other qualified person approved by
5 the Department of State Police may withdraw blood for the
6 purpose of determining the alcohol, drug, or alcohol and
7 drug content therein. This limitation shall not apply to
8 the taking of breath or urine specimens.

9 When a blood test of a person who has been taken to an
10 adjoining state for medical treatment is requested by an
11 Illinois law enforcement officer, the blood may be
12 withdrawn only by a physician authorized to practice
13 medicine in the adjoining state, a licensed physician
14 assistant, a licensed advanced practice nurse, a
15 registered nurse, a trained phlebotomist acting under the
16 direction of the physician, or licensed ~~certified~~
17 paramedic. The law enforcement officer requesting the test
18 shall take custody of the blood sample, and the blood
19 sample shall be analyzed by a laboratory certified by the
20 Department of State Police for that purpose.

21 3. The person tested may have a physician, or a
22 qualified technician, chemist, registered nurse, or other
23 qualified person of their own choosing administer a
24 chemical test or tests in addition to any administered at
25 the direction of a law enforcement officer. The failure or
26 inability to obtain an additional test by a person shall

1 not preclude the admission of evidence relating to the test
2 or tests taken at the direction of a law enforcement
3 officer.

4 4. Upon the request of the person who shall submit to a
5 chemical test or tests at the request of a law enforcement
6 officer, full information concerning the test or tests
7 shall be made available to the person or such person's
8 attorney.

9 5. Alcohol concentration shall mean either grams of
10 alcohol per 100 milliliters of blood or grams of alcohol
11 per 210 liters of breath.

12 (a-5) Law enforcement officials may use standardized field
13 sobriety tests approved by the National Highway Traffic Safety
14 Administration when conducting investigations of a violation
15 of Section 11-501 or similar local ordinance by drivers
16 suspected of driving under the influence of cannabis. The
17 General Assembly finds that standardized field sobriety tests
18 approved by the National Highway Traffic Safety Administration
19 are divided attention tasks that are intended to determine if a
20 person is under the influence of cannabis. The purpose of these
21 tests is to determine the effect of the use of cannabis on a
22 person's capacity to think and act with ordinary care and
23 therefore operate a motor vehicle safely. Therefore, the
24 results of these standardized field sobriety tests,
25 appropriately administered, shall be admissible in the trial of
26 any civil or criminal action or proceeding arising out of an

1 arrest for a cannabis-related offense as defined in Section
2 11-501 or a similar local ordinance or proceedings under
3 Section 2-118.1. Where a test is made the following provisions
4 shall apply:

5 1. The person tested may have a physician, or a
6 qualified technician, chemist, registered nurse, or other
7 qualified person of their own choosing administer a
8 chemical test or tests in addition to the standardized
9 field sobriety test or tests administered at the direction
10 of a law enforcement officer. The failure or inability to
11 obtain an additional test by a person does not preclude the
12 admission of evidence relating to the test or tests taken
13 at the direction of a law enforcement officer.

14 2. Upon the request of the person who shall submit to a
15 standardized field sobriety test or tests at the request of
16 a law enforcement officer, full information concerning the
17 test or tests shall be made available to the person or the
18 person's attorney.

19 3. At the trial of any civil or criminal action or
20 proceeding arising out of an arrest for an offense as
21 defined in Section 11-501 or a similar local ordinance or
22 proceedings under Section 2-118.1 in which the results of
23 these standardized field sobriety tests are admitted, the
24 cardholder may present and the trier of fact may consider
25 evidence that the card holder lacked the physical capacity
26 to perform the standardized field sobriety tests.

1 (b) Upon the trial of any civil or criminal action or
2 proceeding arising out of acts alleged to have been committed
3 by any person while driving or in actual physical control of a
4 vehicle while under the influence of alcohol, the concentration
5 of alcohol in the person's blood or breath at the time alleged
6 as shown by analysis of the person's blood, urine, breath, or
7 other bodily substance shall give rise to the following
8 presumptions:

9 1. If there was at that time an alcohol concentration
10 of 0.05 or less, it shall be presumed that the person was
11 not under the influence of alcohol.

12 2. If there was at that time an alcohol concentration
13 in excess of 0.05 but less than 0.08, such facts shall not
14 give rise to any presumption that the person was or was not
15 under the influence of alcohol, but such fact may be
16 considered with other competent evidence in determining
17 whether the person was under the influence of alcohol.

