



Sen. Heather A. Steans

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1 AMENDMENT TO SENATE BILL 3414

2 AMENDMENT NO. _____. Amend Senate Bill 3414, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Firemen's Disciplinary Act is amended by
6 changing Section 2 as follows:

7 (50 ILCS 745/2) (from Ch. 85, par. 2502)

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

11 (a) "Fireman" means a person who is a "firefighter" or
12 "fireman" as defined in Sections 4-106 or 6-106 of the Illinois
13 Pension Code, a paramedic employed by a unit of local
14 government, or an EMT, emergency medical
15 technician-intermediate (EMT-I), or advanced emergency medical
16 technician (A-EMT) employed by a unit of local government, and

1 includes a person who is an "employee" as defined in Section
2 15-107 of the Illinois Pension Code and whose primary duties
3 relate to firefighting.

4 (b) "Informal inquiry" means a meeting by supervisory or
5 command personnel with a fireman upon whom an allegation of
6 misconduct has come to the attention of such supervisory or
7 command personnel, the purpose of which meeting is to mediate a
8 citizen complaint or discuss the facts to determine whether a
9 formal investigation should be commenced.

10 (c) "Formal investigation" means the process of
11 investigation ordered by a commanding officer during which the
12 questioning of a fireman is intended to gather evidence of
13 misconduct which may be the basis for filing charges seeking
14 his or her removal, discharge, or suspension from duty in
15 excess of 24 duty hours.

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

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

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

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

7 (50 ILCS 748/3)

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

9 "Volunteer emergency worker" means a firefighter who does
10 not receive monetary compensation for his or her services to a
11 fire department or fire protection district and who does not
12 work for any other fire department or fire protection district
13 for monetary compensation. "Volunteer emergency worker" also
14 means a person who does not receive monetary compensation for
15 his or her services as a volunteer Emergency Medical Technician
16 (licensed as an EMT ~~EMT-B~~, EMT-I, A-EMT, or Paramedic ~~EMT-P~~
17 under the Emergency Medical Services (EMS) Systems Act), a
18 volunteer ambulance driver or attendant, or a volunteer
19 "Emergency Medical First ~~First~~ Responder", as defined in Sec. 3.50
20 ~~3.60~~ of the Emergency Medical Services (EMT) Systems Act, to a
21 fire department, fire protection district, or other
22 governmental entity and who does not work in one of these
23 capacities for any other fire department, fire protection
24 district, or governmental entity for monetary compensation.

1 "Volunteer emergency worker" also means a person who is a
2 volunteer member of a county or municipal emergency services
3 and disaster agency pursuant to the Illinois Emergency
4 Management Agency Act, an auxiliary policeman appointed
5 pursuant to the Municipal Code, or an auxiliary deputy
6 appointed by a county sheriff pursuant to the Counties Code.

7 "Monetary compensation" does not include a monetary
8 incentive awarded to a firefighter by the board of trustees of
9 a fire protection district under Section 6 of the Fire
10 Protection District Act.

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

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

15 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

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

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

23 (b) Residency requirements in effect at the time an
24 individual enters the fire or police service of a municipality

1 (other than a municipality that has more than 1,000,000
2 inhabitants) cannot be made more restrictive for that
3 individual during his or her period of service for that
4 municipality, or be made a condition of promotion, except for
5 the rank or position of Fire or Police Chief.

6 (c) No person with a record of misdemeanor convictions
7 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
8 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
9 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,
10 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a)(1) and
11 (a)(2)(C) of Section 11-14.3, and subsections (1), (6) and (8)
12 of Section 24-1 of the Criminal Code of 1961 or the Criminal
13 Code of 2012 or arrested for any cause but not convicted on
14 that cause shall be disqualified from taking the examination on
15 grounds of habits or moral character, unless the person is
16 attempting to qualify for a position on the police department,
17 in which case the conviction or arrest may be considered as a
18 factor in determining the person's habits or moral character.

19 (d) Persons entitled to military preference under Section
20 10-1-16 shall not be subject to limitations specifying age
21 unless they are applicants for a position as a fireman or a
22 policeman having no previous employment status as a fireman or
23 policeman in the regularly constituted fire or police
24 department of the municipality, in which case they must not
25 have attained their 35th birthday, except any person who has
26 served as an auxiliary police officer under Section 3.1-30-20

1 for at least 5 years and is under 40 years of age.

2 (e) All employees of a municipality of less than 500,000
3 population (except those who would be excluded from the
4 classified service as provided in this Division 1) who are
5 holding that employment as of the date a municipality adopts
6 this Division 1, or as of July 17, 1959, whichever date is the
7 later, and who have held that employment for at least 2 years
8 immediately before that later date, and all firemen and
9 policemen regardless of length of service who were either
10 appointed to their respective positions by the board of fire
11 and police commissioners under the provisions of Division 2 of
12 this Article or who are serving in a position (except as a
13 temporary employee) in the fire or police department in the
14 municipality on the date a municipality adopts this Division 1,
15 or as of July 17, 1959, whichever date is the later, shall
16 become members of the classified civil service of the
17 municipality without examination.

18 (f) The examinations shall be practical in their character,
19 and shall relate to those matters that will fairly test the
20 relative capacity of the persons examined to discharge the
21 duties of the positions to which they seek to be appointed. The
22 examinations shall include tests of physical qualifications,
23 health, and (when appropriate) manual skill. If an applicant is
24 unable to pass the physical examination solely as the result of
25 an injury received by the applicant as the result of the
26 performance of an act of duty while working as a temporary

1 employee in the position for which he or she is being examined,
2 however, the physical examination shall be waived and the
3 applicant shall be considered to have passed the examination.
4 No questions in any examination shall relate to political or
5 religious opinions or affiliations. Results of examinations
6 and the eligible registers prepared from the results shall be
7 published by the commission within 60 days after any
8 examinations are held.

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

26 (h) In municipalities of 500,000 or more population, no

1 person who has attained his or her 35th birthday shall be
2 eligible to take an examination for a position as a fireman or
3 a policeman unless the person has had previous employment
4 status as a policeman or fireman in the regularly constituted
5 police or fire department of the municipality, except as
6 provided in this Section.

7 (i) In municipalities of more than 5,000 but not more than
8 200,000 inhabitants, no person who has attained his or her 35th
9 birthday shall be eligible to take an examination for a
10 position as a fireman or a policeman unless the person has had
11 previous employment status as a policeman or fireman in the
12 regularly constituted police or fire department of the
13 municipality, except as provided in this Section.

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

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

26 (l) No municipality having a population less than 1,000,000

1 shall require that any fireman appointed to the lowest rank
2 serve a probationary employment period of longer than one year.
3 The limitation on periods of probationary employment provided
4 in this amendatory Act of 1989 is an exclusive power and
5 function of the State. Pursuant to subsection (h) of Section 6
6 of Article VII of the Illinois Constitution, a home rule
7 municipality having a population less than 1,000,000 must
8 comply with this limitation on periods of probationary
9 employment, which is a denial and limitation of home rule
10 powers. Notwithstanding anything to the contrary in this
11 Section, the probationary employment period limitation may be
12 extended 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 (m) To the extent that this Section or any other Section in
18 this Division conflicts with Section 10-1-7.1 or 10-1-7.2, then
19 Section 10-1-7.1 or 10-1-7.2 shall control.

20 (Source: P.A. 96-1551, eff. 7-1-11; 97-251, eff. 8-4-11;
21 97-898, eff. 8-6-12; 97-1109, eff. 1-1-13; 97-1150, eff.
22 1-25-13.)

23 (65 ILCS 5/10-1-7.1)

24 Sec. 10-1-7.1. Original appointments; full-time fire
25 department.

1 (a) Applicability. Unless a commission elects to follow the
2 provisions of Section 10-1-7.2, this Section shall apply to all
3 original appointments to an affected full-time fire
4 department. Existing registers of eligibles shall continue to
5 be valid until their expiration dates, or up to a maximum of 2
6 years after the effective date of this amendatory Act of the
7 97th General Assembly.

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

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

25 A municipality that is operating under a court order or
26 consent decree regarding original appointments to a full-time

1 fire department before the effective date of this amendatory
2 Act of the 97th General Assembly is exempt from the
3 requirements of this Section for the duration of the court
4 order or consent decree.

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

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

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

1 over the highest ranked person and appoint either: (i) any
2 person who has a ranking in the top 5% of the register of
3 eligibles or (ii) any person who is among the top 5 highest
4 ranked persons on the list of eligibles if the number of people
5 who have a ranking in the top 5% of the register of eligibles
6 is less than 5 people.

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

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

25 For the purposes of this Section, "firefighter" means any
26 person who has been prior to, on, or after the effective date

1 of this amendatory Act of the 97th General Assembly appointed
2 to a fire department or fire protection district or employed by
3 a State university and sworn or commissioned to perform
4 firefighter duties or paramedic duties, or both, except that
5 the following persons are not included: part-time
6 firefighters; auxiliary, reserve, or voluntary firefighters,
7 including paid-on-call firefighters; clerks and dispatchers or
8 other civilian employees of a fire department or fire
9 protection district who are not routinely expected to perform
10 firefighter duties; and elected officials.

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

1 Residency requirements in effect at the time an individual
2 enters the fire service of a municipality cannot be made more
3 restrictive for that individual during his or her period of
4 service for that municipality, or be made a condition of
5 promotion, except for the rank or position of fire chief and
6 for no more than 2 positions that rank immediately below that
7 of the chief rank which are appointed positions pursuant to the
8 Fire Department Promotion Act.

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

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

23 (2) any person who has served a municipality as a
24 regularly enrolled volunteer, paid-on-call, or part-time
25 firefighter for the 5 years immediately preceding the time
26 that the municipality begins to use full-time firefighters

1 to provide all or part of its fire protection service.

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

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

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

20 In the event that any applicant who has been found eligible
21 for appointment and whose name has been placed upon the final
22 eligibility register provided for in this Division 1 has not
23 been appointed to a firefighter position within one year after
24 the date of his or her physical ability examination, the
25 commission may cause a second examination to be made of that
26 applicant's physical ability prior to his or her appointment.

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

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

22 The examination and qualifying standards for employment of
23 firefighters shall be based on: mental aptitude, physical
24 ability, preferences, moral character, and health. The mental
25 aptitude, physical ability, and preference components shall
26 determine an applicant's qualification for and placement on the

1 final register of eligibles. The examination may also include a
2 subjective component based on merit criteria as determined by
3 the commission. Scores from the examination must be made
4 available to the public.

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

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

1 each applicant's physical abilities in the following
2 dimensions:

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

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

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

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

24 Physical ability examinations administered under this
25 Section shall be conducted with a reasonable number of proctors
26 and monitors, open to the public, and subject to reasonable

1 regulations of the commission.

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

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

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

26 The commission shall prepare and keep a register of persons

1 whose total score is not less than the minimum fixed by this
2 Section and who have passed the physical ability examination.
3 These persons shall take rank upon the register as candidates
4 in the order of their relative excellence based on the highest
5 to the lowest total points scored on the mental aptitude,
6 subjective component, and preference components of the test
7 administered in accordance with this Section. No more than 60
8 days after each examination, an initial eligibility list shall
9 be posted by the commission. The list shall include the final
10 grades of the candidates without reference to priority of the
11 time of examination and subject to claim for preference credit.

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

21 (h) Preferences. The following are preferences:

22 (1) Veteran preference. Persons who were engaged in the
23 military service of the United States for a period of at
24 least one year of active duty and who were honorably
25 discharged therefrom, or who are now or have been members
26 on inactive or reserve duty in such military or naval

1 service, shall be preferred for appointment to and
2 employment with the fire department of an affected
3 department.

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

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

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

23 (5) Experience preference. All persons employed by a
24 municipality who have been paid-on-call or part-time
25 certified Firefighter II, certified Firefighter III, State
26 of Illinois or nationally licensed EMT, ~~EMT-B~~ or EMT-I,

1 A-EMT, or licensed paramedic, or any combination of those
2 capacities may be awarded up to a maximum of 5 points.
3 However, the applicant may not be awarded more than 0.5
4 points for each complete year of paid-on-call or part-time
5 service. Applicants from outside the municipality who were
6 employed as full-time firefighters or
7 firefighter-paramedics by a fire protection district or
8 another municipality may be awarded up to 5 experience
9 preference points. However, the applicant may not be
10 awarded more than one point for each complete year of
11 full-time service.

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

1 awarded. Any remaining ties on the list shall be determined
2 by lot.

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

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

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

1 the final eligibility list and appointment from the
2 eligibility list. The local appointing authority may
3 prescribe the total number of preference points awarded
4 under this Section, but the total number of preference
5 points shall not be less than 10 points or more than 30
6 points.

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

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

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

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

26 A classifiable set of the fingerprints of every person who

1 is offered employment as a certificated member of an affected
2 fire department whether with or without compensation, shall be
3 furnished to the Illinois Department of State Police and to the
4 Federal Bureau of Investigation by the commission.

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

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

22 (k) A person who knowingly divulges or receives test
23 questions or answers before a written examination, or otherwise
24 knowingly violates or subverts any requirement of this Section,
25 commits a violation of this Section and may be subject to
26 charges for official misconduct.

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

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

8 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

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

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

23 If the chief of the fire department or the chief of the
24 police department or both of them are appointed in the manner
25 provided by ordinance, they may be removed or discharged by the

1 appointing authority. In such case the appointing authority
2 shall file with the corporate authorities the reasons for such
3 removal or discharge, which removal or discharge shall not
4 become effective unless confirmed by a majority vote of the
5 corporate authorities.

6 If a member of the department is appointed chief of police
7 or chief of the fire department prior to being eligible to
8 retire on pension, he shall be considered as on furlough from
9 the rank he held immediately prior to his appointment as chief.
10 If he resigns as chief or is discharged as chief prior to
11 attaining eligibility to retire on pension, he shall revert to
12 and be established in whatever rank he currently holds, except
13 for previously appointed positions, and thereafter be entitled
14 to all the benefits and emoluments of that rank, without regard
15 as to whether a vacancy then exists in that rank.

16 All appointments to each department other than that of the
17 lowest rank, however, shall be from the rank next below that to
18 which the appointment is made except as otherwise provided in
19 this Section, and except that the chief of police and the chief
20 of the fire department may be appointed from among members of
21 the police and fire departments, respectively, regardless of
22 rank, unless the council or board of trustees shall have by
23 ordinance as to them otherwise provided. A chief of police or
24 the chief of the fire department, having been appointed from
25 among members of the police or fire department, respectively,
26 shall be permitted, regardless of rank, to take promotional

1 exams and be promoted to a higher classified rank than he
2 currently holds, without having to resign as chief of police or
3 chief of the fire department.

4 The sole authority to issue certificates of appointment
5 shall be vested in the Board of Fire and Police Commissioners
6 and all certificates of appointments issued to any officer or
7 member of the fire or police department of a municipality shall
8 be signed by the chairman and secretary respectively of the
9 board of fire and police commissioners of such municipality,
10 upon appointment of such officer or member of the fire and
11 police department of such municipality by action of the board
12 of fire and police commissioners. In any municipal fire
13 department that employs full-time firefighters and is subject
14 to a collective bargaining agreement, a person who has not
15 qualified for regular appointment under the provisions of this
16 Division 2.1 shall not be used as a temporary or permanent
17 substitute for classified members of a municipality's fire
18 department or for regular appointment as a classified member of
19 a municipality's fire department unless mutually agreed to by
20 the employee's certified bargaining agent. Such agreement
21 shall be considered a permissive subject of bargaining.
22 Municipal fire departments covered by the changes made by this
23 amendatory Act of the 95th General Assembly that are using
24 non-certificated employees as substitutes immediately prior to
25 the effective date of this amendatory Act of the 95th General
26 Assembly may, by mutual agreement with the certified bargaining

1 agent, continue the existing practice or a modified practice
2 and that agreement shall be considered a permissive subject of
3 bargaining. A home rule unit may not regulate the hiring of
4 temporary or substitute members of the municipality's fire
5 department in a manner that is inconsistent with this Section.
6 This Section is a limitation under subsection (i) of Section 6
7 of Article VII of the Illinois Constitution on the concurrent
8 exercise by home rule units of powers and functions exercised
9 by the State.

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

13 Any full time member of a regular fire or police department
14 of any municipality which comes under the provisions of this
15 Division or adopts this Division 2.1 or which has adopted any
16 of the prior Acts pertaining to fire and police commissioners,
17 is a city officer.

18 Notwithstanding any other provision of this Section, the
19 Chief of Police of a department in a non-home rule municipality
20 of more than 130,000 inhabitants may, without the advice or
21 consent of the Board of Fire and Police Commissioners, appoint
22 up to 6 officers who shall be known as deputy chiefs or
23 assistant deputy chiefs, and whose rank shall be immediately
24 below that of Chief. The deputy or assistant deputy chiefs may
25 be appointed from any rank of sworn officers of that
26 municipality, but no person who is not such a sworn officer may

1 be so appointed. Such deputy chief or assistant deputy chief
2 shall have the authority to direct and issue orders to all
3 employees of the Department holding the rank of captain or any
4 lower rank. A deputy chief of police or assistant deputy chief
5 of police, having been appointed from any rank of sworn
6 officers of that municipality, shall be permitted, regardless
7 of rank, to take promotional exams and be promoted to a higher
8 classified rank than he currently holds, without having to
9 resign as deputy chief of police or assistant deputy chief of
10 police.

