

# HB6288



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

**HB6288**

Introduced 2/11/2016, by Rep. Elaine Nekritz

### SYNOPSIS AS INTRODUCED:

210 ILCS 50/32.5

Amends the Emergency Medical Services (EMS) Systems Act. Makes technical changes in a Section concerning freestanding emergency centers.

LRB099 18451 MJP 42827 b

A BILL FOR

1 AN ACT concerning regulation.

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

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

6 (210 ILCS 50/32.5)

7 Sec. 32.5. Freestanding Emergency Center.

8 (a) The ~~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  
17 part of the EMS System;

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

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

23 (A) facility design, specification, operation, and

1 maintenance standards;

2 (B) equipment standards; and

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

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

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

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

20 (7) (blank);

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

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

1 designated EMS System;

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

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

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

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

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

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

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

26 (17) pays the annual license fee as determined by the

1 Department by rule.

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

11 (a-10) Notwithstanding any other provision of this  
12 Section, the Department may issue an annual FEC license to a  
13 facility if the facility has, by January 1, 2014, filed a  
14 letter of intent to establish an FEC and if the facility  
15 complies with the requirements set forth in paragraphs (1)  
16 through (17) of subsection (a).

17 (a-15) Notwithstanding any other provision of this  
18 Section, the Department shall issue an annual FEC license to a  
19 facility if the facility: (i) discontinues operation as a  
20 hospital within 180 days after the effective date of this  
21 amendatory Act of the 99th General Assembly with a Health  
22 Facilities and Services Review Board project number of  
23 E-017-15; (ii) has an application for a permit to establish an  
24 FEC from the Health Facilities and Services Review Board that  
25 is deemed complete by January 1, 2017; and (iii) complies with  
26 the requirements set forth in paragraphs (1) through (17) of

1 subsection (a) of this Section.

2 (b) The Department shall:

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

7 (2) suspend, revoke, refuse to issue, or refuse to  
8 renew the license of any FEC, after notice and an  
9 opportunity for a hearing, when the Department finds that  
10 the FEC has failed to comply with the standards and  
11 requirements of the Act or rules adopted by the Department  
12 under the Act;

13 (3) issue an Emergency Suspension Order for any FEC  
14 when the Director or his or her designee has determined  
15 that the continued operation of the FEC poses an immediate  
16 and serious danger to the public health, safety, and  
17 welfare. An opportunity for a hearing shall be promptly  
18 initiated after an Emergency Suspension Order has been  
19 issued; and

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

21 (Source: P.A. 99-490, eff. 12-4-15.)