18 3. If there was at that time an alcohol concentration
19 of 0.08 or more, it shall be presumed that the person was
20 under the influence of alcohol.

21 4. The foregoing provisions of this Section shall not
22 be construed as limiting the introduction of any other
23 relevant evidence bearing upon the question whether the
24 person was under the influence of alcohol.

25 (c) 1. If a person under arrest refuses to submit to a
26 chemical test under the provisions of Section 11-501.1,

1 evidence of refusal shall be admissible in any civil or
2 criminal action or proceeding arising out of acts alleged to
3 have been committed while the person under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof was driving or in actual
6 physical control of a motor vehicle.

7 2. Notwithstanding any ability to refuse under this Code to
8 submit to these tests or any ability to revoke the implied
9 consent to these tests, if a law enforcement officer has
10 probable cause to believe that a motor vehicle driven by or in
11 actual physical control of a person under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof has caused the death or
14 personal injury to another, the law enforcement officer shall
15 request, and that person shall submit, upon the request of a
16 law enforcement officer, to a chemical test or tests of his or
17 her blood, breath or urine for the purpose of determining the
18 alcohol content thereof or the presence of any other drug or
19 combination of both.

20 This provision does not affect the applicability of or
21 imposition of driver's license sanctions under Section
22 11-501.1 of this Code.

23 3. For purposes of this Section, a personal injury includes
24 any Type A injury as indicated on the traffic accident report
25 completed by a law enforcement officer that requires immediate
26 professional attention in either a doctor's office or a medical

1 facility. A Type A injury includes severe bleeding wounds,
2 distorted extremities, and injuries that require the injured
3 party to be carried from the scene.

4 (Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11;
5 97-813, eff. 7-13-12; 98-122, eff. 1-1-14.)

6 Section 60. The Workers' Compensation Act is amended by
7 changing Section 6 as follows:

8 (820 ILCS 305/6) (from Ch. 48, par. 138.6)

9 Sec. 6. (a) Every employer within the provisions of this
10 Act, shall, under the rules and regulations prescribed by the
11 Commission, post printed notices in their respective places of
12 employment in such number and at such places as may be
13 determined by the Commission, containing such information
14 relative to this Act as in the judgment of the Commission may
15 be necessary to aid employees to safeguard their rights under
16 this Act in event of injury.

17 In addition thereto, the employer shall post in a
18 conspicuous place on the place of the employment a printed or
19 typewritten notice stating whether he is insured or whether he
20 has qualified and is operating as a self-insured employer. In
21 the event the employer is insured, the notice shall state the
22 name and address of his insurance carrier, the number of the
23 insurance policy, its effective date and the date of
24 termination. In the event of the termination of the policy for

1 any reason prior to the termination date stated, the posted
2 notice shall promptly be corrected accordingly. In the event
3 the employer is operating as a self-insured employer the notice
4 shall state the name and address of the company, if any,
5 servicing the compensation payments of the employer, and the
6 name and address of the person in charge of making compensation
7 payments.

8 (b) Every employer subject to this Act shall maintain
9 accurate records of work-related deaths, injuries and illness
10 other than minor injuries requiring only first aid treatment
11 and which do not involve medical treatment, loss of
12 consciousness, restriction of work or motion, or transfer to
13 another job and file with the Commission, in writing, a report
14 of all accidental deaths, injuries and illnesses arising out of
15 and in the course of the employment resulting in the loss of
16 more than 3 scheduled work days. In the case of death such
17 report shall be made no later than 2 working days following the
18 accidental death. In all other cases such report shall be made
19 between the 15th and 25th of each month unless required to be
20 made sooner by rule of the Commission. In case the injury
21 results in permanent disability, a further report shall be made
22 as soon as it is determined that such permanent disability has
23 resulted or will result from the injury. All reports shall
24 state the date of the injury, including the time of day or
25 night, the nature of the employer's business, the name,
26 address, age, sex, conjugal condition of the injured person,