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

1 exists in that rank. A deputy chief of police, having been
2 appointed from any rank of sworn full-time officers of that
3 municipality's police department, shall be permitted,
4 regardless of rank, to take promotional exams and be promoted
5 to a higher classified rank than he currently holds, without
6 having to resign as deputy chief of police.

7 No municipality having a population less than 1,000,000
8 shall require that any firefighter appointed to the lowest rank
9 serve a probationary employment period of longer than one year.
10 The limitation on periods of probationary employment provided
11 in this amendatory Act of 1989 is an exclusive power and
12 function of the State. Pursuant to subsection (h) of Section 6
13 of Article VII of the Illinois Constitution, a home rule
14 municipality having a population less than 1,000,000 must
15 comply with this limitation on periods of probationary
16 employment, which is a denial and limitation of home rule
17 powers. Notwithstanding anything to the contrary in this
18 Section, the probationary employment period limitation may be
19 extended for a firefighter who is required, as a condition of
20 employment, to be a licensed ~~certified~~ paramedic, during which
21 time the sole reason that a firefighter may be discharged
22 without a hearing is for failing to meet the requirements for
23 paramedic licensure ~~certification~~.

24 To the extent that this Section or any other Section in
25 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,
26 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

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

2 (65 ILCS 5/10-2.1-6.3)

3 Sec. 10-2.1-6.3. Original appointments; full-time fire
4 department.

5 (a) Applicability. Unless a commission elects to follow the
6 provisions of Section 10-2.1-6.4, this Section shall apply to
7 all original appointments to an affected full-time fire
8 department. Existing registers of eligibles shall continue to
9 be valid until their expiration dates, or up to a maximum of 2
10 years after the effective date of this amendatory Act of the
11 97th General Assembly.

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

22 A home rule or non-home rule municipality may not
23 administer its fire department process for original
24 appointments in a manner that is less stringent than this
25 Section. This Section is a limitation under subsection (i) of

1 Section 6 of Article VII of the Illinois Constitution on the
2 concurrent exercise by home rule units of the powers and
3 functions exercised by the State.

4 A municipality that is operating under a court order or
5 consent decree regarding original appointments to a full-time
6 fire department before the effective date of this amendatory
7 Act of the 97th General Assembly is exempt from the
8 requirements of this Section for the duration of the court
9 order or consent decree.

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

13 (b) Original appointments. All original appointments made
14 to an affected fire department shall be made from a register of
15 eligibles established in accordance with the processes
16 established by this Section. Only persons who meet or exceed
17 the performance standards required by this Section shall be
18 placed on a register of eligibles for original appointment to
19 an affected fire department.

20 Whenever an appointing authority authorizes action to hire
21 a person to perform the duties of a firefighter or to hire a
22 firefighter-paramedic to fill a position that is a new position
23 or vacancy due to resignation, discharge, promotion, death, the
24 granting of a disability or retirement pension, or any other
25 cause, the appointing authority shall appoint to that position
26 the person with the highest ranking on the final eligibility

1 list. If the appointing authority has reason to conclude that
2 the highest ranked person fails to meet the minimum standards
3 for the position or if the appointing authority believes an
4 alternate candidate would better serve the needs of the
5 department, then the appointing authority has the right to pass
6 over the highest ranked person and appoint either: (i) any
7 person who has a ranking in the top 5% of the register of
8 eligibles or (ii) any person who is among the top 5 highest
9 ranked persons on the list of eligibles if the number of people
10 who have a ranking in the top 5% of the register of eligibles
11 is less than 5 people.

12 Any candidate may pass on an appointment once without
13 losing his or her position on the register of eligibles. Any
14 candidate who passes a second time may be removed from the list
15 by the appointing authority provided that such action shall not
16 prejudice a person's opportunities to participate in future
17 examinations, including an examination held during the time a
18 candidate is already on the municipality's register of
19 eligibles.

20 The sole authority to issue certificates of appointment
21 shall be vested in the board of fire and police commissioners.
22 All certificates of appointment issued to any officer or member
23 of an affected department shall be signed by the chairperson
24 and secretary, respectively, of the board upon appointment of
25 such officer or member to the affected department by action of
26 the board. Each person who accepts a certificate of appointment

1 and successfully completes his or her probationary period shall
2 be enrolled as a firefighter and as a regular member of the
3 fire department.

4 For the purposes of this Section, "firefighter" means any
5 person who has been prior to, on, or after the effective date
6 of this amendatory Act of the 97th General Assembly appointed
7 to a fire department or fire protection district or employed by
8 a State university and sworn or commissioned to perform
9 firefighter duties or paramedic duties, or both, except that
10 the following persons are not included: part-time
11 firefighters; auxiliary, reserve, or voluntary firefighters,
12 including paid-on-call firefighters; clerks and dispatchers or
13 other civilian employees of a fire department or fire
14 protection district who are not routinely expected to perform
15 firefighter duties; and elected officials.

16 (c) Qualification for placement on register of eligibles.
17 The purpose of establishing a register of eligibles is to
18 identify applicants who possess and demonstrate the mental
19 aptitude and physical ability to perform the duties required of
20 members of the fire department in order to provide the highest
21 quality of service to the public. To this end, all applicants
22 for original appointment to an affected fire department shall
23 be subject to examination and testing which shall be public,
24 competitive, and open to all applicants unless the municipality
25 shall by ordinance limit applicants to residents of the
26 municipality, county or counties in which the municipality is

1 located, State, or nation. Municipalities may establish
2 educational, emergency medical service licensure, and other
3 pre-requisites for participation in an examination or for hire
4 as a firefighter. Any municipality may charge a fee to cover
5 the costs of the application process.

6 Residency requirements in effect at the time an individual
7 enters the fire service of a municipality cannot be made more
8 restrictive for that individual during his or her period of
9 service for that municipality, or be made a condition of
10 promotion, except for the rank or position of fire chief and
11 for no more than 2 positions that rank immediately below that
12 of the chief rank which are appointed positions pursuant to the
13 Fire Department Promotion Act.

14 No person who is 35 years of age or older shall be eligible
15 to take an examination for a position as a firefighter unless
16 the person has had previous employment status as a firefighter
17 in the regularly constituted fire department of the
18 municipality, except as provided in this Section. The age
19 limitation does not apply to:

- 20 (1) any person previously employed as a full-time
21 firefighter in a regularly constituted fire department of
22 (i) any municipality or fire protection district located in
23 Illinois, (ii) a fire protection district whose
24 obligations were assumed by a municipality under Section 21
25 of the Fire Protection District Act, or (iii) a
26 municipality whose obligations were taken over by a fire

1 protection district, or

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

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

9 No applicant shall be examined concerning his or her
10 political or religious opinions or affiliations. The
11 examinations shall be conducted by the commissioners of the
12 municipality or their designees and agents.

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

25 In the event that any applicant who has been found eligible
26 for appointment and whose name has been placed upon the final

1 eligibility register provided for in this Section has not been
2 appointed to a firefighter position within one year after the
3 date of his or her physical ability examination, the commission
4 may cause a second examination to be made of that applicant's
5 physical ability prior to his or her appointment. If, after the
6 second examination, the physical ability of the applicant shall
7 be found to be less than the minimum standard fixed by the
8 rules of the commission, the applicant shall not be appointed.
9 The applicant's name may be retained upon the register of
10 candidates eligible for appointment and when next reached for
11 certification and appointment that applicant may be again
12 examined as provided in this Section, and if the physical
13 ability of that applicant is found to be less than the minimum
14 standard fixed by the rules of the commission, the applicant
15 shall not be appointed, and the name of the applicant shall be
16 removed from the register.

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

1 The examination and qualifying standards for employment of
2 firefighters shall be based on: mental aptitude, physical
3 ability, preferences, moral character, and health. The mental
4 aptitude, physical ability, and preference components shall
5 determine an applicant's qualification for and placement on the
6 final register of eligibles. The examination may also include a
7 subjective component based on merit criteria as determined by
8 the commission. Scores from the examination must be made
9 available to the public.

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

20 (f) Physical ability. All candidates shall be required to
21 undergo an examination of their physical ability to perform the
22 essential functions included in the duties they may be called
23 upon to perform as a member of a fire department. For the
24 purposes of this Section, essential functions of the job are
25 functions associated with duties that a firefighter may be
26 called upon to perform in response to emergency calls. The

1 frequency of the occurrence of those duties as part of the fire
2 department's regular routine shall not be a controlling factor
3 in the design of examination criteria or evolutions selected
4 for testing. These physical examinations shall be open,
5 competitive, and based on industry standards designed to test
6 each applicant's physical abilities in the following
7 dimensions:

8 (1) Muscular strength to perform tasks and evolutions
9 that may be required in the performance of duties including
10 grip strength, leg strength, and arm strength. Tests shall
11 be conducted under anaerobic as well as aerobic conditions
12 to test both the candidate's speed and endurance in
13 performing tasks and evolutions. Tasks tested may be based
14 on standards developed, or approved, by the local
15 appointing authority.

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

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

24 The tests utilized to measure each applicant's
25 capabilities in each of these dimensions may be tests based on
26 industry standards currently in use or equivalent tests

1 approved by the Joint Labor-Management Committee of the Office
2 of the State Fire Marshal.

3 Physical ability examinations administered under this
4 Section shall be conducted with a reasonable number of proctors
5 and monitors, open to the public, and subject to reasonable
6 regulations of the commission.

7 (g) Scoring of examination components. Appointing
8 authorities may create a preliminary eligibility register. A
9 person shall be placed on the list based upon his or her
10 passage of the written examination or the passage of the
11 written examination and the physical ability component.
12 Passage of the written examination means a score that is at or
13 above the median score for all applicants participating in the
14 written test. The appointing authority may conduct the physical
15 ability component and any subjective components subsequent to
16 the posting of the preliminary eligibility register.

17 The examination components for an initial eligibility
18 register shall be graded on a 100-point scale. A person's
19 position on the list shall be determined by the following: (i)
20 the person's score on the written examination, (ii) the person
21 successfully passing the physical ability component, and (iii)
22 the person's results on any subjective component as described
23 in subsection (d).

24 In order to qualify for placement on the final eligibility
25 register, an applicant's score on the written examination,
26 before any applicable preference points or subjective points

1 are applied, shall be at or above the median score. The local
2 appointing authority may prescribe the score to qualify for
3 placement on the final eligibility register, but the score
4 shall not be less than the median score.

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

17 Commissions may conduct additional examinations, including
18 without limitation a polygraph test, after a final eligibility
19 register is established and before it expires with the
20 candidates ranked by total score without regard to date of
21 examination. No more than 60 days after each examination, an
22 initial eligibility list shall be posted by the commission
23 showing the final grades of the candidates without reference to
24 priority of time of examination and subject to claim for
25 preference credit.

26 (h) Preferences. The following are preferences:

1 (1) Veteran preference. Persons who were engaged in the
2 military service of the United States for a period of at
3 least one year of active duty and who were honorably
4 discharged therefrom, or who are now or have been members
5 on inactive or reserve duty in such military or naval
6 service, shall be preferred for appointment to and
7 employment with the fire department of an affected
8 department.

9 (2) Fire cadet preference. Persons who have
10 successfully completed 2 years of study in fire techniques
11 or cadet training within a cadet program established under
12 the rules of the Joint Labor and Management Committee
13 (JLMC), as defined in Section 50 of the Fire Department
14 Promotion Act, may be preferred for appointment to and
15 employment with the fire department.

16 (3) Educational preference. Persons who have
17 successfully obtained an associate's degree in the field of
18 fire service or emergency medical services, or a bachelor's
19 degree from an accredited college or university may be
20 preferred for appointment to and employment with the fire
21 department.

22 (4) Paramedic preference. Persons who have obtained a
23 license certification as a paramedic ~~an Emergency Medical~~
24 ~~Technician Paramedic (EMT-P)~~ shall be preferred for
25 appointment to and employment with the fire department of
26 an affected department providing emergency medical

1 services.

2 (5) Experience preference. All persons employed by a
3 municipality who have been paid-on-call or part-time
4 certified Firefighter II, State of Illinois or nationally
5 licensed EMT, ~~EMT-B~~ or EMT-I, A-EMT, or any combination of
6 those capacities shall be awarded 0.5 point for each year
7 of successful service in one or more of those capacities,
8 up to a maximum of 5 points. Certified Firefighter III and
9 State of Illinois or nationally licensed paramedics shall
10 be awarded one point per year up to a maximum of 5 points.
11 Applicants from outside the municipality who were employed
12 as full-time firefighters or firefighter-paramedics by a
13 fire protection district or another municipality for at
14 least 2 years shall be awarded 5 experience preference
15 points. These additional points presuppose a rating scale
16 totaling 100 points available for the eligibility list. If
17 more or fewer points are used in the rating scale for the
18 eligibility list, the points awarded under this subsection
19 shall be increased or decreased by a factor equal to the
20 total possible points available for the examination
21 divided by 100.

22 Upon request by the commission, the governing body of
23 the municipality or in the case of applicants from outside
24 the municipality the governing body of any fire protection
25 district or any other municipality shall certify to the
26 commission, within 10 days after the request, the number of

1 years of successful paid-on-call, part-time, or full-time
2 service of any person. A candidate may not receive the full
3 amount of preference points under this subsection if the
4 amount of points awarded would place the candidate before a
5 veteran on the eligibility list. If more than one candidate
6 receiving experience preference points is prevented from
7 receiving all of their points due to not being allowed to
8 pass a veteran, the candidates shall be placed on the list
9 below the veteran in rank order based on the totals
10 received if all points under this subsection were to be
11 awarded. Any remaining ties on the list shall be determined
12 by lot.

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

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

21 (8) Scoring of preferences. The commission shall give
22 preference for original appointment to persons designated
23 in item (1) by adding to the final grade that they receive
24 5 points for the recognized preference achieved. The
25 commission shall determine the number of preference points
26 for each category except (1). The number of preference

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

17 No person entitled to any preference shall be required to
18 claim the credit before any examination held under the
19 provisions of this Section, but the preference shall be given
20 after the posting or publication of the initial eligibility
21 list or register at the request of a person entitled to a
22 credit before any certification or appointments are made from
23 the eligibility register, upon the furnishing of verifiable
24 evidence and proof of qualifying preference credit. Candidates
25 who are eligible for preference credit shall make a claim in
26 writing within 10 days after the posting of the initial

1 eligibility list, or the claim shall be deemed waived. Final
2 eligibility registers shall be established after the awarding
3 of verified preference points. All employment shall be subject
4 to the commission's initial hire background review including,
5 but not limited to, criminal history, employment history, moral
6 character, oral examination, and medical and psychological
7 examinations, all on a pass-fail basis. The medical and
8 psychological examinations must be conducted last, and may only
9 be performed after a conditional offer of employment has been
10 extended.

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

18 The commission shall strike off the names of candidates for
19 original appointment after the names have been on the list for
20 more than 2 years.

21 (i) Moral character. No person shall be appointed to a fire
22 department unless he or she is a person of good character; not
23 a habitual drunkard, a gambler, or a person who has been
24 convicted of a felony or a crime involving moral turpitude.
25 However, no person shall be disqualified from appointment to
26 the fire department because of the person's record of

1 misdemeanor convictions except those under Sections 11-6,
2 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
3 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
4 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
5 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
6 Criminal Code of 2012, or arrest for any cause without
7 conviction thereon. Any such person who is in the department
8 may be removed on charges brought for violating this subsection
9 and after a trial as hereinafter provided.

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

15 Whenever a commission is authorized or required by law to
16 consider some aspect of criminal history record information for
17 the purpose of carrying out its statutory powers and
18 responsibilities, then, upon request and payment of fees in
19 conformance with the requirements of Section 2605-400 of the
20 State Police Law of the Civil Administrative Code of Illinois,
21 the Department of State Police is authorized to furnish,
22 pursuant to positive identification, the information contained
23 in State files as is necessary to fulfill the request.

24 (j) Temporary appointments. In order to prevent a stoppage
25 of public business, to meet extraordinary exigencies, or to
26 prevent material impairment of the fire department, the

1 commission may make temporary appointments, to remain in force
2 only until regular appointments are made under the provisions
3 of this Division, but never to exceed 60 days. No temporary
4 appointment of any one person shall be made more than twice in
5 any calendar year.

6 (k) A person who knowingly divulges or receives test
7 questions or answers before a written examination, or otherwise
8 knowingly violates or subverts any requirement of this Section,
9 commits a violation of this Section and may be subject to
10 charges for official misconduct.

11 A person who is the knowing recipient of test information
12 in advance of the examination shall be disqualified from the
13 examination or discharged from the position to which he or she
14 was appointed, as applicable, and otherwise subjected to
15 disciplinary actions.

16 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;
17 97-1150, eff. 1-25-13.)

