

1 AN ACT concerning regulation.

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

4 Section 5. The Emergency Medical Services (EMS) Systems Act
5 is amended by changing Section 32.5 as follows:

6 (210 ILCS 50/32.5)

7 Sec. 32.5. Freestanding Emergency Center.

8 (a) Until June 30, 2009, the Department shall issue an
9 annual Freestanding Emergency Center (FEC) license to any
10 facility that:

11 (1) is located: (A) in a municipality with a population
12 of 75,000 or fewer inhabitants; (B) within 20 miles of the
13 hospital that owns or controls the FEC; and (C) within 20
14 miles of the Resource Hospital affiliated with the FEC as
15 part of the EMS System;

16 (2) is wholly owned or controlled by an Associate or
17 Resource Hospital, but is not a part of the hospital's
18 physical plant;

19 (3) meets the standards for licensed FECs, adopted by
20 rule of the Department, including, but not limited to:

21 (A) facility design, specification, operation, and
22 maintenance standards;

23 (B) equipment standards; and

1 (C) the number and qualifications of emergency
2 medical personnel and other staff, which must include
3 at least one board certified emergency physician
4 present at the FEC 24 hours per day.

5 (4) limits its participation in the EMS System strictly
6 to receiving a limited number of BLS runs by emergency
7 medical vehicles according to protocols developed by the
8 Resource Hospital within the FEC's designated EMS System
9 and approved by the Project Medical Director and the
10 Department;

11 (5) provides comprehensive emergency treatment
12 services, as defined in the rules adopted by the Department
13 pursuant to the Hospital Licensing Act, 24 hours per day,
14 on an outpatient basis;

15 (6) provides an ambulance and maintains on site
16 ambulance services staffed with paramedics 24 hours per
17 day;

18 (7) maintains helicopter landing capabilities approved
19 by appropriate State and federal authorities;

20 (8) complies with all State and federal patient rights
21 provisions, including, but not limited to, the Emergency
22 Medical Treatment Act and the federal Emergency Medical
23 Treatment and Active Labor Act;

24 (9) maintains a communications system that is fully
25 integrated with its Resource Hospital within the FEC's
26 designated EMS System;

1 (10) reports to the Department any patient transfers
2 from the FEC to a hospital within 48 hours of the transfer
3 plus any other data determined to be relevant by the
4 Department;

5 (11) submits to the Department, on a quarterly basis,
6 the FEC's morbidity and mortality rates for patients
7 treated at the FEC and other data determined to be relevant
8 by the Department;

9 (12) does not describe itself or hold itself out to the
10 general public as a full service hospital or hospital
11 emergency department in its advertising or marketing
12 activities;

13 (13) complies with any other rules adopted by the
14 Department under this Act that relate to FECs;

15 (14) passes the Department's site inspection for
16 compliance with the FEC requirements of this Act;

17 (15) submits a copy of the permit issued by the
18 Illinois Health Facilities Planning Board indicating that
19 the facility has complied with the Illinois Health
20 Facilities Planning Act with respect to the health services
21 to be provided at the facility;

22 (16) submits an application for designation as an FEC
23 in a manner and form prescribed by the Department by rule;
24 and

25 (17) pays the annual license fee as determined by the
26 Department by rule.

1 (a-5) Notwithstanding any other provision of this Section,
2 the Department may issue an annual FEC license to a facility
3 that is located in a county that does not have a licensed
4 general acute care hospital if the facility's application for a
5 permit from the Illinois Health Facilities Planning Board has
6 been deemed complete by the Department of Public Health by
7 March 1, 2009 and if the facility complies with the
8 requirements set forth in paragraphs (1) through (17) of
9 subsection (a).

10 (a-10) Notwithstanding any other provision of this
11 Section, the Department may issue an annual FEC license to a
12 facility if the facility has, by March 31, 2009, filed a letter
13 of intent to establish an FEC and if the facility complies with
14 the requirements set forth in paragraphs (1) through (17) of
15 subsection (a).

16 (b) The Department shall:

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

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

1 (3) issue an Emergency Suspension Order for any FEC
2 when the Director or his or her designee has determined
3 that the continued operation of the FEC poses an immediate
4 and serious danger to the public health, safety, and
5 welfare. An opportunity for a hearing shall be promptly
6 initiated after an Emergency Suspension Order has been
7 issued; and

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

9 (Source: P.A. 95-584, eff. 8-31-07.)

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