



Rep. Pamela Reaves-Harris

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LRB099 04676 KTG 46809 a

1 AMENDMENT TO HOUSE BILL 854

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 854 by replacing  
3 everything after the enacting clause with the following:

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

6 (210 ILCS 50/32.5)

7 Sec. 32.5. Freestanding Emergency Center.

8 (a) The Department shall issue an annual Freestanding  
9 Emergency Center (FEC) license to any facility that has  
10 received a permit from the Health Facilities and Services  
11 Review Board to establish a Freestanding Emergency Center by  
12 January 1, 2015, and:

13 (1) is located: (A) in a municipality with a population  
14 of 50,000 or fewer inhabitants; (B) within 50 miles of the  
15 hospital that owns or controls the FEC; and (C) within 50  
16 miles of the Resource Hospital affiliated with the FEC as

1 part of the EMS System;

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

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

7 (A) facility design, specification, operation, and  
8 maintenance standards;

9 (B) equipment standards; and

10 (C) the number and qualifications of emergency  
11 medical personnel and other staff, which must include  
12 at least one board certified emergency physician  
13 present at the FEC 24 hours per day.

14 (4) limits its participation in the EMS System strictly  
15 to receiving a limited number of BLS runs by emergency  
16 medical vehicles according to protocols developed by the  
17 Resource Hospital within the FEC's designated EMS System  
18 and approved by the Project Medical Director and the  
19 Department;

20 (5) provides comprehensive emergency treatment  
21 services, as defined in the rules adopted by the Department  
22 pursuant to the Hospital Licensing Act, 24 hours per day,  
23 on an outpatient basis;

24 (6) provides an ambulance and maintains on site  
25 ambulance services staffed with paramedics 24 hours per  
26 day;

1 (7) (blank);

2 (8) complies with all State and federal patient rights  
3 provisions, including, but not limited to, the Emergency  
4 Medical Treatment Act and the federal Emergency Medical  
5 Treatment and Active Labor Act;

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

9 (10) reports to the Department any patient transfers  
10 from the FEC to a hospital within 48 hours of the transfer  
11 plus any other data determined to be relevant by the  
12 Department;

13 (11) submits to the Department, on a quarterly basis,  
14 the FEC's morbidity and mortality rates for patients  
15 treated at the FEC and other data determined to be relevant  
16 by the Department;

17 (12) does not describe itself or hold itself out to the  
18 general public as a full service hospital or hospital  
19 emergency department in its advertising or marketing  
20 activities;

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

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

25 (15) submits a copy of the permit issued by the Health  
26 Facilities and Services Review Board indicating that the

1 facility has complied with the Illinois Health Facilities  
2 Planning Act with respect to the health services to be  
3 provided at the facility;

4 (16) submits an application for designation as an FEC  
5 in a manner and form prescribed by the Department by rule;  
6 and

7 (17) pays the annual license fee as determined by the  
8 Department by rule.

9 (a-5) Notwithstanding any other provision of this Section,  
10 the Department may issue an annual FEC license to a facility  
11 that is located in a county that does not have a licensed  
12 general acute care hospital if the facility's application for a  
13 permit from the Illinois Health Facilities Planning Board has  
14 been deemed complete by the Department of Public Health by  
15 January 1, 2014 and if the facility complies with the  
16 requirements set forth in paragraphs (1) through (17) of  
17 subsection (a).

18 (a-10) Notwithstanding any other provision of this  
19 Section, the Department may issue an annual FEC license to a  
20 facility if the facility has, by January 1, 2014, filed a  
21 letter of intent to establish an FEC and if the facility  
22 complies with the requirements set forth in paragraphs (1)  
23 through (17) of subsection (a).

24 (a-15) Notwithstanding any other provision of this  
25 Section, the Department shall issue an annual FEC license to a  
26 facility if the facility: (i) discontinues operation as a

1 hospital within 180 days after the effective date of this  
2 amendatory Act of the 99th General Assembly with a Health  
3 Facilities and Services Review Board project number of  
4 E-017-15; (ii) has an application for a permit to establish an  
5 FEC from the Health Facilities and Services Review Board that  
6 is deemed complete by January 1, 2017; and (iii) complies with  
7 the requirements set forth in paragraphs (1) through (17) of  
8 subsection (a) of this Section.

9 (a-16) Notwithstanding any other provision of this  
10 Section, the Department shall issue an annual FEC license to a  
11 facility located within a municipality with a population in  
12 excess of 1,000,000 inhabitants if the facility (i) has, by  
13 January 1, 2017, filed a letter of intent to establish an FEC,  
14 (ii) has received a certificate of need from the Health  
15 Facilities and Services Review Board, and (iii) complies with  
16 all requirements set forth in paragraphs (3) through (17) of  
17 subsection (a) of this Section and all applicable  
18 administrative rules. Any FEC located in a municipality with a  
19 population in excess of 1,000,000 inhabitants shall not be  
20 required to be wholly owned or controlled by an Associate  
21 Hospital or Resource Hospital; however, all patients needing  
22 emergent or urgent evaluation or treatment beyond the FEC's  
23 ability shall be expeditiously transferred to the closest  
24 appropriate health care facility based on the patient's acuity  
25 and needs. The FEC shall have a transfer agreement in place  
26 with at least one acute care hospital in the FEC's service area

1 within 30 minutes travel time of the FEC. The medical director  
2 of the FEC shall have full admitting privileges at a hospital  
3 with which the FEC has a transfer agreement and shall agree in  
4 writing to assume responsibility for all FEC patients requiring  
5 follow-up care in accordance with the transfer agreement. For  
6 an FEC established under this subsection (a-16), the facility  
7 shall have the authority to create up to 10 observation beds as  
8 further defined by rule. The Department shall issue no more  
9 than one such license in a municipality with a population in  
10 excess of 1,000,000 inhabitants and shall give consideration to  
11 underserved areas, particularly those that have recently lost  
12 access to emergency care through the loss of an emergency care  
13 provider. An FEC qualifying under this subsection (a-16) shall  
14 fully participate with and function within a Department  
15 approved local EMS System.

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. 99-490, eff. 12-4-15.)".