18 (65 ILCS 5/10-2.1-14) (from Ch. 24, par. 10-2.1-14)

19 Sec. 10-2.1-14. Register of eligibles. The board of fire
20 and police commissioners shall prepare and keep a register of
21 persons whose general average standing, upon examination, is
22 not less than the minimum fixed by the rules of the board, and
23 who are otherwise eligible. These persons shall take rank upon
24 the register as candidates in the order of their relative
25 excellence as determined by examination, without reference to

1 priority of time of examination. The board of fire and police
2 commissioners may prepare and keep a second register of persons
3 who have previously been full-time sworn officers of a regular
4 police department in any municipal, county, university, or
5 State law enforcement agency, provided they are certified by
6 the Illinois Law Enforcement Training Standards Board and have
7 been with their respective law enforcement agency within the
8 State for at least 2 years. The persons on this list shall take
9 rank upon the register as candidates in the order of their
10 relative excellence as determined by members of the board of
11 fire and police commissioners. Applicants who have been awarded
12 a certificate attesting to their successful completion of the
13 Minimum Standards Basic Law Enforcement Training Course, as
14 provided in the Illinois Police Training Act, may be given
15 preference in appointment over noncertified applicants.
16 Applicants for appointment to fire departments who are licensed
17 as an EMT, ~~EMT-B~~, EMT-I, A-EMT, or paramedic ~~EMT-P~~ under the
18 Emergency Medical Services (EMS) Systems Act, may be given
19 preference in appointment over non-licensed applicants.

20 Within 60 days after each examination, an eligibility list
21 shall be posted by the board, which shall show the final grades
22 of the candidates without reference to priority of time of
23 examination and subject to claim for military credit.
24 Candidates who are eligible for military credit shall make a
25 claim in writing within 10 days after the posting of the
26 eligibility list or such claim shall be deemed waived.

1 Appointment shall be subject to a final physical examination.

2 If a person is placed on an eligibility list and becomes
3 overage before he or she is appointed to a police or fire
4 department, the person remains eligible for appointment until
5 the list is abolished pursuant to authorized procedures.
6 Otherwise no person who has attained the age of 36 years shall
7 be inducted as a member of a police department and no person
8 who has attained the age of 35 years shall be inducted as a
9 member of a fire department, except as otherwise provided in
10 this division. With respect to a police department, a veteran
11 shall be allowed to exceed the maximum age provision of this
12 Section by the number of years served on active military duty,
13 but by no more than 10 years of active military duty.

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

15 (65 ILCS 5/10-2.1-31)

16 Sec. 10-2.1-31. Emergency medical technician licensure.
17 The corporate authorities of any municipality may require that
18 all firefighters hired by the municipality on or after January
19 1, 2009 (the effective date of Public Act 95-935) ~~this~~
20 ~~amendatory Act of the 95th General Assembly~~ be licensed as an
21 EMT, ~~EMT-B~~, EMT-I, A-EMT, or paramedic ~~EMT-P~~ under the
22 Emergency Medical Services (EMS) Systems Act.

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

24 Section 20. The Fire Protection District Act is amended by

1 changing Sections 16.06b, 16.08b, and 16.13b as follows:

2 (70 ILCS 705/16.06b)

3 Sec. 16.06b. Original appointments; full-time fire
4 department.

5 (a) Applicability. Unless a commission elects to follow the
6 provisions of Section 16.06c, this Section shall apply to all
7 original appointments to an affected full-time fire
8 department. Existing registers of eligibles shall continue to
9 be valid until their expiration dates, or up to a maximum of 2
10 years after the effective date of this amendatory Act of the
11 97th General Assembly.

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

23 A fire protection district that is operating under a court
24 order or consent decree regarding original appointments to a
25 full-time fire department before the effective date of this

1 amendatory Act of the 97th General Assembly is exempt from the
2 requirements of this Section for the duration of the court
3 order or consent decree.

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

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

1 who have a ranking in the top 5% of the register of eligibles
2 is less than 5 people.

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

11 The sole authority to issue certificates of appointment
12 shall be vested in the board of fire commissioners, or board of
13 trustees serving in the capacity of a board of fire
14 commissioners. All certificates of appointment issued to any
15 officer or member of an affected department shall be signed by
16 the chairperson and secretary, respectively, of the commission
17 upon appointment of such officer or member to the affected
18 department by action of the commission. Each person who accepts
19 a certificate of appointment and successfully completes his or
20 her probationary period shall be enrolled as a firefighter and
21 as a regular member of the 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 district
17 shall by ordinance limit applicants to residents of the
18 district, county or counties in which the district is located,
19 State, or nation. Districts may establish educational,
20 emergency medical service licensure, and other pre-requisites
21 for participation in an examination or for hire as a
22 firefighter. Any fire protection district may charge a fee to
23 cover the costs of the application process.

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

1 service for that district, or be made a condition of promotion,
2 except for the rank or position of fire chief and for no more
3 than 2 positions that rank immediately below that of the chief
4 rank which are appointed positions pursuant to the Fire
5 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 district,
10 except as provided in this Section. The age limitation does not
11 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 fire district 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 district begins to use full-time firefighters to
24 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 district or their designees and agents.

5 No district shall require that any firefighter appointed to
6 the lowest rank serve a probationary employment period of
7 longer than one year of actual active employment, which may
8 exclude periods of training, or injury or illness leaves,
9 including duty related leave, in excess of 30 calendar days.
10 Notwithstanding anything to the contrary in this Section, the
11 probationary employment period limitation may be extended for a
12 firefighter who is required, as a condition of employment, to
13 be a licensed ~~certified~~ paramedic, during which time the sole
14 reason that a firefighter may be discharged without a hearing
15 is for failing to meet the requirements for paramedic licensure
16 ~~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 district, or if no newspaper is published
15 therein, then in one or more newspapers with a general
16 circulation within the district, or (ii) on the fire protection
17 district'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)~~ may 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 district who have been paid-on-call or part-time certified
22 Firefighter II, certified Firefighter III, State of
23 Illinois or nationally licensed EMT, ~~EMT-B~~ ~~or~~ EMT-I, A-EMT,
24 or licensed paramedic, or any combination of those
25 capacities may be awarded up to a maximum of 5 points.
26 However, the applicant may not be awarded more than 0.5

1 points for each complete year of paid-on-call or part-time
2 service. Applicants from outside the district who were
3 employed as full-time firefighters or
4 firefighter-paramedics by a fire protection district or
5 municipality for at least 2 years may be awarded up to 5
6 experience preference points. However, the applicant may
7 not be awarded more than one point for each complete year
8 of full-time service.

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

26 (6) Residency preference. Applicants whose principal

1 residence is located within the fire department's
2 jurisdiction may be preferred for appointment to and
3 employment with the fire department.

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

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

1 under this Section, but the total number of preference
2 points shall not be less than 10 points or more than 30
3 points.

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

24 Any person placed on an eligibility list who exceeds the
25 age requirement before being appointed to a fire department
26 shall remain eligible for appointment until the list is

1 abolished, or his or her name has been on the list for a period
2 of 2 years. No person who has attained the age of 35 years
3 shall be inducted into a fire department, except as otherwise
4 provided in this Section.

5 The commission shall strike off the names of candidates for
6 original appointment after the names have been on the list for
7 more than 2 years.

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

23 A classifiable set of the fingerprints of every person who
24 is offered employment as a certificated member of an affected
25 fire department whether with or without compensation, shall be
26 furnished to the Illinois Department of State Police and to the

1 Federal Bureau of Investigation by the commission.

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

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

19 (k) A person who knowingly divulges or receives test
20 questions or answers before a written examination, or otherwise
21 knowingly violates or subverts any requirement of this Section,
22 commits a violation of this Section and may be subject to
23 charges for official misconduct.

24 A person who is the knowing recipient of test information
25 in advance of the examination shall be disqualified from the
26 examination or discharged from the position to which he or she

1 was appointed, as applicable, and otherwise subjected to
2 disciplinary actions.

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

5 (70 ILCS 705/16.08b)

6 Sec. 16.08b. Emergency medical technician licensure. The
7 board of trustees of a fire protection district may require
8 that all firefighters hired on or after January 1, 2005 (the
9 effective date of Public Act 93-952) ~~this amendatory Act of the~~
10 ~~93rd General Assembly~~ by any fire department within the
11 district must be licensed as an EMT ~~EMT-B~~, EMT-I, A-EMT, or
12 paramedic ~~EMT-P~~ under the Emergency Medical Services (EMS)
13 Systems Act.

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

15 (70 ILCS 705/16.13b) (from Ch. 127 1/2, par. 37.13b)

16 Sec. 16.13b. Unless the employer and a labor organization
17 have agreed to a contract provision providing for final and
18 binding arbitration of disputes concerning the existence of
19 just cause for disciplinary action, no officer or member of the
20 fire department of any protection district who has held that
21 position for one year shall be removed or discharged except for
22 just cause, upon written charges specifying the complainant and
23 the basis for the charges, and after a hearing on those charges
24 before the board of fire commissioners, affording the officer

1 or member an opportunity to be heard in his own defense. In
2 such case the appointing authority shall file with the board of
3 trustees the reasons for such removal or discharge, which
4 removal or discharge shall not become effective unless
5 confirmed by a majority vote of the board of trustees. If
6 written charges are brought against an officer or member, the
7 board of fire commissioners shall conduct a fair and impartial
8 hearing of the charges, to be commenced within 30 days of the
9 filing thereof, which hearing may be continued from time to
10 time. The Chief of the department shall bear the burden of
11 proving the guilt of the officer or member by a preponderance
12 of the evidence. In case an officer or member is found guilty,
13 the board may discharge him, or may suspend him not exceeding
14 30 calendar days without pay. The board may suspend any officer
15 or member pending the hearing with or without pay, but in no
16 event shall the suspension pending hearing and the ultimate
17 suspension imposed on the officer or member, if any, exceed 30
18 calendar days without pay in the aggregate. If the board of
19 fire commissioners determines that the charges are not
20 sustained, the officer or member shall be reimbursed for all
21 wages withheld or lost, if any. In the conduct of this hearing,
22 each member of the board shall have power to secure by its
23 subpoena both the attendance and testimony of witnesses and the
24 production of books and papers relevant to the hearing.

25 Notwithstanding any other provision of this Section, a
26 probationary employment period may be extended beyond one year

1 for a firefighter who is required as a condition of employment
2 to be a licensed ~~certified~~ paramedic, during which time the
3 sole reason that a firefighter may be discharged without a
4 hearing is for failing to meet the requirements for paramedic
5 licensure ~~certification~~.

6 The age for mandatory retirement of firemen in the service
7 of any department of such district is 65 years, unless the
8 board of trustees shall by ordinance provide for an earlier
9 mandatory retirement age of not less than 60 years.

10 The provisions of the Administrative Review Law, and all
11 amendments and modifications thereof, and the rules adopted
12 pursuant thereto, shall apply to and govern all proceedings for
13 the judicial review of final administrative decisions of the
14 board of fire commissioners hereunder. The term
15 "administrative decision" is defined as in Section 3-101 of the
16 Code of Civil Procedure.

17 Nothing in this Section shall be construed to prevent the
18 Chief of the fire department from suspending without pay a
19 member of his department for a period of not more than 5
20 consecutive calendar days, but he shall notify the board in
21 writing of such suspension. Any fireman so suspended may appeal
22 to the board of fire commissioners for a review of the
23 suspension within 5 calendar days after such suspension. Upon
24 such appeal, the Chief of the department shall bear the burden
25 of proof in establishing the guilt of the officer or member by
26 a preponderance of the evidence. The board may sustain the

1 action of the Chief of the department, may reduce the
2 suspension to a lesser penalty, or may reverse it with
3 instructions that the officer or member receive his pay and
4 other benefits withheld for the period involved, or may suspend
5 the officer for an additional period of not more than 30 days,
6 or discharge him, depending upon the facts presented.

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

8 Section 25. The Emergency Medical Services (EMS) Systems
9 Act is amended by changing Sections 3.5, 3.10, 3.15, 3.20,
10 3.25, 3.35, 3.40, 3.45, 3.50, 3.55, 3.65, 3.70, 3.75, 3.80,
11 3.130, 3.140, 3.165, 3.170, 3.180, 3.200, 3.205, and 3.210 as
12 follows:

13 (210 ILCS 50/3.5)

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

15 "Department" means the Illinois Department of Public
16 Health.

17 "Director" means the Director of the Illinois Department of
18 Public Health.

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

23 "Emergency Medical Services personnel" or "EMS personnel"
24 means persons licensed as an Emergency Medical Responder (EMR)

1 (First Responder), Emergency Medical Dispatcher (EMD),
2 Emergency Medical Technician (EMT), Emergency Medical
3 Technician-Intermediate (EMT-I), Advanced Emergency Medical
4 Technician (A-EMT), Paramedic (EMT-P), Emergency
5 Communications Registered Nurse (ECRN), or Pre-Hospital
6 Registered Nurse (PHRN).

7 "Health Care Facility" means a hospital, nursing home,
8 physician's office or other fixed location at which medical and
9 health care services are performed. It does not include
10 "pre-hospital emergency care settings" which utilize EMS
11 personnel ~~EMTs~~ to render pre-hospital emergency care prior to
12 the arrival of a transport vehicle, as defined in this Act.

13 "Hospital" has the meaning ascribed to that term in the
14 Hospital Licensing Act.

15 "Trauma" means any significant injury which involves
16 single or multiple organ systems.

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

18 (210 ILCS 50/3.10)

19 Sec. 3.10. Scope of Services.

20 (a) "Advanced Life Support (ALS) Services" means an
21 advanced level of pre-hospital and inter-hospital emergency
22 care and non-emergency medical services that includes basic
23 life support care, cardiac monitoring, cardiac defibrillation,
24 electrocardiography, intravenous therapy, administration of
25 medications, drugs and solutions, use of adjunctive medical

1 devices, trauma care, and other authorized techniques and
2 procedures, as outlined in the provisions of the National EMS
3 Education Standards relating to Advanced Life Support ~~national~~
4 ~~curriculum of the United States Department of Transportation~~
5 and any modifications to that curriculum specified in rules
6 adopted by the Department pursuant to this Act.

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

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

23 That care shall be initiated as authorized by the EMS
24 Medical Director in a Department approved intermediate or
25 advanced life support EMS System, under the written or verbal
26 direction of a physician licensed to practice medicine in all

1 of its branches or under the verbal direction of an Emergency
2 Communications Registered Nurse.

3 (c) "Basic Life Support (BLS) Services" means a basic level
4 of pre-hospital and inter-hospital emergency care and
5 non-emergency medical services that includes airway
6 management, cardiopulmonary resuscitation (CPR), control of
7 shock and bleeding and splinting of fractures, as outlined in
8 the provisions of the National EMS Education Standards relating
9 to Basic Life Support ~~national curriculum of the United States~~
10 ~~Department of Transportation~~ and any modifications to that
11 curriculum specified in rules adopted by the Department
12 pursuant to this Act.

13 That care shall be initiated, where authorized by the EMS
14 Medical Director in a Department approved EMS System, under the
15 written or verbal direction of a physician licensed to practice
16 medicine in all of its branches or under the verbal direction
17 of an Emergency Communications Registered Nurse.

18 (d) "Emergency Medical Responder ~~First Response~~ Services"
19 means a preliminary level of pre-hospital emergency care that
20 includes cardiopulmonary resuscitation (CPR), monitoring vital
21 signs and control of bleeding, as outlined in the Emergency
22 Medical Responder (EMR) curriculum of the National EMS
23 Education Standards ~~First Responder curriculum of the United~~
24 ~~States Department of Transportation~~ and any modifications to
25 that curriculum specified in rules adopted by the Department
26 pursuant to this Act.

1 (e) "Pre-hospital care" means those ~~emergency~~ medical
2 services rendered to ~~emergency~~ patients for analytic,
3 resuscitative, stabilizing, or preventive purposes, precedent
4 to and during transportation of such patients to health care
5 facilities ~~hospitals~~.

6 (f) "Inter-hospital care" means those ~~emergency~~ medical
7 services rendered to ~~emergency~~ patients for analytic,
8 resuscitative, stabilizing, or preventive purposes, during
9 transportation of such patients from one hospital to another
10 hospital.

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

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

25 (2) Hospitals, when utilizing any vehicle service
26 provider or any hospital-owned or operated vehicle service

1 provider. Nothing in Public Act 96-1469 ~~this amendatory Act~~
2 ~~of the 96th General Assembly~~ requires a hospital to use, or
3 to be, a Department-approved critical care transport
4 provider when transporting patients, including those
5 critically injured or ill. Nothing in this Act shall
6 restrict or prohibit a hospital from providing, or
7 arranging for, the medically appropriate transport of any
8 patient, as determined by a physician licensed to practice
9 in all of its branches, an advanced practice nurse, or a
10 physician's assistant.

11 (g) "Non-emergency medical services" means medical care or
12 monitoring rendered to patients whose conditions do not meet
13 this Act's definition of emergency, before or during
14 transportation of such patients to or from health care
15 facilities visited for the purpose of obtaining medical or
16 health care services which are not emergency in nature, using a
17 vehicle regulated by this Act.

18 (g-5) The Department shall have the authority to promulgate
19 minimum standards for critical care transport providers
20 through rules adopted pursuant to this Act. All critical care
21 transport providers must function within a Department-approved
22 EMS System. Nothing in Department rules shall restrict a
23 hospital's ability to furnish personnel, equipment, and
24 medical supplies to any vehicle service provider, including a
25 critical care transport provider. Minimum critical care
26 transport provider standards shall include, but are not limited

1 to:

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

8 (h) The provisions of this Act shall not apply to the use
9 of an ambulance or SEMSV, unless and until emergency or
10 non-emergency medical services are needed during the use of the
11 ambulance or SEMSV.