1 the specific occupation of the injured person, the direct cause
2 of the injury and the nature of the accident, the character of
3 the injury, the length of disability, and in case of death the
4 length of disability before death, the wages of the injured
5 person, whether compensation has been paid to the injured
6 person, or to his or her legal representative or his heirs or
7 next of kin, the amount of compensation paid, the amount paid
8 for physicians', surgeons' and hospital bills, and by whom
9 paid, and the amount paid for funeral or burial expenses if
10 known. The reports shall be made on forms and in the manner as
11 prescribed by the Commission and shall contain such further
12 information as the Commission shall deem necessary and require.
13 The making of these reports releases the employer from making
14 such reports to any other officer of the State and shall
15 satisfy the reporting provisions as contained in the "Health
16 and Safety Act" and "An Act in relation to safety inspections
17 and education in industrial and commercial establishments and
18 to repeal an Act therein named", approved July 18, 1955, as now
19 or hereafter amended. The reports filed with the Commission
20 pursuant to this Section shall be made available by the
21 Commission to the Director of Labor or his representatives and
22 to all other departments of the State of Illinois which shall
23 require such information for the proper discharge of their
24 official duties. Failure to file with the Commission any of the
25 reports required in this Section is a petty offense.

26 Except as provided in this paragraph, all reports filed

1 hereunder shall be confidential and any person having access to
2 such records filed with the Illinois Workers' Compensation
3 Commission as herein required, who shall release any
4 information therein contained including the names or otherwise
5 identify any persons sustaining injuries or disabilities, or
6 give access to such information to any unauthorized person,
7 shall be subject to discipline or discharge, and in addition
8 shall be guilty of a Class B misdemeanor. The Commission shall
9 compile and distribute to interested persons aggregate
10 statistics, taken from the reports filed hereunder. The
11 aggregate statistics shall not give the names or otherwise
12 identify persons sustaining injuries or disabilities or the
13 employer of any injured or disabled person.

14 (c) Notice of the accident shall be given to the employer
15 as soon as practicable, but not later than 45 days after the
16 accident. Provided:

17 (1) In case of the legal disability of the employee or
18 any dependent of a deceased employee who may be entitled to
19 compensation under the provisions of this Act, the
20 limitations of time by this Act provided do not begin to
21 run against such person under legal disability until a
22 guardian has been appointed.

23 (2) In cases of injuries sustained by exposure to
24 radiological materials or equipment, notice shall be given
25 to the employer within 90 days subsequent to the time that
26 the employee knows or suspects that he has received an

1 excessive dose of radiation.

2 No defect or inaccuracy of such notice shall be a bar to
3 the maintenance of proceedings on arbitration or otherwise by
4 the employee unless the employer proves that he is unduly
5 prejudiced in such proceedings by such defect or inaccuracy.

6 Notice of the accident shall give the approximate date and
7 place of the accident, if known, and may be given orally or in
8 writing.

9 (d) Every employer shall notify each injured employee who
10 has been granted compensation under the provisions of Section 8
11 of this Act of his rights to rehabilitation services and advise
12 him of the locations of available public rehabilitation centers
13 and any other such services of which the employer has
14 knowledge.

15 In any case, other than one where the injury was caused by
16 exposure to radiological materials or equipment or asbestos
17 unless the application for compensation is filed with the
18 Commission within 3 years after the date of the accident, where
19 no compensation has been paid, or within 2 years after the date
20 of the last payment of compensation, where any has been paid,
21 whichever shall be later, the right to file such application
22 shall be barred.

23 In any case of injury caused by exposure to radiological
24 materials or equipment or asbestos, unless application for
25 compensation is filed with the Commission within 25 years after
26 the last day that the employee was employed in an environment

1 of hazardous radiological activity or asbestos, the right to
2 file such application shall be barred.

3 If in any case except one where the injury was caused by
4 exposure to radiological materials or equipment or asbestos,
5 the accidental injury results in death application for
6 compensation for death may be filed with the Commission within
7 3 years after the date of death where no compensation has been
8 paid or within 2 years after the date of the last payment of
9 compensation where any has been paid, whichever shall be later,
10 but not thereafter.

11 If an accidental injury caused by exposure to radiological
12 material or equipment or asbestos results in death within 25
13 years after the last day that the employee was so exposed
14 application for compensation for death may be filed with the
15 Commission within 3 years after the date of death, where no
16 compensation has been paid, or within 2 years after the date of
17 the last payment of compensation where any has been paid,
18 whichever shall be later, but not thereafter.

19 (e) Any contract or agreement made by any employer or his
20 agent or attorney with any employee or any other beneficiary of
21 any claim under the provisions of this Act within 7 days after
22 the injury shall be presumed to be fraudulent.