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

13 (210 ILCS 50/3.15)

14 Sec. 3.15. Emergency Medical Services (EMS) Regions. The
15 ~~Beginning September 1, 1995, the~~ Department shall designate
16 Emergency Medical Services (EMS) Regions within the State,
17 consisting of specific geographic areas encompassing EMS
18 Systems and trauma centers, in which emergency medical
19 services, trauma services, and non-emergency medical services
20 are coordinated under an EMS Region Plan.

21 In designating EMS Regions, the Department shall take into
22 consideration, but not be limited to, the location of existing
23 EMS Systems, Trauma Regions and trauma centers, existing
24 patterns of inter-System transports, population locations and
25 density, transportation modalities, and geographical distance

1 from available trauma and emergency department care.

2 Use of the term Trauma Region to identify a specific
3 geographic area shall be discontinued upon designation of areas
4 as EMS Regions.

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

6 (210 ILCS 50/3.20)

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

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

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

1 departments. All hospitals and vehicle service providers
2 participating in an EMS System must specify their level of
3 participation in the System Program Plan.

4 (c) The Department shall have the authority and
5 responsibility to:

6 (1) Approve BLS, ILS and ALS level EMS Systems which
7 meet minimum standards and criteria established in rules
8 adopted by the Department pursuant to this Act, including
9 the submission of a Program Plan for Department approval.
10 Beginning September 1, 1997, the Department shall approve
11 the development of a new EMS System only when a local or
12 regional need for establishing such System has been
13 verified by the Department. This shall not be construed as
14 a needs assessment for health planning or other purposes
15 outside of this Act. Following Department approval, EMS
16 Systems must be fully operational within one year from the
17 date of approval.

18 (2) Monitor EMS Systems, based on minimum standards for
19 continuing operation as prescribed in rules adopted by the
20 Department pursuant to this Act, which shall include
21 requirements for submitting Program Plan amendments to the
22 Department for approval.

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

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

7 (5) Require each EMS System to adopt written protocols
8 for the bypassing of or diversion to any hospital, trauma
9 center or regional trauma center, which provide that a
10 person shall not be transported to a facility other than
11 the nearest hospital, regional trauma center or trauma
12 center unless the medical benefits to the patient
13 reasonably expected from the provision of appropriate
14 medical treatment at a more distant facility outweigh the
15 increased risks to the patient from transport to the more
16 distant facility, or the transport is in accordance with
17 the System's protocols for patient choice or refusal.

18 (6) Require that the EMS Medical Director of an ILS or
19 ALS level EMS System be a physician licensed to practice
20 medicine in all of its branches in Illinois, and certified
21 by the American Board of Emergency Medicine or the American
22 Osteopathic Board of ~~Osteopathic~~ Emergency Medicine, and
23 that the EMS Medical Director of a BLS level EMS System be
24 a physician licensed to practice medicine in all of its
25 branches in Illinois, with regular and frequent
26 involvement in pre-hospital emergency medical services. In

1 addition, all EMS Medical Directors shall:

2 (A) Have experience on an EMS vehicle at the
3 highest level available within the System, or make
4 provision to gain such experience within 12 months
5 prior to the date responsibility for the System is
6 assumed or within 90 days after assuming the position;

7 (B) Be thoroughly knowledgeable of all skills
8 included in the scope of practices of all levels of EMS
9 personnel within the System;

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

13 (D) For ILS and ALS EMS Medical Directors,
14 successfully complete a Department-approved EMS
15 Medical Director's Course.

16 (7) Prescribe statewide EMS data elements to be
17 collected and documented by providers in all EMS Systems
18 for all emergency and non-emergency medical services, with
19 a one-year phase-in for commencing collection of such data
20 elements.

21 (8) Define, through rules adopted pursuant to this Act,
22 the terms "Resource Hospital", "Associate Hospital",
23 "Participating Hospital", "Basic Emergency Department",
24 "Standby Emergency Department", "Comprehensive Emergency
25 Department", "EMS Medical Director", "EMS Administrative
26 Director", and "EMS System Coordinator".

1 (A) (Blank). ~~Upon the effective date of this~~
2 ~~amendatory Act of 1995, all existing Project Medical~~
3 ~~Directors shall be considered EMS Medical Directors,~~
4 ~~and all persons serving in such capacities on the~~
5 ~~effective date of this amendatory Act of 1995 shall be~~
6 ~~exempt from the requirements of paragraph (7) of this~~
7 ~~subsection;~~

8 (B) (Blank). ~~Upon the effective date of this~~
9 ~~amendatory Act of 1995, all existing EMS System Project~~
10 ~~Directors shall be considered EMS Administrative~~
11 ~~Directors.~~

12 (9) Investigate the circumstances that caused a
13 hospital in an EMS system to go on bypass status to
14 determine whether that hospital's decision to go on bypass
15 status was reasonable. The Department may impose
16 sanctions, as set forth in Section 3.140 of the Act, upon a
17 Department determination that the hospital unreasonably
18 went on bypass status in violation of the Act.

19 (10) Evaluate the capacity and performance of any
20 freestanding emergency center established under Section
21 32.5 of this Act in meeting emergency medical service needs
22 of the public, including compliance with applicable
23 emergency medical standards and assurance of the
24 availability of and immediate access to the highest quality
25 of medical care possible.

26 (11) Permit limited EMS System participation by

1 facilities operated by the United States Department of
2 Veterans Affairs, Veterans Health Administration. Subject
3 to patient preference, Illinois EMS providers may
4 transport patients to Veterans Health Administration
5 facilities that voluntarily participate in an EMS System.
6 Any Veterans Health Administration facility seeking
7 limited participation in an EMS System shall agree to
8 comply with all Department administrative rules
9 implementing this Section. The Department may promulgate
10 rules, including, but not limited to, the types of Veterans
11 Health Administration facilities that may participate in
12 an EMS System and the limitations of participation.

13 (Source: P.A. 96-1009, eff. 1-1-11; 96-1469, eff. 1-1-11;
14 97-333, eff. 8-12-11.)

15 (210 ILCS 50/3.25)

16 Sec. 3.25. EMS Region Plan; Development.

17 (a) Within 6 months after designation of an EMS Region, an
18 EMS Region Plan addressing at least the information prescribed
19 in Section 3.30 shall be submitted to the Department for
20 approval. The Plan shall be developed by the Region's EMS
21 Medical Directors Committee with advice from the Regional EMS
22 Advisory Committee; portions of the plan concerning trauma
23 shall be developed jointly with the Region's Trauma Center
24 Medical Directors or Trauma Center Medical Directors
25 Committee, whichever is applicable, with advice from the

1 Regional Trauma Advisory Committee, if such Advisory Committee
2 has been established in the Region. Portions of the Plan
3 concerning stroke shall be developed jointly with the Regional
4 Stroke Advisory Subcommittee.

5 (1) A Region's EMS Medical Directors Committee shall be
6 comprised of the Region's EMS Medical Directors, along with
7 the medical advisor to a fire department vehicle service
8 provider. For regions which include a municipal fire
9 department serving a population of over 2,000,000 people,
10 that fire department's medical advisor shall serve on the
11 Committee. For other regions, the fire department vehicle
12 service providers shall select which medical advisor to
13 serve on the Committee on an annual basis.

14 (2) A Region's Trauma Center Medical Directors
15 Committee shall be comprised of the Region's Trauma Center
16 Medical Directors.

17 (b) A Region's Trauma Center Medical Directors may choose
18 to participate in the development of the EMS Region Plan
19 through membership on the Regional EMS Advisory Committee,
20 rather than through a separate Trauma Center Medical Directors
21 Committee. If that option is selected, the Region's Trauma
22 Center Medical Director shall also determine whether a separate
23 Regional Trauma Advisory Committee is necessary for the Region.

24 (c) In the event of disputes over content of the Plan
25 between the Region's EMS Medical Directors Committee and the
26 Region's Trauma Center Medical Directors or Trauma Center

1 Medical Directors Committee, whichever is applicable, the
2 Director of the Illinois Department of Public Health shall
3 intervene through a mechanism established by the Department
4 through rules adopted pursuant to this Act.

5 (d) "Regional EMS Advisory Committee" means a committee
6 formed within an Emergency Medical Services (EMS) Region to
7 advise the Region's EMS Medical Directors Committee and to
8 select the Region's representative to the State Emergency
9 Medical Services Advisory Council, consisting of at least the
10 members of the Region's EMS Medical Directors Committee, the
11 Chair of the Regional Trauma Committee, the EMS System
12 Coordinators from each Resource Hospital within the Region, one
13 administrative representative from an Associate Hospital
14 within the Region, one administrative representative from a
15 Participating Hospital within the Region, one administrative
16 representative from the vehicle service provider which
17 responds to the highest number of calls for emergency service
18 within the Region, one administrative representative of a
19 vehicle service provider from each System within the Region,
20 one individual from each level of license provided in Section
21 3.50 of this Act, one Pre-Hospital Registered Nurse ~~Emergency~~
22 ~~Medical Technician (EMT)/Pre-Hospital RN from each level of~~
23 ~~EMT/Pre-Hospital RN~~ practicing within the Region, and one
24 registered professional nurse currently practicing in an
25 emergency department within the Region. Of the 2 administrative
26 representatives of vehicle service providers, at least one

1 shall be an administrative representative of a private vehicle
2 service provider. The Department's Regional EMS Coordinator
3 for each Region shall serve as a non-voting member of that
4 Region's EMS Advisory Committee.

5 Every 2 years, the members of the Region's EMS Medical
6 Directors Committee shall rotate serving as Committee Chair,
7 and select the Associate Hospital, Participating Hospital and
8 vehicle service providers which shall send representatives to
9 the Advisory Committee, and the EMS personnel
10 ~~EMTs/Pre-Hospital RN~~ and nurse who shall serve on the Advisory
11 Committee.

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

1 Department's Regional EMS Coordinator for each Region shall
2 serve as a non-voting member of that Region's Trauma Advisory
3 Committee.

4 Every 2 years, the members of the Trauma Center Medical
5 Directors Committee shall rotate serving as Committee Chair,
6 and select the vehicle service providers, EMS personnel ~~EMT~~,
7 emergency physician, EMS System Coordinator and TNS who shall
8 serve on the Advisory Committee.

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

10 (210 ILCS 50/3.35)

11 Sec. 3.35. Emergency Medical Services (EMS) Resource
12 Hospital; Functions. The Resource Hospital of an EMS System
13 shall:

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

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

23 The Program Plan shall require the EMS Medical Director to
24 appoint an alternate EMS Medical Director and establish a
25 written protocol addressing the functions to be carried out in

1 his or her absence.

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

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

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

12 (f) Notify the Department of EMS personnel ~~EMT provider~~
13 ~~personnel~~ who have successfully completed the requirements as
14 provided by law for initial licensure, license renewal, and
15 license reinstatement ~~testing and relicensure~~ by the
16 Department, ~~except that an ILS or ALS level System may require~~
17 ~~its EMT B personnel to apply directly to the Department for~~
18 ~~determination of successful completion of relicensure~~
19 ~~requirements.~~

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

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

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

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

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

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

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

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

1 (o) Utilize levels of personnel required by the Department
2 to provide non-emergency medical services during transport to a
3 health care facility and within the health care facility until
4 the responsibility for the care of the patient is assumed by
5 the medical personnel of the health care facility to which the
6 patient is delivered by System personnel.

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

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

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

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

15 (210 ILCS 50/3.40)

16 Sec. 3.40. EMS System Participation Suspensions and Due
17 Process.

18 (a) An EMS Medical Director may suspend from participation
19 within the System any EMS personnel, EMS Lead Instructor (LI),
20 individual, individual provider or other participant
21 considered not to be meeting the requirements of the Program
22 Plan of that approved EMS System.

23 (b) Prior to suspending any individual or entity ~~an EMT or~~
24 ~~other provider,~~ an EMS Medical Director shall provide an ~~the~~
25 ~~EMT or provider with the~~ opportunity for a hearing before the

1 local System review board in accordance with subsection (f) and
2 the rules promulgated by the Department.

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

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

15 (3) The suspension shall commence only upon the
16 occurrence of one of the following:

17 (A) the individual or entity ~~EMT or provider~~ has
18 waived the opportunity for a hearing before the local
19 System review board; or

20 (B) the ~~suspension~~ order has been affirmed or
21 modified by the local system review board and the
22 individual or entity ~~EMT or provider~~ has waived the
23 opportunity for review by the State Board; or

24 (C) the ~~suspension~~ order has been affirmed or
25 modified by the local system review board, and the
26 local board's decision has been affirmed or modified by

1 the State Board.

2 (c) An EMS Medical Director may immediately suspend an EMR,
3 EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHRN, LI, or other
4 individual or entity ~~EMT or other provider~~ if he or she finds
5 that ~~the information in his or her possession indicates that~~
6 the continuation in practice by the individual or entity ~~an EMT~~
7 ~~or other provider~~ would constitute an imminent danger to the
8 public. The suspended individual or entity ~~EMT or other~~
9 ~~provider~~ shall be issued an immediate verbal notification
10 followed by a written suspension order ~~to the EMT or other~~
11 ~~provider~~ by the EMS Medical Director which states the length,
12 terms and basis for the suspension.

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

24 (2) Within 24 hours following the commencement of the
25 suspension, the suspended individual or entity ~~EMT or~~
26 ~~provider~~ may deliver to the Department, by messenger, ~~or~~

1 telefax, or other Department-approved electronic
2 communication, a written response to the suspension order
3 and copies of any written materials which the individual or
4 entity ~~EMT or provider~~ feels are appropriate ~~relate to that~~
5 ~~response.~~ All medical and patient-specific information,
6 including Department findings with respect to the quality
7 of care rendered, shall be strictly confidential pursuant
8 to the Medical Studies Act.

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

23 (d) Upon issuance of a suspension order for reasons
24 directly related to medical care, the EMS Medical Director
25 shall also provide the individual or entity ~~EMT or provider~~
26 with the opportunity for a hearing before the local System

1 review board, in accordance with subsection (f) and the rules
2 promulgated by the Department.

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

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

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

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

1 The transcript, all documents or materials received as evidence
2 during the hearing and the local System review board's written
3 decision shall be retained in the custody of the EMS system.
4 The System shall implement a decision of the local System
5 review board unless that decision has been appealed to the
6 State Emergency Medical Services Disciplinary Review Board in
7 accordance with this Act and the rules of the Department.

8 (f) The Resource Hospital shall implement a decision of the
9 State Emergency Medical Services Disciplinary Review Board
10 which has been rendered in accordance with this Act and the
11 rules of the Department.

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

13 (210 ILCS 50/3.45)

14 Sec. 3.45. State Emergency Medical Services Disciplinary
15 Review Board.

16 (a) The Governor shall appoint a State Emergency Medical
17 Services Disciplinary Review Board, composed of an EMS Medical
18 Director, an EMS System Coordinator, a Paramedic ~~an Emergency~~
19 ~~Medical Technician-Paramedic (EMT-P)~~, an Emergency Medical
20 Technician (EMT) ~~Technician-Basic (EMT-B)~~, and the following
21 members, who shall only review cases in which a party is from
22 the same professional category: a Pre-Hospital Registered
23 Nurse RN, an ECRN, a Trauma Nurse Specialist, an Emergency
24 Medical Technician-Intermediate (EMT-I), an Advanced Emergency
25 Medical Technician (A-EMT), a representative from a private

1 vehicle service provider, a representative from a public
2 vehicle service provider, and an emergency physician who
3 monitors telecommunications from and gives voice orders to EMS
4 personnel. The Governor shall also appoint one alternate for
5 each member of the Board, from the same professional category
6 as the member of the Board.

7 (b) ~~The~~ ~~Of the members first appointed, 2 members shall be~~
8 ~~appointed for a term of one year, 2 members shall be appointed~~
9 ~~for a term of 2 years and the remaining~~ members shall be
10 appointed for a term of 3 years. ~~The terms of subsequent~~
11 ~~appointments shall be 3 years.~~ All appointees shall serve until
12 their successors are appointed. The alternate members shall be
13 appointed and serve in the same fashion as the members of the
14 Board. If a member resigns his or her appointment, the
15 corresponding alternate shall serve the remainder of that
16 member's term until a subsequent member is appointed by the
17 Governor.

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

22 (d) Any ~~An~~ individual or entity, ~~individual provider or~~
23 ~~other participant~~ who received an immediate suspension from an
24 EMS Medical Director may request the Board to reverse or modify
25 the suspension order. If the suspension had been affirmed or
26 modified by a local System review board, the suspended

1 individual or entity participant may request the Board to
2 reverse or modify the local board's decision.

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

8 (f) An EMS Medical Director whose suspension order was
9 reversed or modified by a local System review board may request
10 the Board to reverse or modify the local board's decision.

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

23 (h) A request for review shall be submitted in writing to
24 the Chief of the Department's Division of Emergency Medical
25 Services and Highway Safety, within 10 days after receiving the
26 local board's decision or the EMS Medical Director's suspension

1 order, whichever is applicable, a copy of which shall be
2 enclosed.

3 (i) At its regularly scheduled meetings, the Board shall
4 review requests which have been received by the Department at
5 least 10 working days prior to the Board's meeting date.
6 Requests for review which are received less than 10 working
7 days prior to a scheduled meeting shall be considered at the
8 Board's next scheduled meeting, except that requests for direct
9 review of an immediate suspension order may be scheduled up to
10 3 working days prior to the Board's meeting date.

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

17 (k) Deliberations for decisions of the State EMS
18 Disciplinary Review Board shall be conducted in closed session.
19 Department staff may attend for the purpose of providing
20 clerical assistance, but no other persons may be in attendance
21 except for the parties to the dispute being reviewed by the
22 Board and their attorneys, unless by request of the Board.

23 (l) The Board shall review the transcript, evidence and
24 written decision of the local review board or the written
25 decision and supporting documentation of the EMS Medical
26 Director, whichever is applicable, along with any additional

1 written or verbal testimony or argument offered by the parties
2 to the dispute.

3 (m) At the conclusion of its review, the Board shall issue
4 its decision and the basis for its decision on a form provided
5 by the Department, and shall submit to the Department its
6 written decision together with the record of the local System
7 review board. The Department shall promptly issue a copy of the
8 Board's decision to all affected parties. The Board's decision
9 shall be binding on all parties.

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

11 (210 ILCS 50/3.50)

12 Sec. 3.50. Emergency Medical Services personnel licensure
13 levels ~~Technician (EMT) Licensure.~~

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

25 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"

1 means a person who has successfully completed a course ~~of~~
2 ~~instruction~~ in intermediate life support as approved
3 ~~prescribed~~ by the Department, is currently licensed by the
4 Department in accordance with standards prescribed by this Act
5 and rules adopted by the Department pursuant to this Act, and
6 practices within an Intermediate or Advanced Life Support EMS
7 System.

8 (b-5) "Advanced Emergency Medical Technician" or "A-EMT"
9 means a person who has successfully completed a course in basic
10 and limited advanced emergency medical care as approved by the
11 Department, is currently licensed by the Department in
12 accordance with standards prescribed by this Act and rules
13 adopted by the Department pursuant to this Act, and practices
14 within an Intermediate or Advanced Life Support EMS System.

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

1 (c-5) "Emergency Medical Responder" or "EMR (First
2 Responder)" means a person who has successfully completed a
3 course in emergency medical response as approved by the
4 Department and provides emergency medical response services
5 prior to the arrival of an ambulance or specialized emergency
6 medical services vehicle, in accordance with the level of care
7 established by the National EMS Educational Standards
8 Emergency Medical Responder course as modified by the
9 Department. An Emergency Medical Responder who provides
10 services as part of an EMS System response plan shall comply
11 with the applicable sections of the Program Plan, as approved
12 by the Department, of that EMS System. The Department shall
13 have the authority to adopt rules governing the curriculum,
14 practice, and necessary equipment applicable to Emergency
15 Medical Responders.

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

1 First Responder license expires.

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

6 (d) The Department shall have the authority and
7 responsibility to:

8 (1) Prescribe education and training requirements,
9 which includes training in the use of epinephrine, for all
10 levels of EMS personnel except for EMRs EMT, based on the
11 National EMS Educational Standards ~~respective national~~
12 ~~curricula of the United States Department of~~
13 ~~Transportation~~ and any modifications to those ~~such~~
14 curricula specified by the Department through rules
15 adopted pursuant to this Act.

16 (2) Prescribe licensure testing requirements for all
17 levels of EMS personnel ~~EMT~~, which shall include a
18 requirement that all phases of instruction, training, and
19 field experience be completed before taking the
20 appropriate ~~EMT~~ licensure examination. Candidates may
21 elect to take the appropriate National Registry ~~of~~
22 ~~Emergency Medical Technicians~~ examination in lieu of the
23 Department's examination, but are responsible for making
24 their own arrangements for taking the National Registry
25 examination. In prescribing licensure testing requirements
26 for honorably discharged members of the armed forces of the

1 United States under this paragraph (2), the Department
2 shall ensure that a candidate's military emergency medical
3 training, emergency medical curriculum completed, and
4 clinical experience, as described in paragraph (2.5), are
5 recognized.

6 (2.5) Review applications for EMS personnel ~~EMT~~
7 licensure from honorably discharged members of the armed
8 forces of the United States with military emergency medical
9 training. Applications shall be filed with the Department
10 within one year after military discharge and shall contain:
11 (i) proof of successful completion of military emergency
12 medical training; (ii) a detailed description of the
13 emergency medical curriculum completed; and (iii) a
14 detailed description of the applicant's clinical
15 experience. The Department may request additional and
16 clarifying information. The Department shall evaluate the
17 application, including the applicant's training and
18 experience, consistent with the standards set forth under
19 subsections (a), (b), (c), and (d) of Section 3.10. If the
20 application clearly demonstrates that the training and
21 experience meets such standards, the Department shall
22 offer the applicant the opportunity to successfully
23 complete a Department-approved EMS personnel ~~EMT~~
24 examination for the level of license for which the
25 applicant is qualified. Upon passage of an examination, the
26 Department shall issue a license, which shall be subject to

1 all provisions of this Act that are otherwise applicable to
2 the level class of EMS personnel ~~EMT~~ license issued.

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

6 (4) Prescribe annual continuing education and
7 relicensure requirements for all EMS personnel licensure
8 levels ~~levels of EMT~~.

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

1 retesting; and (iii) pass a Department approved test for
2 the level of EMS personnel ~~EMT~~ license sought to be
3 reinstated.

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

8 (7) Charge a fee for EMS personnel ~~EMT~~ examination,
9 licensure, and license renewal.

10 (8) Suspend, revoke, or refuse to issue or renew the
11 license of any licensee, after an opportunity for an
12 impartial hearing before a neutral administrative law
13 judge appointed by the Director, where the preponderance of
14 the evidence shows one or more of the following:

15 (A) The licensee has not met continuing education
16 or relicensure requirements as prescribed by the
17 Department;

18 (B) The licensee has failed to maintain
19 proficiency in the level of skills for which he or she
20 is licensed;

21 (C) The licensee, during the provision of medical
22 services, engaged in dishonorable, unethical, or
23 unprofessional conduct of a character likely to
24 deceive, defraud, or harm the public;

25 (D) The licensee has failed to maintain or has
26 violated standards of performance and conduct as

1 prescribed by the Department in rules adopted pursuant
2 to this Act or his or her EMS System's Program Plan;

3 (E) The licensee is physically impaired to the
4 extent that he or she cannot physically perform the
5 skills and functions for which he or she is licensed,
6 as verified by a physician, unless the person is on
7 inactive status pursuant to Department regulations;

8 (F) The licensee is mentally impaired to the extent
9 that he or she cannot exercise the appropriate
10 judgment, skill and safety for performing the
11 functions for which he or she is licensed, as verified
12 by a physician, unless the person is on inactive status
13 pursuant to Department regulations;

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

16 (H) The licensee has been convicted (or entered a
17 plea of guilty or nolo-contendere) by a court of
18 competent jurisdiction of a Class X, Class 1, or Class
19 2 felony in this State or an out-of-state equivalent
20 offense.

21 (d-5) An EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, or
22 PHRN ~~An EMT~~ who is a member of the Illinois National Guard or
23 an Illinois State Trooper or who exclusively serves as a
24 volunteer for units of local government with a population base
25 of less than 5,000 or as a volunteer for a not-for-profit
26 organization that serves a service area with a population base

1 of less than 5,000 may submit an application to the Department
2 for a waiver of the fees described under paragraph (7) of
3 subsection (d) of this Section on a form prescribed by the
4 Department.

5 The education requirements prescribed by the Department
6 under this Section ~~subsection~~ must allow for the suspension of
7 those requirements in the case of a member of the armed
8 services or reserve forces of the United States or a member of
9 the Illinois National Guard who is on active duty pursuant to
10 an executive order of the President of the United States, an
11 act of the Congress of the United States, or an order of the
12 Governor at the time that the member would otherwise be
13 required to fulfill a particular education requirement. Such a
14 person must fulfill the education requirement within 6 months
15 after his or her release from active duty.

16 (e) In the event that any rule of the Department or an EMS
17 Medical Director that requires testing for drug use as a
18 condition of the applicable EMS personnel license ~~for EMT~~
19 ~~licensure~~ conflicts with or duplicates a provision of a
20 collective bargaining agreement that requires testing for drug
21 use, that rule shall not apply to any person covered by the
22 collective bargaining agreement.

23 (Source: P.A. 97-333, eff. 8-12-11; 97-509, eff. 8-23-11;
24 97-813, eff. 7-13-12; 97-1014, eff. 1-1-13; 98-53, eff. 1-1-14;
25 98-463, eff. 8-16-13.)

1 (210 ILCS 50/3.55)

2 Sec. 3.55. Scope of practice.

3 (a) Any person currently licensed as an EMR, EMT ~~EMT-B,~~
4 ~~EMT-I,~~ A-EMT, or Paramedic ~~EMT-P~~ may perform emergency and
5 non-emergency medical services as defined in this Act, in
6 accordance with his or her level of education, training and
7 licensure, the standards of performance and conduct prescribed
8 by the Department in rules adopted pursuant to this Act, and
9 the requirements of the EMS System in which he or she
10 practices, as contained in the approved Program Plan for that
11 System. The Director may, by written order, temporarily modify
12 individual scopes of practice in response to public health
13 emergencies for periods not exceeding 180 days.

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

24 (a-7) An EMT ~~A person currently licensed as an EMT-B,~~
25 ~~EMT-I,~~ A-EMT, or Paramedic ~~EMT-P~~ who has successfully completed
26 a Department approved course in the administration of

1 epinephrine~~7~~ shall be required to carry epinephrine with him or
2 her as part of the EMS personnel ~~EMT~~ medical supplies whenever
3 he or she is performing official ~~the~~ duties as determined by
4 the EMS System ~~of an emergency medical technician~~.

5 (b) An EMR, EMT ~~A person currently licensed as an EMT B,~~
6 ~~EMT-I, A-EMT, or Paramedic~~ ~~EMT-P~~ may ~~only~~ practice as an EMR,
7 EMT, EMT-I, A-EMT, or Paramedic ~~EMT~~ or utilize his or her EMR,
8 EMT, EMT-I, A-EMT, or Paramedic ~~EMT~~ license in pre-hospital or
9 inter-hospital emergency care settings or non-emergency
10 medical transport situations, under the written or verbal
11 direction of the EMS Medical Director. For purposes of this
12 Section, a "pre-hospital emergency care setting" may include a
13 location, that is not a health care facility, which utilizes
14 EMS personnel ~~EMTs~~ to render pre-hospital emergency care prior
15 to the arrival of a transport vehicle. The location shall
16 include communication equipment and all of the portable
17 equipment and drugs appropriate for the EMR, EMT, EMT-I, A-EMT,
18 or Paramedic's ~~EMT's~~ level of care, as required by this Act,
19 rules adopted by the Department pursuant to this Act, and the
20 protocols of the EMS Systems, and shall operate only with the
21 approval and under the direction of the EMS Medical Director.

22 This Section shall not prohibit an EMR, EMT ~~EMT-B,~~ EMT-I,
23 A-EMT, or Paramedic ~~EMT-P~~ from practicing within an emergency
24 department or other health care setting for the purpose of
25 receiving continuing education or training approved by the EMS
26 Medical Director. This Section shall also not prohibit an EMT

1 ~~EMT-B~~, EMT-I, A-EMT, or Paramedic ~~EMT-P~~ from seeking
2 credentials other than his or her EMT, EMT-I, A-EMT, or
3 Paramedic license and utilizing such credentials to work in
4 emergency departments or other health care settings under the
5 jurisdiction of that employer.

6 (c) An EMT ~~A person currently licensed as an EMT-B, EMT-I,~~
7 A-EMT, or Paramedic ~~EMT-P~~ may honor Do Not Resuscitate (DNR)
8 orders and powers of attorney for health care only in
9 accordance with rules adopted by the Department pursuant to
10 this Act and protocols of the EMS System in which he or she
11 practices.

12 (d) A student enrolled in a Department approved EMS
13 personnel ~~emergency medical technician~~ program, while
14 fulfilling the clinical training and in-field supervised
15 experience requirements mandated for licensure or approval by
16 the System and the Department, may perform prescribed
17 procedures under the direct supervision of a physician licensed
18 to practice medicine in all of its branches, a qualified
19 registered professional nurse, or a qualified EMS personnel
20 ~~EMT~~, only when authorized by the EMS Medical Director.

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

22 (210 ILCS 50/3.65)

23 Sec. 3.65. EMS Lead Instructor.

24 (a) "EMS Lead Instructor" means a person who has
25 successfully completed a course of education as approved

1 ~~prescribed~~ by the Department, and who is currently approved by
2 the Department to coordinate or teach education, training and
3 continuing education courses, in accordance with standards
4 prescribed by this Act and rules adopted by the Department
5 pursuant to this Act.

6 (b) The Department shall have the authority and
7 responsibility to:

8 (1) Prescribe education requirements for EMS Lead
9 Instructor candidates through rules adopted pursuant to
10 this Act.

11 (2) Prescribe testing requirements for EMS Lead
12 Instructor candidates through rules adopted pursuant to
13 this Act.

14 (3) Charge each candidate for EMS Lead Instructor a fee
15 to be submitted with an application for an examination, an
16 application for licensure ~~certification~~, and an
17 application for relicensure ~~recertification~~.

18 (4) Approve individuals as EMS Lead Instructors who
19 have met the Department's education and testing
20 requirements.

21 (5) Require that all education, training and
22 continuing education courses for EMT ~~EMT-B~~, EMT-I, A-EMT,
23 Paramedic, PHRN ~~EMT-P~~, ~~Pre-Hospital RN~~, ECRN, EMR, ~~First~~
24 ~~Responder~~ and Emergency Medical Dispatcher be coordinated
25 by at least one approved EMS Lead Instructor. A program
26 which includes education, training or continuing education

1 for more than one type of personnel may use one EMS Lead
2 Instructor to coordinate the program, and a single EMS Lead
3 Instructor may simultaneously coordinate more than one
4 program or course.

5 (6) Provide standards and procedures for awarding EMS
6 Lead Instructor approval to persons previously approved by
7 the Department to coordinate such courses, based on
8 qualifications prescribed by the Department through rules
9 adopted pursuant to this Act.

10 (7) Suspend, ~~or~~ revoke, or refuse to issue or renew the
11 approval of an EMS Lead Instructor, after an opportunity
12 for a hearing, when findings show one or more of the
13 following:

14 (A) The EMS Lead Instructor has failed to conduct a
15 course in accordance with the curriculum prescribed by
16 this Act and rules adopted by the Department pursuant
17 to this Act; or

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

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

22 (210 ILCS 50/3.70)

23 Sec. 3.70. Emergency Medical Dispatcher.

24 (a) "Emergency Medical Dispatcher" means a person who has
25 successfully completed a training course in emergency medical

1 dispatching ~~meeting or exceeding the national curriculum of the~~
2 ~~United States Department of Transportation~~ in accordance with
3 rules adopted by the Department pursuant to this Act, who
4 accepts calls from the public for emergency medical services
5 and dispatches designated emergency medical services personnel
6 and vehicles. The Emergency Medical Dispatcher must use the
7 Department-approved emergency medical dispatch priority
8 reference system (EMDPRS) protocol selected for use by its
9 agency and approved by its EMS medical director. This protocol
10 must be used by an emergency medical dispatcher in an emergency
11 medical dispatch agency to dispatch aid to medical emergencies
12 which includes systematized caller interrogation questions;
13 systematized prearrival support instructions; and systematized
14 coding protocols that match the dispatcher's evaluation of the
15 injury or illness severity with the vehicle response mode and
16 vehicle response configuration and includes an appropriate
17 training curriculum and testing process consistent with the
18 specific EMDPRS protocol used by the emergency medical dispatch
19 agency. Prearrival support instructions shall be provided in a
20 non-discriminatory manner and shall be provided in accordance
21 with the EMDPRS established by the EMS medical director of the
22 EMS system in which the EMD operates. If the dispatcher
23 operates under the authority of an Emergency Telephone System
24 Board established under the Emergency Telephone System Act, the
25 protocols shall be established by such Board in consultation
26 with the EMS Medical Director. ~~Persons who have already~~

1 ~~completed a course of instruction in emergency medical dispatch~~
2 ~~based on, equivalent to or exceeding the national curriculum of~~
3 ~~the United States Department of Transportation, or as otherwise~~
4 ~~approved by the Department, shall be considered Emergency~~
5 ~~Medical Dispatchers on the effective date of this amendatory~~
6 ~~Act.~~

7 (b) The Department shall have the authority and
8 responsibility to:

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

13 (2) Require licensure and relicensure ~~certification~~
14 ~~and recertification~~ of a person, organization, or
15 government agency that operates an emergency medical
16 dispatch agency that meets the minimum standards
17 prescribed by the Department for an emergency medical
18 dispatch agency pursuant to this Act.

19 (3) Prescribe minimum education and continuing
20 education requirements for the Emergency Medical
21 Dispatcher, which meet standards specified by ~~the national~~
22 ~~curriculum of the United States Department of~~
23 ~~Transportation, through~~ rules adopted pursuant to this
24 Act.

25 (4) Require each EMS Medical Director to report to the
26 Department whenever an action has taken place that may

1 require the revocation or suspension of a license
2 ~~certificate~~ issued by the Department.

3 (5) Require each EMD to provide prearrival
4 instructions in compliance with protocols selected and
5 approved by the system's EMS medical director and approved
6 by the Department.