23 (f) Any condition or impairment of health of an employee
24 employed as a firefighter, emergency medical technician (EMT),
25 emergency medical technician-intermediate (EMT-I), advanced
26 emergency medical technician (A-EMT), or paramedic which

1 results directly or indirectly from any bloodborne pathogen,
2 lung or respiratory disease or condition, heart or vascular
3 disease or condition, hypertension, tuberculosis, or cancer
4 resulting in any disability (temporary, permanent, total, or
5 partial) to the employee shall be rebuttably presumed to arise
6 out of and in the course of the employee's firefighting, EMT,
7 or paramedic employment and, further, shall be rebuttably
8 presumed to be causally connected to the hazards or exposures
9 of the employment. This presumption shall also apply to any
10 hernia or hearing loss suffered by an employee employed as a
11 firefighter, EMT, EMT-I, A-EMT, or paramedic. However, this
12 presumption shall not apply to any employee who has been
13 employed as a firefighter, EMT, or paramedic for less than 5
14 years at the time he or she files an Application for Adjustment
15 of Claim concerning this condition or impairment with the
16 Illinois Workers' Compensation Commission. The rebuttable
17 presumption established under this subsection, however, does
18 not apply to an emergency medical technician (EMT), emergency
19 medical technician-intermediate (EMT-I), advanced emergency
20 medical technician (A-EMT), or paramedic employed by a private
21 employer if the employee spends the preponderance of his or her
22 work time for that employer engaged in medical transfers
23 between medical care facilities or non-emergency medical
24 transfers to or from medical care facilities. The changes made
25 to this subsection by Public Act 98-291 ~~this amendatory Act of~~
26 ~~the 98th General Assembly~~ shall be narrowly construed. The

1 Finding and Decision of the Illinois Workers' Compensation
2 Commission under only the rebuttable presumption provision of
3 this subsection shall not be admissible or be deemed res
4 judicata in any disability claim under the Illinois Pension
5 Code arising out of the same medical condition; however, this
6 sentence makes no change to the law set forth in Krohe v. City
7 of Bloomington, 204 Ill.2d 392.

8 (Source: P.A. 98-291, eff. 1-1-14.)

9 Section 65. The Workers' Occupational Diseases Act is
10 amended by changing Section 1 as follows:

11 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

12 Sec. 1. This Act shall be known and may be cited as the
13 "Workers' Occupational Diseases Act".

14 (a) The term "employer" as used in this Act shall be
15 construed to be:

16 1. The State and each county, city, town, township,
17 incorporated village, school district, body politic, or
18 municipal corporation therein.

19 2. Every person, firm, public or private corporation,
20 including hospitals, public service, eleemosynary,
21 religious or charitable corporations or associations, who
22 has any person in service or under any contract for hire,
23 express or implied, oral or written.

24 3. Where an employer operating under and subject to the

1 provisions of this Act loans an employee to another such
2 employer and such loaned employee sustains a compensable
3 occupational disease in the employment of such borrowing
4 employer and where such borrowing employer does not provide
5 or pay the benefits or payments due such employee, such
6 loaning employer shall be liable to provide or pay all
7 benefits or payments due such employee under this Act and
8 as to such employee the liability of such loaning and
9 borrowing employers shall be joint and several, provided
10 that such loaning employer shall in the absence of
11 agreement to the contrary be entitled to receive from such
12 borrowing employer full reimbursement for all sums paid or
13 incurred pursuant to this paragraph together with
14 reasonable attorneys' fees and expenses in any hearings
15 before the Illinois Workers' Compensation Commission or in
16 any action to secure such reimbursement. Where any benefit
17 is provided or paid by such loaning employer, the employee
18 shall have the duty of rendering reasonable co-operation in
19 any hearings, trials or proceedings in the case, including
20 such proceedings for reimbursement.

21 Where an employee files an Application for Adjustment
22 of Claim with the Illinois Workers' Compensation
23 Commission alleging that his or her claim is covered by the
24 provisions of the preceding paragraph, and joining both the
25 alleged loaning and borrowing employers, they and each of
26 them, upon written demand by the employee and within 7 days

1 after receipt of such demand, shall have the duty of filing
2 with the Illinois Workers' Compensation Commission a
3 written admission or denial of the allegation that the
4 claim is covered by the provisions of the preceding
5 paragraph and in default of such filing or if any such
6 denial be ultimately determined not to have been bona fide
7 then the provisions of Paragraph K of Section 19 of this
8 Act shall apply.