7 (6) Require the Emergency Medical Dispatcher to keep
8 the Department currently informed as to the entity or
9 agency that employs or supervises his activities as an
10 Emergency Medical Dispatcher.

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

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

19 (9) Require that Department-approved emergency medical
20 dispatch training programs are conducted in accordance
21 with national standards.

22 (10) Require that the emergency medical dispatch
23 agency be operated in accordance with national standards,
24 including, but not limited to, (i) the use on every request
25 for medical assistance of an emergency medical dispatch
26 priority reference system (EMDPRS) in accordance with

1 Department-approved policies and procedures and (ii) under
2 the approval and supervision of the EMS medical director,
3 the establishment of a continuous quality improvement
4 program.

5 (11) Require that a person may not represent himself or
6 herself, nor may an agency or business represent an agent
7 or employee of that agency or business, as an emergency
8 medical dispatcher unless licensed ~~certified~~ by the
9 Department as an emergency medical dispatcher.

10 (12) Require that a person, organization, or
11 government agency not represent itself as an emergency
12 medical dispatch agency unless the person, organization,
13 or government agency is certified by the Department as an
14 emergency medical dispatch agency.

15 (13) Require that a person, organization, or
16 government agency may not offer or conduct a training
17 course that is represented as a course for an emergency
18 medical dispatcher unless the person, organization, or
19 agency is approved by the Department to offer or conduct
20 that course.

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

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

26 (ii) have completed a Department-approved course

1 on methods of instruction;

2 (iii) have previous experience in a medical
3 dispatch agency; and

4 (iv) have demonstrated experience as an EMS
5 instructor.

6 (15) Establish criteria for modifying or waiving
7 Emergency Medical Dispatcher requirements based on (i) the
8 scope and frequency of dispatch activities and the
9 dispatcher's access to training or (ii) whether the
10 previously-attended dispatcher training program merits
11 automatic relicensure ~~recertification~~ for the dispatcher.

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

14 (c) The Department shall have the authority to suspend,
15 revoke, or refuse to issue or renew the license of an EMD when,
16 after notice and the opportunity for an impartial hearing, the
17 Department demonstrates that the licensee has violated this
18 Act, violated the rules adopted by the Department, or failed to
19 comply with the applicable standard of care.

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

21 (210 ILCS 50/3.75)

22 Sec. 3.75. Trauma Nurse Specialist (TNS) licensure
23 ~~Certification~~.

24 (a) "Trauma Nurse Specialist" or "TNS" means a registered
25 professional nurse licensed under the Nurse Practice Act who

1 has successfully completed supplemental education and testing
2 requirements as prescribed by the Department, and is licensed
3 ~~certified~~ by the Department in accordance with rules adopted by
4 the Department pursuant to this Act. For out-of-state
5 facilities that have Illinois recognition under the EMS,
6 trauma, or pediatric programs, the professional shall have an
7 unencumbered registered nurse license in the state in which he
8 or she practices. In this Section, the term "license" is used
9 to reflect a change in terminology from "certification" to
10 "license" only.

11 (b) The Department shall have the authority and
12 responsibility to:

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

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

19 (3) Charge each candidate for TNS licensure
20 ~~certification~~ a fee to be submitted with an application for
21 a licensure ~~certification~~ examination, an application for
22 licensure ~~certification~~, and an application for
23 relicensure ~~recertification~~;

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

26 (5) Prescribe relicensure ~~recertification~~ requirements

1 through rules adopted pursuant to this Act;

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

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

8 (8) Suspend, revoke, or refuse to issue or renew ~~deny~~
9 ~~renewal~~ of the license ~~certification~~ of a TNS, after an
10 opportunity for hearing by the Department, if findings show
11 that the TNS has failed to maintain proficiency in the
12 level of skills for which the TNS is licensed ~~certified~~ or
13 has failed to comply with relicensure ~~recertification~~
14 requirements.

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

16 (210 ILCS 50/3.80)

17 Sec. 3.80. Pre-Hospital Registered Nurse ~~RN~~ and Emergency
18 Communications Registered Nurse.

19 (a) "Emergency Communications Registered Nurse" or "ECRN"
20 means a registered professional nurse licensed under the Nurse
21 Practice Act who has successfully completed supplemental
22 education in accordance with rules adopted by the Department,
23 and who is approved by an EMS Medical Director to monitor
24 telecommunications from and give voice orders to EMS System
25 personnel, under the authority of the EMS Medical Director and

1 in accordance with System protocols. For out-of-state
2 facilities that have Illinois recognition under the EMS, trauma
3 or pediatric programs, the professional shall have an
4 unencumbered registered nurse license in the state in which he
5 or she practices. In this Section, the term "license" is used
6 to reflect a change in terminology from "certification" to
7 "license" only.

8 ~~Upon the effective date of this amendatory Act of 1995, all~~
9 ~~existing Registered Professional Nurse/MICNs shall be~~
10 ~~considered ECRNs.~~

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

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

1 ~~existing Registered Professional Nurse/Field RNs shall be~~
2 ~~considered Pre-Hospital RNs.~~

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

5 (1) Prescribe education and continuing education
6 requirements for Pre-Hospital Registered Nurse RN and ECRN
7 candidates through rules adopted pursuant to this Act:

8 (A) Education for Pre-Hospital Registered Nurse RN
9 shall include extrication, telecommunications, and
10 pre-hospital cardiac, medical, and trauma care;

11 (B) Education for ECRN shall include
12 telecommunications, System standing medical orders and
13 the procedures and protocols established by the EMS
14 Medical Director;

15 (C) A Pre-Hospital Registered Nurse RN candidate
16 who is fulfilling clinical training and in-field
17 supervised experience requirements may perform
18 prescribed procedures under the direct supervision of
19 a physician licensed to practice medicine in all of its
20 branches, a qualified registered professional nurse or
21 a qualified EMT, only when authorized by the EMS
22 Medical Director;

23 (D) An EMS Medical Director may impose in-field
24 supervised field experience requirements on System
25 ECRNs as part of their training or continuing
26 education, in which they perform prescribed procedures

1 under the direct supervision of a physician licensed to
2 practice medicine in all of its branches, a qualified
3 registered professional nurse, or qualified EMS
4 personnel ~~EMT~~, only when authorized by the EMS Medical
5 Director;

6 (2) Require EMS Medical Directors to reapprove
7 Pre-Hospital Registered Nurses ~~RNs~~ and ECRNs every 4 years,
8 based on compliance with continuing education requirements
9 prescribed by the Department through rules adopted
10 pursuant to this Act;

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

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

20 (5) Charge each Pre-Hospital Registered Nurse ~~RN~~
21 applicant and ECRN applicant a fee for licensure and
22 relicensure ~~certification and recertification~~.

23 (d) The Department shall have the authority to suspend,
24 revoke, or refuse to issue or renew a Department-issued PHRN or
25 ECRN license when, after notice and the opportunity for a
26 hearing, the Department demonstrates that the licensee has

1 violated this Act, violated the rules adopted by the
2 Department, or failed to comply with the applicable standards
3 of care.

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

5 (210 ILCS 50/3.130)

6 Sec. 3.130. Facility, system, and equipment violations;
7 Plans of Correction. Except for emergency suspension orders, or
8 actions initiated pursuant to Sections 3.117(a), 3.117(b), and
9 3.90(b)(10) of this Act, prior to initiating an action in
10 response to a facility, system, or equipment violation ~~for~~
11 ~~suspension, revocation, denial, nonrenewal, or imposition of a~~
12 ~~fine pursuant to this Act~~, the Department shall:

13 (a) Issue a Notice of Violation which specifies the
14 Department's allegations of noncompliance and requests a plan
15 of correction to be submitted within 10 days after receipt of
16 the Notice of Violation;

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

22 (c) Impose a plan of correction if a modified plan is not
23 submitted in a timely manner or if the modified plan is
24 rejected by the Department;

25 (d) Issue a Notice of Intent to fine, suspend, revoke,

1 nonrenew or deny if the party has failed to comply with the
2 imposed plan of correction, and provide the party with an
3 opportunity to request an administrative hearing. The Notice of
4 Intent shall be effected by certified mail or by personal
5 service, shall set forth the particular reasons for the
6 proposed action, and shall provide the party with 15 days in
7 which to request a hearing.

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

9 (210 ILCS 50/3.140)

10 Sec. 3.140. Violations; Fines.

11 (a) The Department shall have the authority to impose fines
12 on any licensed vehicle service provider, stretcher van
13 provider, designated trauma center, resource hospital,
14 associate hospital, or participating hospital.

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

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

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

25 (c) A Notice of Intent to Impose Fine may be issued in

1 conjunction with or in lieu of a Notice of Intent to Suspend,
2 Revoke, Nonrenew or Deny, and shall conform to the requirements
3 specified in Section 3.130(d) of this Act. All Hearings
4 conducted pursuant to a Notice of Intent to Impose Fine shall
5 conform to the requirements specified in Section 3.135 of this
6 Act.

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

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

10 (210 ILCS 50/3.165)

11 Sec. 3.165. Misrepresentation.

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

21 (b) A hospital or other entity which employs or utilizes an
22 EMR, EMD, EMT, EMT-I, A-EMT, or Paramedic EMT in a manner which
23 is outside the scope of his or her ~~EMT~~ license shall not use
24 the words "emergency medical responder", "EMR", "emergency
25 medical technician", "EMT", "emergency medical

1 technician-intermediate", "EMT-I", "advanced emergency medical
2 technician", "A-EMT", or "Paramedic" ~~"emergency medical~~
3 technician", ~~"EMT" or "paramedic"~~ in that person's job
4 description or title, or in any other manner hold that person
5 out to be so licensed ~~an emergency medical technician.~~

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

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

10 (210 ILCS 50/3.170)

11 Sec. 3.170. Falsification of Documents. No person shall
12 fabricate any license or knowingly enter any false information
13 on any application form, run sheet, record or other document
14 required to be completed or submitted pursuant to this Act or
15 any rule adopted pursuant to this Act, or knowingly submit any
16 application form, run sheet, record or other document which
17 contains false information.

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

19 (210 ILCS 50/3.180)

20 Sec. 3.180. Injunctions. Notwithstanding the existence or
21 pursuit of any other remedy, the Director may, through the
22 Attorney General, seek an injunction:

23 (a) To restrain or prevent any person or entity from
24 functioning, practicing or operating without a license,

1 certification, classification, approval, permit, designation
2 or authorization required by this Act;

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

7 (c) To restrain or prevent any hospital or other entity
8 which employs or utilizes an EMR, EMT, EMT-I, A-EMT, or
9 Paramedic ~~EMT~~ in a manner which is outside the scope of his or
10 her ~~EMT~~ license from representing that person to be an EMR,
11 EMT, EMT-I, A-EMT, or Paramedic ~~EMT~~.

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

13 (210 ILCS 50/3.200)

14 Sec. 3.200. State Emergency Medical Services Advisory
15 Council.

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

20 (b) Membership of the Council shall include one
21 representative from each EMS Region, to be appointed by each
22 region's EMS Regional Advisory Committee. The Governor shall
23 appoint additional members to the Council as necessary to
24 insure that the Council includes one representative from each
25 of the following categories:

- 1 (1) EMS Medical Director,
- 2 (2) Trauma Center Medical Director,
- 3 (3) Licensed, practicing physician with regular and
- 4 frequent involvement in the provision of emergency care,
- 5 (4) Licensed, practicing physician with special
- 6 expertise in the surgical care of the trauma patient,
- 7 (5) EMS System Coordinator,
- 8 (6) TNS,
- 9 (7) Paramedic ~~EMT-P~~,
- 10 (7.5) A-EMT,
- 11 (8) EMT-I,
- 12 (9) EMT ~~EMT-B~~,
- 13 (10) Private vehicle service provider,
- 14 (11) Law enforcement officer,
- 15 (12) Chief of a public vehicle service provider,
- 16 (13) Statewide firefighters' union member affiliated
- 17 with a vehicle service provider,
- 18 (14) Administrative representative from a fire
- 19 department vehicle service provider in a municipality with
- 20 a population of over 2 million people;
- 21 (15) Administrative representative from a Resource
- 22 Hospital or EMS System Administrative Director.

23 (c) Members ~~Of the members first appointed, 5 members shall~~
24 ~~be appointed for a term of one year, 5 members shall be~~
25 ~~appointed for a term of 2 years, and the remaining members~~
26 ~~shall be appointed for a term of 3 years. The terms of~~

1 ~~subsequent appointees shall be 3 years.~~ All appointees shall
2 serve until their successors are appointed and qualified.

3 (d) The Council shall be provided a 90-day period in which
4 to review and comment, in consultation with the subcommittee to
5 which the rules are relevant, upon all rules proposed by the
6 Department pursuant to this Act, except for rules adopted
7 pursuant to Section 3.190(a) of this Act, rules submitted to
8 the State Trauma Advisory Council and emergency rules adopted
9 pursuant to Section 5-45 of the Illinois Administrative
10 Procedure Act. The 90-day review and comment period may
11 commence upon the Department's submission of the proposed rules
12 to the individual Council members, if the Council is not
13 meeting at the time the proposed rules are ready for Council
14 review. Any non-emergency rules adopted prior to the Council's
15 90-day review and comment period shall be null and void. If the
16 Council fails to advise the Department within its 90-day review
17 and comment period, the rule shall be considered acted upon.

18 (e) Council members shall be reimbursed for reasonable
19 travel expenses incurred during the performance of their duties
20 under this Section.

21 (f) The Department shall provide administrative support to
22 the Council for the preparation of the agenda and minutes for
23 Council meetings and distribution of proposed rules to Council
24 members.

25 (g) The Council shall act pursuant to bylaws which it
26 adopts, which shall include the annual election of a Chair and

1 Vice-Chair.

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

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

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

8 (210 ILCS 50/3.205)

9 Sec. 3.205. State Trauma Advisory Council.

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

14 (b) Membership of the Council shall include one
15 representative from each Regional Trauma Advisory Committee,
16 to be appointed by each Committee. The Governor shall appoint
17 the following additional members:

18 (1) An EMS Medical Director,

19 (2) A trauma center medical director,

20 (3) A trauma surgeon,

21 (4) A trauma nurse coordinator,

22 (5) A representative from a private vehicle service
23 provider,

24 (6) A representative from a public vehicle service
25 provider,

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

2 (8) A neurosurgeon.

3 (c) ~~Members~~ ~~Of the members first appointed, 5 members shall~~
4 ~~be appointed for a term of one year, 5 members shall be~~
5 ~~appointed for a term of 2 years, and the remaining members~~
6 ~~shall be appointed for a term of 3 years. The terms of~~
7 ~~subsequent appointees shall be 3 years.~~ All appointees shall
8 serve until their successors are appointed and qualified.

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

22 (e) Council members shall be reimbursed for reasonable
23 travel expenses incurred during the performance of their duties
24 under this Section.

25 (f) The Department shall provide administrative support to
26 the Council for the preparation of the agenda and minutes for

1 Council meetings and distribution of proposed rules to Council
2 members.

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

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

8 (i) Nothing in this Section shall preclude the Council from
9 reviewing and commenting on proposed rules which fall under the
10 purview of the State EMS Advisory Council.

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

12 (210 ILCS 50/3.210)

13 Sec. 3.210. EMS Medical Consultant. If the Chief of the
14 Department's Division of Emergency Medical Services and
15 Highway Safety is not a physician licensed to practice medicine
16 in all of its branches, with extensive emergency medical
17 services experience, and certified by the American Board of
18 Emergency Medicine or the Osteopathic American Board of
19 ~~Osteopathic~~ Emergency Medicine, then the Director shall
20 appoint such a physician to serve as EMS Medical Consultant to
21 the Division Chief.

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

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

1 (225 ILCS 105/12) (from Ch. 111, par. 5012)

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

3 Sec. 12. Professional or amateur contests.

4 (a) The professional or amateur contest, or a combination
5 of both, shall be held in an area where adequate neurosurgical
6 facilities are immediately available for skilled emergency
7 treatment of an injured professional or amateur.

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

19 (c) The physician may, at any time during the professional
20 or amateur bout, stop the professional or amateur bout to
21 examine a professional or amateur contestant and may direct the
22 referee to terminate the bout when, in the physician's opinion,
23 continuing the bout could result in serious injury to the
24 professional or amateur. If the professional's or amateur's
25 physical condition so indicates, the physician shall recommend

1 to the Department immediate medical suspension. The physician
2 shall certify to the condition of the professional or amateur
3 in writing, over his signature on forms provided by the
4 Department. Such reports shall be submitted to the Department
5 in a timely manner.

6 (d) No professional or amateur contest, or a combination of
7 both, shall be allowed to begin or be held unless at least one
8 physician, at least one EMT and one paramedic ~~EMT-P~~, and one
9 ambulance have been contracted with solely for the care of
10 professionals or amateurs who are competing as defined by rule.

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

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

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

22 (g) The Department or its representative shall have
23 discretion to declare a price, remuneration, or purse or any
24 part of it belonging to the professional withheld if in the
25 judgment of the Department or its representative the
26 professional is not honestly competing.

1 (h) The Department shall have the authority to prevent a
2 professional or amateur contest, or a combination of both, from
3 being held and shall have the authority to stop a professional
4 or amateur contest, or a combination of both, for noncompliance
5 with any part of this Act or rules or when, in the judgment of
6 the Department, or its representative, continuation of the
7 event would endanger the health, safety, and welfare of the
8 professionals or amateurs or spectators. The Department's
9 authority to stop a contest on the basis that the professional
10 or amateur contest, or a combination of both, would endanger
11 the health, safety, and welfare of the professionals or
12 amateurs or spectators shall extend to any professional or
13 amateur contest, or a combination of both, regardless of
14 whether that amateur contest is exempted from the prohibition
15 in Section 6 of this Act. Department staff, or its
16 representative, may be present at any full-contact martial arts
17 contest with scheduled amateur bouts.

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

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

21 (325 ILCS 2/10)

22 Sec. 10. Definitions. In this Act:

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

1 "Abused child" has the same meaning as in the Abused and
2 Neglected Child Reporting Act.

3 "Child-placing agency" means a licensed public or private
4 agency that receives a child for the purpose of placing or
5 arranging for the placement of the child in a foster family
6 home or other facility for child care, apart from the custody
7 of the child's parents.

8 "Department" or "DCFS" means the Illinois Department of
9 Children and Family Services.

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

13 "Emergency medical professional" includes licensed
14 physicians, and any emergency medical technician
15 ~~technician basic~~, emergency medical technician-intermediate,
16 advanced emergency medical technician, paramedic ~~emergency~~
17 ~~medical technician paramedic~~, trauma nurse specialist, and
18 pre-hospital registered nurse RN, as defined in the Emergency
19 Medical Services (EMS) Systems Act.

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

22 "Hospital" has the same meaning as in the Hospital
23 Licensing Act.

24 "Legal custody" means the relationship created by a court
25 order in the best interest of a newborn infant that imposes on
26 the infant's custodian the responsibility of physical

1 possession of the infant, the duty to protect, train, and
2 discipline the infant, and the duty to provide the infant with
3 food, shelter, education, and medical care, except as these are
4 limited by parental rights and responsibilities.

5 "Neglected child" has the same meaning as in the Abused and
6 Neglected Child Reporting Act.

7 "Newborn infant" means a child who a licensed physician
8 reasonably believes is 30 days old or less at the time the
9 child is initially relinquished to a hospital, police station,
10 fire station, or emergency medical facility, and who is not an
11 abused or a neglected child.

12 "Police station" means a municipal police station, a county
13 sheriff's office, a campus police department located on any
14 college or university owned or controlled by the State or any
15 private college or private university that is not owned or
16 controlled by the State when employees of the campus police
17 department are present, or any of the district headquarters of
18 the Illinois State Police.

19 "Relinquish" means to bring a newborn infant, who a
20 licensed physician reasonably believes is 30 days old or less,
21 to a hospital, police station, fire station, or emergency
22 medical facility and to leave the infant with personnel of the
23 facility, if the person leaving the infant does not express an
24 intent to return for the infant or states that he or she will
25 not return for the infant. In the case of a mother who gives
26 birth to an infant in a hospital, the mother's act of leaving

1 that newborn infant at the hospital (i) without expressing an
2 intent to return for the infant or (ii) stating that she will
3 not return for the infant is not a "relinquishment" under this
4 Act.

5 "Temporary protective custody" means the temporary
6 placement of a newborn infant within a hospital or other
7 medical facility out of the custody of the infant's parent.

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

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

11 (410 ILCS 15/2) (from Ch. 96 1/2, par. 3952)

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

14 (a) "Emergency medical technician" means a person who has
15 successfully completed the course on emergency first-aid care
16 and transportation of the sick and injured recommended by the
17 American Academy of Orthopedic Surgeons, or the equivalent
18 thereof, and has been licensed ~~certified~~ by the Department of
19 Public Health to provide emergency care.

20 (b) "Mine" means any surface coal mine or underground coal
21 mine, as defined in Section 1.03 of "The Coal Mining Act of
22 1953".

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

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

3 (410 ILCS 305/7) (from Ch. 111 1/2, par. 7307)

4 Sec. 7. (a) Notwithstanding the provisions of Sections 4, 5
5 and 6 of this Act, informed consent is not required for a
6 health care provider or health facility to perform a test when
7 the health care provider or health facility procures,
8 processes, distributes or uses a human body part donated for a
9 purpose specified under the Illinois Anatomical Gift Act, or
10 semen provided prior to the effective date of this Act for the
11 purpose of artificial insemination, and such a test is
12 necessary to assure medical acceptability of such gift or semen
13 for the purposes intended.

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

1 (c) Informed consent is not required for a health care
2 provider or health facility to perform a test when a law
3 enforcement officer is involved in the line of duty in a direct
4 skin or mucous membrane contact with the blood or bodily fluids
5 of an individual which is of a nature that may transmit HIV, as
6 determined by a physician in his medical judgment. Should such
7 test prove to be positive, the patient shall be provided
8 appropriate counseling consistent with this Act. For purposes
9 of this subsection (c), "law enforcement officer" means any
10 person employed by the State, a county or a municipality as a
11 policeman, peace officer, auxiliary policeman, correctional
12 officer or in some like position involving the enforcement of
13 the law and protection of the public interest at the risk of
14 that person's life.

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

16 (410 ILCS 305/9) (from Ch. 111 1/2, par. 7309)

17 Sec. 9. No person may disclose or be compelled to disclose
18 the identity of any person upon whom a test is performed, or
19 the results of such a test in a manner which permits
20 identification of the subject of the test, except to the
21 following persons:

22 (a) The subject of the test or the subject's legally
23 authorized representative. A physician may notify the spouse of
24 the test subject, if the test result is positive and has been
25 confirmed pursuant to rules adopted by the Department, provided

1 that the physician has first sought unsuccessfully to persuade
2 the patient to notify the spouse or that, a reasonable time
3 after the patient has agreed to make the notification, the
4 physician has reason to believe that the patient has not
5 provided the notification. This paragraph shall not create a
6 duty or obligation under which a physician must notify the
7 spouse of the test results, nor shall such duty or obligation
8 be implied. No civil liability or criminal sanction under this
9 Act shall be imposed for any disclosure or non-disclosure of a
10 test result to a spouse by a physician acting in good faith
11 under this paragraph. For the purpose of any proceedings, civil
12 or criminal, the good faith of any physician acting under this
13 paragraph shall be presumed.

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

17 (c) An authorized agent or employee of a health facility or
18 health care provider if the health facility or health care
19 provider itself is authorized to obtain the test results, the
20 agent or employee provides patient care or handles or processes
21 specimens of body fluids or tissues, and the agent or employee
22 has a need to know such information.

23 (d) The Department and local health authorities serving a
24 population of over 1,000,000 residents or other local health
25 authorities as designated by the Department, in accordance with
26 rules for reporting and controlling the spread of disease, as

1 otherwise provided by State law. The Department, local health
2 authorities, and authorized representatives shall not disclose
3 information and records held by them relating to known or
4 suspected cases of AIDS or HIV infection, publicly or in any
5 action of any kind in any court or before any tribunal, board,
6 or agency. AIDS and HIV infection data shall be protected from
7 disclosure in accordance with the provisions of Sections 8-2101
8 through 8-2105 of the Code of Civil Procedure.

9 (e) A health facility or health care provider which
10 procures, processes, distributes or uses: (i) a human body part
11 from a deceased person with respect to medical information
12 regarding that person; or (ii) semen provided prior to the
13 effective date of this Act for the purpose of artificial
14 insemination.

15 (f) Health facility staff committees for the purposes of
16 conducting program monitoring, program evaluation or service
17 reviews.

18 (f-5) A court in accordance with the provisions of Section
19 12-5.01 of the Criminal Code of 2012.

20 (g) (Blank).

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

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

6 (j) A temporary caretaker of a child taken into temporary
7 protective custody by the Department of Children and Family
8 Services pursuant to Section 5 of the Abused and Neglected
9 Child Reporting Act, as now or hereafter amended.

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

1 provider acting in good faith under this subsection. For the
2 purpose of any proceeding, civil or criminal, the good faith of
3 any health care provider acting under this subsection shall be
4 presumed.

5 (Source: P.A. 96-328, eff. 8-11-09; 97-1046, eff. 8-21-12;
6 97-1150, eff. 1-25-13.)

7 Section 50. The Burn Injury Reporting Act is amended by
8 changing Section 5 as follows:

9 (425 ILCS 7/5)

10 Sec. 5. Burn injury reporting.

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

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

22 (2) a person sustains a burn to the upper respiratory
23 tract or occurring laryngeal edema due to the inhalation of
24 superheated air;

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

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

5 (b) The oral report shall consist of notification by
6 telephone to the Office of the State Fire Marshal using a
7 toll-free number established by the Office of the State Fire
8 Marshal for this purpose.

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

12 (1) a burn injury of an emergency medical ~~a first~~
13 responder, as defined in Section 3.50 ~~3.60~~ of the Emergency
14 Medical Services (EMS) Systems Act, sustained in the line
15 of duty;

16 (2) a burn injury caused by lighting;

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

18 or

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

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

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

24 (625 ILCS 5/11-501.01)

1 Sec. 11-501.01. Additional administrative sanctions.

2 (a) After a finding of guilt and prior to any final
3 sentencing or an order for supervision, for an offense based
4 upon an arrest for a violation of Section 11-501 or a similar
5 provision of a local ordinance, individuals shall be required
6 to undergo a professional evaluation to determine if an
7 alcohol, drug, or intoxicating compound abuse problem exists
8 and the extent of the problem, and undergo the imposition of
9 treatment as appropriate. Programs conducting these
10 evaluations shall be licensed by the Department of Human
11 Services. The cost of any professional evaluation shall be paid
12 for by the individual required to undergo the professional
13 evaluation.

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

24 (c) Every person found guilty of violating Section 11-501,
25 whose operation of a motor vehicle while in violation of that
26 Section proximately caused any incident resulting in an

1 appropriate emergency response, shall be liable for the expense
2 of an emergency response as provided in subsection (i) of this
3 Section.

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

7 (e) The Secretary of State shall require the use of
8 ignition interlock devices on all vehicles owned by a person
9 who has been convicted of a second or subsequent offense of
10 Section 11-501 or a similar provision of a local ordinance. The
11 person must pay to the Secretary of State DUI Administration
12 Fund an amount not to exceed \$30 for each month that he or she
13 uses the device. The Secretary shall establish by rule and
14 regulation the procedures for certification and use of the
15 interlock system, the amount of the fee, and the procedures,
16 terms, and conditions relating to these fees.

17 (f) In addition to any other penalties and liabilities, a
18 person who is found guilty of or pleads guilty to violating
19 Section 11-501, including any person placed on court
20 supervision for violating Section 11-501, shall be assessed
21 \$750, payable to the circuit clerk, who shall distribute the
22 money as follows: \$350 to the law enforcement agency that made
23 the arrest, and \$400 shall be forwarded to the State Treasurer
24 for deposit into the General Revenue Fund. If the person has
25 been previously convicted of violating Section 11-501 or a
26 similar provision of a local ordinance, the fine shall be

1 \$1,000, and the circuit clerk shall distribute \$200 to the law
2 enforcement agency that made the arrest and \$800 to the State
3 Treasurer for deposit into the General Revenue Fund. In the
4 event that more than one agency is responsible for the arrest,
5 the amount payable to law enforcement agencies shall be shared
6 equally. Any moneys received by a law enforcement agency under
7 this subsection (f) shall be used for enforcement and
8 prevention of driving while under the influence of alcohol,
9 other drug or drugs, intoxicating compound or compounds or any
10 combination thereof, as defined by Section 11-501 of this Code,
11 including but not limited to the purchase of law enforcement
12 equipment and commodities that will assist in the prevention of
13 alcohol related criminal violence throughout the State; police
14 officer training and education in areas related to alcohol
15 related crime, including but not limited to DUI training; and
16 police officer salaries, including but not limited to salaries
17 for hire back funding for safety checkpoints, saturation
18 patrols, and liquor store sting operations. Any moneys received
19 by the Department of State Police under this subsection (f)
20 shall be deposited into the State Police DUI Fund and shall be
21 used to purchase law enforcement equipment that will assist in
22 the prevention of alcohol related criminal violence throughout
23 the State.

24 (g) The Secretary of State Police DUI Fund is created as a
25 special fund in the State treasury. All moneys received by the
26 Secretary of State Police under subsection (f) of this Section

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

14 (h) Whenever an individual is sentenced for an offense
15 based upon an arrest for a violation of Section 11-501 or a
16 similar provision of a local ordinance, and the professional
17 evaluation recommends remedial or rehabilitative treatment or
18 education, neither the treatment nor the education shall be the
19 sole disposition and either or both may be imposed only in
20 conjunction with another disposition. The court shall monitor
21 compliance with any remedial education or treatment
22 recommendations contained in the professional evaluation.
23 Programs conducting alcohol or other drug evaluation or
24 remedial education must be licensed by the Department of Human
25 Services. If the individual is not a resident of Illinois,
26 however, the court may accept an alcohol or other drug

1 evaluation or remedial education program in the individual's
2 state of residence. Programs providing treatment must be
3 licensed under existing applicable alcoholism and drug
4 treatment licensure standards.

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

1 the Conservation Police Operations Assistance Fund.

2 (j) A person that is subject to a chemical test or tests of
3 blood under subsection (a) of Section 11-501.1 or subdivision
4 (c)(2) of Section 11-501.2 of this Code, whether or not that
5 person consents to testing, shall be liable for the expense up
6 to \$500 for blood withdrawal by a physician authorized to
7 practice medicine, a licensed physician assistant, a licensed
8 advanced practice nurse, a registered nurse, a trained
9 phlebotomist, a licensed ~~certified~~ paramedic, or a qualified
10 person other than a police officer approved by the Department
11 of State Police to withdraw blood, who responds, whether at a
12 law enforcement facility or a health care facility, to a police
13 department request for the drawing of blood based upon refusal
14 of the person to submit to a lawfully requested breath test or
15 probable cause exists to believe the test would disclose the
16 ingestion, consumption, or use of drugs or intoxicating
17 compounds if:

18 (1) the person is found guilty of violating Section
19 11-501 of this Code or a similar provision of a local
20 ordinance; or

21 (2) the person pleads guilty to or stipulates to facts
22 supporting a violation of Section 11-503 of this Code or a
23 similar provision of a local ordinance when the plea or
24 stipulation was the result of a plea agreement in which the
25 person was originally charged with violating Section
26 11-501 of this Code or a similar local ordinance.

1 (Source: P.A. 97-931, eff. 1-1-13; 97-1050, eff. 1-1-13;
2 98-292, eff. 1-1-14; 98-463, eff. 8-16-13.)

3 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

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

5 (a) Upon the trial of any civil or criminal action or
6 proceeding arising out of an arrest for an offense as defined
7 in Section 11-501 or a similar local ordinance or proceedings
8 pursuant to Section 2-118.1, evidence of the concentration of
9 alcohol, other drug or drugs, or intoxicating compound or
10 compounds, or any combination thereof in a person's blood or
11 breath at the time alleged, as determined by analysis of the
12 person's blood, urine, breath or other bodily substance, shall
13 be admissible. Where such test is made the following provisions
14 shall apply:

15 1. Chemical analyses of the person's blood, urine,
16 breath or other bodily substance to be considered valid
17 under the provisions of this Section shall have been
18 performed according to standards promulgated by the
19 Department of State Police by a licensed physician,
20 registered nurse, trained phlebotomist, licensed ~~certified~~
21 paramedic, or other individual possessing a valid permit
22 issued by that Department for this purpose. The Director of
23 State Police is authorized to approve satisfactory
24 techniques or methods, to ascertain the qualifications and
25 competence of individuals to conduct such analyses, to

1 issue permits which shall be subject to termination or
2 revocation at the discretion of that Department and to
3 certify the accuracy of breath testing equipment. The
4 Department of State Police shall prescribe regulations as
5 necessary to implement this Section.

6 2. When a person in this State shall submit to a blood
7 test at the request of a law enforcement officer under the
8 provisions of Section 11-501.1, only a physician
9 authorized to practice medicine, a licensed physician
10 assistant, a licensed advanced practice nurse, a
11 registered nurse, trained phlebotomist, or licensed
12 ~~certified~~ paramedic, or other qualified person approved by
13 the Department of State Police may withdraw blood for the
14 purpose of determining the alcohol, drug, or alcohol and
15 drug content therein. This limitation shall not apply to
16 the taking of breath or urine specimens.

17 When a blood test of a person who has been taken to an
18 adjoining state for medical treatment is requested by an
19 Illinois law enforcement officer, the blood may be
20 withdrawn only by a physician authorized to practice
21 medicine in the adjoining state, a licensed physician
22 assistant, a licensed advanced practice nurse, a
23 registered nurse, a trained phlebotomist acting under the
24 direction of the physician, or licensed ~~certified~~
25 paramedic. The law enforcement officer requesting the test
26 shall take custody of the blood sample, and the blood

1 sample shall be analyzed by a laboratory certified by the
2 Department of State Police for that purpose.

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

12 4. Upon the request of the person who shall submit to a
13 chemical test or tests at the request of a law enforcement
14 officer, full information concerning the test or tests
15 shall be made available to the person or such person's
16 attorney.

17 5. Alcohol concentration shall mean either grams of
18 alcohol per 100 milliliters of blood or grams of alcohol
19 per 210 liters of breath.