9 An employer whose business or enterprise or a
10 substantial part thereof consists of hiring, procuring or
11 furnishing employees to or for other employers operating
12 under and subject to the provisions of this Act for the
13 performance of the work of such other employers and who
14 pays such employees their salary or wage notwithstanding
15 that they are doing the work of such other employers shall
16 be deemed a loaning employer within the meaning and
17 provisions of this Section.

18 (b) The term "employee" as used in this Act, shall be
19 construed to mean:

20 1. Every person in the service of the State, county,
21 city, town, township, incorporated village or school
22 district, body politic or municipal corporation therein,
23 whether by election, appointment or contract of hire,
24 express or implied, oral or written, including any official
25 of the State, or of any county, city, town, township,
26 incorporated village, school district, body politic or

1 municipal corporation therein and except any duly
2 appointed member of the fire department in any city whose
3 population exceeds 500,000 according to the last Federal or
4 State census, and except any member of a fire insurance
5 patrol maintained by a board of underwriters in this State.
6 One employed by a contractor who has contracted with the
7 State, or a county, city, town, township, incorporated
8 village, school district, body politic or municipal
9 corporation therein, through its representatives, shall
10 not be considered as an employee of the State, county,
11 city, town, township, incorporated village, school
12 district, body politic or municipal corporation which made
13 the contract.

14 2. Every person in the service of another under any
15 contract of hire, express or implied, oral or written, who
16 contracts an occupational disease while working in the
17 State of Illinois, or who contracts an occupational disease
18 while working outside of the State of Illinois but where
19 the contract of hire is made within the State of Illinois,
20 and any person whose employment is principally localized
21 within the State of Illinois, regardless of the place where
22 the disease was contracted or place where the contract of
23 hire was made, including aliens, and minors who, for the
24 purpose of this Act, except Section 3 hereof, shall be
25 considered the same and have the same power to contract,
26 receive payments and give quittances therefor, as adult

1 employees. An employee or his or her dependents under this
2 Act who shall have a cause of action by reason of an
3 occupational disease, disablement or death arising out of
4 and in the course of his or her employment may elect or
5 pursue his or her remedy in the State where the disease was
6 contracted, or in the State where the contract of hire is
7 made, or in the State where the employment is principally
8 localized.

9 (c) "Commission" means the Illinois Workers' Compensation
10 Commission created by the Workers' Compensation Act, approved
11 July 9, 1951, as amended.

12 (d) In this Act the term "Occupational Disease" means a
13 disease arising out of and in the course of the employment or
14 which has become aggravated and rendered disabling as a result
15 of the exposure of the employment. Such aggravation shall arise
16 out of a risk peculiar to or increased by the employment and
17 not common to the general public.

18 A disease shall be deemed to arise out of the employment if
19 there is apparent to the rational mind, upon consideration of
20 all the circumstances, a causal connection between the
21 conditions under which the work is performed and the
22 occupational disease. The disease need not to have been
23 foreseen or expected but after its contraction it must appear
24 to have had its origin or aggravation in a risk connected with
25 the employment and to have flowed from that source as a
26 rational consequence.

1 An employee shall be conclusively deemed to have been
2 exposed to the hazards of an occupational disease when, for any
3 length of time however short, he or she is employed in an
4 occupation or process in which the hazard of the disease
5 exists; provided however, that in a claim of exposure to atomic
6 radiation, the fact of such exposure must be verified by the
7 records of the central registry of radiation exposure
8 maintained by the Department of Public Health or by some other
9 recognized governmental agency maintaining records of such
10 exposures whenever and to the extent that the records are on
11 file with the Department of Public Health or the agency.

12 Any injury to or disease or death of an employee arising
13 from the administration of a vaccine, including without
14 limitation smallpox vaccine, to prepare for, or as a response
15 to, a threatened or potential bioterrorist incident to the
16 employee as part of a voluntary inoculation program in
17 connection with the person's employment or in connection with
18 any governmental program or recommendation for the inoculation
19 of workers in the employee's occupation, geographical area, or
20 other category that includes the employee is deemed to arise
21 out of and in the course of the employment for all purposes
22 under this Act. This paragraph added by Public Act 93-829 is
23 declarative of existing law and is not a new enactment.