20 (a-5) Law enforcement officials may use standardized field
21 sobriety tests approved by the National Highway Traffic Safety
22 Administration when conducting investigations of a violation
23 of Section 11-501 or similar local ordinance by drivers
24 suspected of driving under the influence of cannabis. The
25 General Assembly finds that standardized field sobriety tests
26 approved by the National Highway Traffic Safety Administration

1 are divided attention tasks that are intended to determine if a
2 person is under the influence of cannabis. The purpose of these
3 tests is to determine the effect of the use of cannabis on a
4 person's capacity to think and act with ordinary care and
5 therefore operate a motor vehicle safely. Therefore, the
6 results of these standardized field sobriety tests,
7 appropriately administered, shall be admissible in the trial of
8 any civil or criminal action or proceeding arising out of an
9 arrest for a cannabis-related offense as defined in Section
10 11-501 or a similar local ordinance or proceedings under
11 Section 2-118.1. Where a test is made the following provisions
12 shall apply:

13 1. The person tested may have a physician, or a
14 qualified technician, chemist, registered nurse, or other
15 qualified person of their own choosing administer a
16 chemical test or tests in addition to the standardized
17 field sobriety test or tests administered at the direction
18 of a law enforcement officer. The failure or inability to
19 obtain an additional test by a person does not preclude the
20 admission of evidence relating to the test or tests taken
21 at the direction of a law enforcement officer.

22 2. Upon the request of the person who shall submit to a
23 standardized field sobriety test or tests at the request of
24 a law enforcement officer, full information concerning the
25 test or tests shall be made available to the person or the
26 person's attorney.

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

9 (b) Upon the trial of any civil or criminal action or
10 proceeding arising out of acts alleged to have been committed
11 by any person while driving or in actual physical control of a
12 vehicle while under the influence of alcohol, the concentration
13 of alcohol in the person's blood or breath at the time alleged
14 as shown by analysis of the person's blood, urine, breath, or
15 other bodily substance shall give rise to the following
16 presumptions:

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

20 2. If there was at that time an alcohol concentration
21 in excess of 0.05 but less than 0.08, such facts shall not
22 give rise to any presumption that the person was or was not
23 under the influence of alcohol, but such fact may be
24 considered with other competent evidence in determining
25 whether the person was under the influence of alcohol.

26 3. If there was at that time an alcohol concentration

1 of 0.08 or more, it shall be presumed that the person was
2 under the influence of alcohol.

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

7 (c) 1. If a person under arrest refuses to submit to a
8 chemical test under the provisions of Section 11-501.1,
9 evidence of refusal shall be admissible in any civil or
10 criminal action or proceeding arising out of acts alleged to
11 have been committed while the person under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof was driving or in actual
14 physical control of a motor vehicle.

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

1 combination of both.

2 This provision does not affect the applicability of or
3 imposition of driver's license sanctions under Section
4 11-501.1 of this Code.

5 3. For purposes of this Section, a personal injury includes
6 any Type A injury as indicated on the traffic accident report
7 completed by a law enforcement officer that requires immediate
8 professional attention in either a doctor's office or a medical
9 facility. A Type A injury includes severe bleeding wounds,
10 distorted extremities, and injuries that require the injured
11 party to be carried from the scene.

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

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

16 (820 ILCS 305/6) (from Ch. 48, par. 138.6)

17 Sec. 6. (a) Every employer within the provisions of this
18 Act, shall, under the rules and regulations prescribed by the
19 Commission, post printed notices in their respective places of
20 employment in such number and at such places as may be
21 determined by the Commission, containing such information
22 relative to this Act as in the judgment of the Commission may
23 be necessary to aid employees to safeguard their rights under
24 this Act in event of injury.

1 In addition thereto, the employer shall post in a
2 conspicuous place on the place of the employment a printed or
3 typewritten notice stating whether he is insured or whether he
4 has qualified and is operating as a self-insured employer. In
5 the event the employer is insured, the notice shall state the
6 name and address of his insurance carrier, the number of the
7 insurance policy, its effective date and the date of
8 termination. In the event of the termination of the policy for
9 any reason prior to the termination date stated, the posted
10 notice shall promptly be corrected accordingly. In the event
11 the employer is operating as a self-insured employer the notice
12 shall state the name and address of the company, if any,
13 servicing the compensation payments of the employer, and the
14 name and address of the person in charge of making compensation
15 payments.

16 (b) Every employer subject to this Act shall maintain
17 accurate records of work-related deaths, injuries and illness
18 other than minor injuries requiring only first aid treatment
19 and which do not involve medical treatment, loss of
20 consciousness, restriction of work or motion, or transfer to
21 another job and file with the Commission, in writing, a report
22 of all accidental deaths, injuries and illnesses arising out of
23 and in the course of the employment resulting in the loss of
24 more than 3 scheduled work days. In the case of death such
25 report shall be made no later than 2 working days following the
26 accidental death. In all other cases such report shall be made

1 between the 15th and 25th of each month unless required to be
2 made sooner by rule of the Commission. In case the injury
3 results in permanent disability, a further report shall be made
4 as soon as it is determined that such permanent disability has
5 resulted or will result from the injury. All reports shall
6 state the date of the injury, including the time of day or
7 night, the nature of the employer's business, the name,
8 address, age, sex, conjugal condition of the injured person,
9 the specific occupation of the injured person, the direct cause
10 of the injury and the nature of the accident, the character of
11 the injury, the length of disability, and in case of death the
12 length of disability before death, the wages of the injured
13 person, whether compensation has been paid to the injured
14 person, or to his or her legal representative or his heirs or
15 next of kin, the amount of compensation paid, the amount paid
16 for physicians', surgeons' and hospital bills, and by whom
17 paid, and the amount paid for funeral or burial expenses if
18 known. The reports shall be made on forms and in the manner as
19 prescribed by the Commission and shall contain such further
20 information as the Commission shall deem necessary and require.
21 The making of these reports releases the employer from making
22 such reports to any other officer of the State and shall
23 satisfy the reporting provisions as contained in the "Health
24 and Safety Act" and "An Act in relation to safety inspections
25 and education in industrial and commercial establishments and
26 to repeal an Act therein named", approved July 18, 1955, as now

1 or hereafter amended. The reports filed with the Commission
2 pursuant to this Section shall be made available by the
3 Commission to the Director of Labor or his representatives and
4 to all other departments of the State of Illinois which shall
5 require such information for the proper discharge of their
6 official duties. Failure to file with the Commission any of the
7 reports required in this Section is a petty offense.

8 Except as provided in this paragraph, all reports filed
9 hereunder shall be confidential and any person having access to
10 such records filed with the Illinois Workers' Compensation
11 Commission as herein required, who shall release any
12 information therein contained including the names or otherwise
13 identify any persons sustaining injuries or disabilities, or
14 give access to such information to any unauthorized person,
15 shall be subject to discipline or discharge, and in addition
16 shall be guilty of a Class B misdemeanor. The Commission shall
17 compile and distribute to interested persons aggregate
18 statistics, taken from the reports filed hereunder. The
19 aggregate statistics shall not give the names or otherwise
20 identify persons sustaining injuries or disabilities or the
21 employer of any injured or disabled person.

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

25 (1) In case of the legal disability of the employee or
26 any dependent of a deceased employee who may be entitled to

1 compensation under the provisions of this Act, the
2 limitations of time by this Act provided do not begin to
3 run against such person under legal disability until a
4 guardian has been appointed.

5 (2) In cases of injuries sustained by exposure to
6 radiological materials or equipment, notice shall be given
7 to the employer within 90 days subsequent to the time that
8 the employee knows or suspects that he has received an
9 excessive dose of radiation.

10 No defect or inaccuracy of such notice shall be a bar to
11 the maintenance of proceedings on arbitration or otherwise by
12 the employee unless the employer proves that he is unduly
13 prejudiced in such proceedings by such defect or inaccuracy.

14 Notice of the accident shall give the approximate date and
15 place of the accident, if known, and may be given orally or in
16 writing.

17 (d) Every employer shall notify each injured employee who
18 has been granted compensation under the provisions of Section 8
19 of this Act of his rights to rehabilitation services and advise
20 him of the locations of available public rehabilitation centers
21 and any other such services of which the employer has
22 knowledge.

23 In any case, other than one where the injury was caused by
24 exposure to radiological materials or equipment or asbestos
25 unless the application for compensation is filed with the
26 Commission within 3 years after the date of the accident, where

1 no compensation has been paid, or within 2 years after the date
2 of the last payment of compensation, where any has been paid,
3 whichever shall be later, the right to file such application
4 shall be barred.

5 In any case of injury caused by exposure to radiological
6 materials or equipment or asbestos, unless application for
7 compensation is filed with the Commission within 25 years after
8 the last day that the employee was employed in an environment
9 of hazardous radiological activity or asbestos, the right to
10 file such application shall be barred.

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

19 If an accidental injury caused by exposure to radiological
20 material or equipment or asbestos results in death within 25
21 years after the last day that the employee was so exposed
22 application for compensation for death may be filed with the
23 Commission within 3 years after the date of death, where no
24 compensation has been paid, or within 2 years after the date of
25 the last payment of compensation where any has been paid,
26 whichever shall be later, but not thereafter.

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

5 (f) Any condition or impairment of health of an employee
6 employed as a firefighter, emergency medical technician (EMT),
7 emergency medical technician-intermediate (EMT-I), advanced
8 emergency medical technician (A-EMT), or paramedic which
9 results directly or indirectly from any bloodborne pathogen,
10 lung or respiratory disease or condition, heart or vascular
11 disease or condition, hypertension, tuberculosis, or cancer
12 resulting in any disability (temporary, permanent, total, or
13 partial) to the employee shall be rebuttably presumed to arise
14 out of and in the course of the employee's firefighting, EMT,
15 or paramedic employment and, further, shall be rebuttably
16 presumed to be causally connected to the hazards or exposures
17 of the employment. This presumption shall also apply to any
18 hernia or hearing loss suffered by an employee employed as a
19 firefighter, EMT, EMT-I, A-EMT, or paramedic. However, this
20 presumption shall not apply to any employee who has been
21 employed as a firefighter, EMT, or paramedic for less than 5
22 years at the time he or she files an Application for Adjustment
23 of Claim concerning this condition or impairment with the
24 Illinois Workers' Compensation Commission. The rebuttable
25 presumption established under this subsection, however, does
26 not apply to an emergency medical technician (EMT), emergency

1 medical technician-intermediate (EMT-I), advanced emergency
2 medical technician (A-EMT), or paramedic employed by a private
3 employer if the employee spends the preponderance of his or her
4 work time for that employer engaged in medical transfers
5 between medical care facilities or non-emergency medical
6 transfers to or from medical care facilities. The changes made
7 to this subsection by Public Act 98-291 ~~this amendatory Act of~~
8 ~~the 98th General Assembly~~ shall be narrowly construed. The
9 Finding and Decision of the Illinois Workers' Compensation
10 Commission under only the rebuttable presumption provision of
11 this subsection shall not be admissible or be deemed res
12 judicata in any disability claim under the Illinois Pension
13 Code arising out of the same medical condition; however, this
14 sentence makes no change to the law set forth in Krohe v. City
15 of Bloomington, 204 Ill.2d 392.

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

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

19 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

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

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

24 1. The State and each county, city, town, township,

1 incorporated village, school district, body politic, or
2 municipal corporation therein.

3 2. Every person, firm, public or private corporation,
4 including hospitals, public service, eleemosynary,
5 religious or charitable corporations or associations, who
6 has any person in service or under any contract for hire,
7 express or implied, oral or written.

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

1 any hearings, trials or proceedings in the case, including
2 such proceedings for reimbursement.

3 Where an employee files an Application for Adjustment
4 of Claim with the Illinois Workers' Compensation
5 Commission alleging that his or her claim is covered by the
6 provisions of the preceding paragraph, and joining both the
7 alleged loaning and borrowing employers, they and each of
8 them, upon written demand by the employee and within 7 days
9 after receipt of such demand, shall have the duty of filing
10 with the Illinois Workers' Compensation Commission a
11 written admission or denial of the allegation that the
12 claim is covered by the provisions of the preceding
13 paragraph and in default of such filing or if any such
14 denial be ultimately determined not to have been bona fide
15 then the provisions of Paragraph K of Section 19 of this
16 Act shall apply.

17 An employer whose business or enterprise or a
18 substantial part thereof consists of hiring, procuring or
19 furnishing employees to or for other employers operating
20 under and subject to the provisions of this Act for the
21 performance of the work of such other employers and who
22 pays such employees their salary or wage notwithstanding
23 that they are doing the work of such other employers shall
24 be deemed a loaning employer within the meaning and
25 provisions of this Section.

26 (b) The term "employee" as used in this Act, shall be

1 construed to mean:

2 1. Every person in the service of the State, county,
3 city, town, township, incorporated village or school
4 district, body politic or municipal corporation therein,
5 whether by election, appointment or contract of hire,
6 express or implied, oral or written, including any official
7 of the State, or of any county, city, town, township,
8 incorporated village, school district, body politic or
9 municipal corporation therein and except any duly
10 appointed member of the fire department in any city whose
11 population exceeds 500,000 according to the last Federal or
12 State census, and except any member of a fire insurance
13 patrol maintained by a board of underwriters in this State.
14 One employed by a contractor who has contracted with the
15 State, or a county, city, town, township, incorporated
16 village, school district, body politic or municipal
17 corporation therein, through its representatives, shall
18 not be considered as an employee of the State, county,
19 city, town, township, incorporated village, school
20 district, body politic or municipal corporation which made
21 the contract.

22 2. Every person in the service of another under any
23 contract of hire, express or implied, oral or written, who
24 contracts an occupational disease while working in the
25 State of Illinois, or who contracts an occupational disease
26 while working outside of the State of Illinois but where

1 the contract of hire is made within the State of Illinois,
2 and any person whose employment is principally localized
3 within the State of Illinois, regardless of the place where
4 the disease was contracted or place where the contract of
5 hire was made, including aliens, and minors who, for the
6 purpose of this Act, except Section 3 hereof, shall be
7 considered the same and have the same power to contract,
8 receive payments and give quittances therefor, as adult
9 employees. An employee or his or her dependents under this
10 Act who shall have a cause of action by reason of an
11 occupational disease, disablement or death arising out of
12 and in the course of his or her employment may elect or
13 pursue his or her remedy in the State where the disease was
14 contracted, or in the State where the contract of hire is
15 made, or in the State where the employment is principally
16 localized.

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

20 (d) In this Act the term "Occupational Disease" means a
21 disease arising out of and in the course of the employment or
22 which has become aggravated and rendered disabling as a result
23 of the exposure of the employment. Such aggravation shall arise
24 out of a risk peculiar to or increased by the employment and
25 not common to the general public.

26 A disease shall be deemed to arise out of the employment if

1 there is apparent to the rational mind, upon consideration of
2 all the circumstances, a causal connection between the
3 conditions under which the work is performed and the
4 occupational disease. The disease need not to have been
5 foreseen or expected but after its contraction it must appear
6 to have had its origin or aggravation in a risk connected with
7 the employment and to have flowed from that source as a
8 rational consequence.

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

20 Any injury to or disease or death of an employee arising
21 from the administration of a vaccine, including without
22 limitation smallpox vaccine, to prepare for, or as a response
23 to, a threatened or potential bioterrorist incident to the
24 employee as part of a voluntary inoculation program in
25 connection with the person's employment or in connection with
26 any governmental program or recommendation for the inoculation

1 of workers in the employee's occupation, geographical area, or
2 other category that includes the employee is deemed to arise
3 out of and in the course of the employment for all purposes
4 under this Act. This paragraph added by Public Act 93-829 is
5 declarative of existing law and is not a new enactment.

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

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

25 Any condition or impairment of health of an employee
26 employed as a firefighter, emergency medical technician (EMT),

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

1 facilities. The changes made to this subsection by this
2 amendatory Act of the 98th General Assembly shall be narrowly
3 construed. The Finding and Decision of the Illinois Workers'
4 Compensation Commission under only the rebuttable presumption
5 provision of this paragraph shall not be admissible or be
6 deemed res judicata in any disability claim under the Illinois
7 Pension Code arising out of the same medical condition;
8 however, this sentence makes no change to the law set forth in
9 Krohe v. City of Bloomington, 204 Ill.2d 392.

10 The insurance carrier liable shall be the carrier whose
11 policy was in effect covering the employer liable on the last
12 day of the exposure rendering such employer liable in
13 accordance with the provisions of this Act.

14 (e) "Disablement" means an impairment or partial
15 impairment, temporary or permanent, in the function of the body
16 or any of the members of the body, or the event of becoming
17 disabled from earning full wages at the work in which the
18 employee was engaged when last exposed to the hazards of the
19 occupational disease by the employer from whom he or she claims
20 compensation, or equal wages in other suitable employment; and
21 "disability" means the state of being so incapacitated.

22 (f) No compensation shall be payable for or on account of
23 any occupational disease unless disablement, as herein
24 defined, occurs within two years after the last day of the last
25 exposure to the hazards of the disease, except in cases of
26 occupational disease caused by berylliosis or by the inhalation

1 of silica dust or asbestos dust and, in such cases, within 3
2 years after the last day of the last exposure to the hazards of
3 such disease and except in the case of occupational disease
4 caused by exposure to radiological materials or equipment, and
5 in such case, within 25 years after the last day of last
6 exposure to the hazards of such disease.

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

8 (210 ILCS 50/3.60 rep.)

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."