24 The employer liable for the compensation in this Act
25 provided shall be the employer in whose employment the employee
26 was last exposed to the hazard of the occupational disease

1 claimed upon regardless of the length of time of such last
2 exposure, except, in cases of silicosis or asbestosis, the only
3 employer liable shall be the last employer in whose employment
4 the employee was last exposed during a period of 60 days or
5 more after the effective date of this Act, to the hazard of
6 such occupational disease, and, in such cases, an exposure
7 during a period of less than 60 days, after the effective date
8 of this Act, shall not be deemed a last exposure. If a miner
9 who is suffering or suffered from pneumoconiosis was employed
10 for 10 years or more in one or more coal mines there shall,
11 effective July 1, 1973 be a rebuttable presumption that his or
12 her pneumoconiosis arose out of such employment.

13 If a deceased miner was employed for 10 years or more in
14 one or more coal mines and died from a respirable disease there
15 shall, effective July 1, 1973, be a rebuttable presumption that
16 his or her death was due to pneumoconiosis.

17 Any condition or impairment of health of an employee
18 employed as a firefighter, emergency medical technician (EMT),
19 emergency medical technician-intermediate (EMT-I), advanced
20 emergency medical technician (A-EMT), or paramedic which
21 results directly or indirectly from any bloodborne pathogen,
22 lung or respiratory disease or condition, heart or vascular
23 disease or condition, hypertension, tuberculosis, or cancer
24 resulting in any disability (temporary, permanent, total, or
25 partial) to the employee shall be rebuttably presumed to arise
26 out of and in the course of the employee's firefighting, EMT,

1 EMT-I, A-EMT, or paramedic employment and, further, shall be
2 rebuttably presumed to be causally connected to the hazards or
3 exposures of the employment. This presumption shall also apply
4 to any hernia or hearing loss suffered by an employee employed
5 as a firefighter, EMT, EMT-I, A-EMT, or paramedic. However,
6 this presumption shall not apply to any employee who has been
7 employed as a firefighter, EMT, EMT-I, A-EMT, or paramedic for
8 less than 5 years at the time he or she files an Application
9 for Adjustment of Claim concerning this condition or impairment
10 with the Illinois Workers' Compensation Commission. The
11 rebuttable presumption established under this subsection,
12 however, does not apply to an emergency medical technician
13 (EMT), emergency medical technician-intermediate (EMT-I),
14 advanced emergency medical technician (A-EMT), or paramedic
15 employed by a private employer if the employee spends the
16 preponderance of his or her work time for that employer engaged
17 in medical transfers between medical care facilities or
18 non-emergency medical transfers to or from medical care
19 facilities. The changes made to this subsection by this
20 amendatory Act of the 98th General Assembly shall be narrowly
21 construed. The Finding and Decision of the Illinois Workers'
22 Compensation Commission under only the rebuttable presumption
23 provision of this paragraph shall not be admissible or be
24 deemed res judicata in any disability claim under the Illinois
25 Pension Code arising out of the same medical condition;
26 however, this sentence makes no change to the law set forth in

1 Krohe v. City of Bloomington, 204 Ill.2d 392.

2 The insurance carrier liable shall be the carrier whose
3 policy was in effect covering the employer liable on the last
4 day of the exposure rendering such employer liable in
5 accordance with the provisions of this Act.

6 (e) "Disablement" means an impairment or partial
7 impairment, temporary or permanent, in the function of the body
8 or any of the members of the body, or the event of becoming
9 disabled from earning full wages at the work in which the
10 employee was engaged when last exposed to the hazards of the
11 occupational disease by the employer from whom he or she claims
12 compensation, or equal wages in other suitable employment; and
13 "disability" means the state of being so incapacitated.

14 (f) No compensation shall be payable for or on account of
15 any occupational disease unless disablement, as herein
16 defined, occurs within two years after the last day of the last
17 exposure to the hazards of the disease, except in cases of
18 occupational disease caused by berylliosis or by the inhalation
19 of silica dust or asbestos dust and, in such cases, within 3
20 years after the last day of the last exposure to the hazards of
21 such disease and except in the case of occupational disease
22 caused by exposure to radiological materials or equipment, and
23 in such case, within 25 years after the last day of last
24 exposure to the hazards of such disease.

25 (Source: P.A. 98-291, eff. 1-1-14.)

1 (210 ILCS 50/3.60 rep.)

2 Section 70. The Emergency Medical Services (EMS) Systems
3 Act is amended by repealing Section 3.60.

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