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POLICY:	300.02 LICENSE SUSPENSION OR REVOCATION FELONY CONVICTION		
OWNER:	MANAGER OF EMS & EMERGENCY MANAGEMENT		
EFFECTIVE DATE: 2/16/2024			ORIGINAL EFFECTIVE DATE: 08/16
DEPARTMENT SPECIFIC		EMERGENCY MEDICAL SERVICES	

I. POLICY:

The following policy is based on provisions of the Emergency Medical Services (EMS) Systems Act and Rules of the Illinois Department of Public Health. It is only an interpretation of these laws and rules, and the actual statute and rules should be consulted. In the event of a conflict between the terms of this policy and the statute of rules, the statute of rules shall control.

A. General Rule

The EMS Medical Director (hereafter "EMSMD") may suspend from participation within the System any prehospital provider that does not meet Morris Hospital EMS System standards. The Region VII IDPH EMS Coordinator shall be notified immediately after any suspension. To suspend a provider, the EMSMD issues a written suspension order. The order must contain the length, terms, conditions and reasons for the suspension. The reasons may include at least one of the following:

1. Failure to meet the education and training requirements prescribed by the Department in the Rules and Regulations of the Illinois Department of Public Health, 77 Ill. Adm. Code §§ 515.520, 515.500, 515.560, 515.580, or by the EMSMD. The education and training requirements of the EMSMD are contained in the System policy and procedure manual, the System medical protocols and the System continuing education programs.
2. Violation of the Act, Rules and Regulations.
3. Failure to maintain proficiency in the provision of basic or advanced life support services.
4. Failure to comply with the provisions of the System's Program Plan approved by the Department.
5. Intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances, or other drugs or stimulants in such manner as to adversely affect the delivery, performance or activities in the care of patients requiring medical care (for the purposes of this subsection, adversely affect means anything which could harm the patient or treatment that is administered improperly).
6. Intentional falsification of any medical reports or orders, or making misrepresentations involving patient care.
7. Abandoning or neglecting a patient requiring emergency care.
8. Unauthorized use or removal of narcotics, drugs, supplies or equipment from any ambulance, health care facility, institution or other workplace location as well as failure to complete CS logs as required.
9. Performing or attempting emergency care, techniques or procedures without proper permission, licensure, education or supervision.
10. Discrimination in rendering emergency care because of race, sex, creed, religion, national origin, medical status, or ability to pay.
11. Medical misconduct or incompetence, or a pattern of continued or repeated medical misconduct or incompetence in the provision of emergency care.

12. Violation of System's standards of care, including conduct and behavior unbecoming or unprofessional directed toward the EMS System Coordinator/Medical Director.
13. Physical impairment of an pre-hospital provider to the extent that he or she cannot physically perform the emergency care and life support functions for which he or she is licensed, as verified by a physician, unless the pre-hospital provider is on inactive status pursuant to the Part.
14. Mental impairment of an pre-hospital provider to the extent that he or she cannot exercise the appropriate judgment, skill and safety for performing the emergency care and life support functions for which he or she is licensed, as verified by a physician, unless the pre-hospital provider is on inactive status to this Part.

IDPH Administrative Code 77 **Section 515.420 System Participation Suspensions** states:

- a) *An EMS MD may suspend from participation within the System any EMS Personnel, EMS Lead Instructor (LI), individual, individual provider or other participant considered not to be meeting the requirements of the Program Plan of that approved EMS System. (Section 3.40(a) of the Act)*
- b) Except as allowed in subsection (l), the EMS MD shall provide the individual, individual provider or other participant with a written explanation of the reason for the suspension; the terms, length and condition of the suspension; and the date the suspension will commence, unless a hearing is requested. The procedure for requesting a hearing within 15 days through the Local System Review Board shall be provided.
- c) Failure to request a hearing within 15 days shall constitute a waiver of the right to a Local System Review Board hearing.
- d) *The Resource Hospital shall designate the local System review board, for the purpose of providing a hearing to any individual or entity participating within the System who is suspended from participation by the EMS MD. (Section 3.40(e) of the Act) The review board will consist of at least three members, one of whom is an emergency department physician with knowledge of EMS, one of whom is an EMT and one of whom is of the same professional category as the individual, individual provider or other participant requesting the hearing. The EMS MD shall prepare and post, in a 24-hour accessible location at the Resource Hospital, the System Review Board List.*
- e) The hearing shall commence as soon as possible, but at least within 21 days after receipt of a written request. *The EMS MD shall arrange for a certified shorthand reporter to make a stenographic record of that hearing and thereafter prepare a transcript of the proceedings. The transcript, all documents or materials received as evidence during the hearing and the local System review board's written decision shall be retained in the custody of the EMS System. The System shall implement a decision of the local System review board unless that decision has been appealed to the State Emergency Medical Services Disciplinary Review Board in accordance with the Act and this Part. (Section 3.40(e) of the Act)*
- f) The local System review board shall state in writing its decision to affirm, modify or reverse the suspension order. That decision shall be sent via certified mail or personal service to the EMS MD and the individual, individual provider or other participant who requested the hearing within five business days after the conclusion of the hearing.
- g) The EMS MD shall notify the Department, in writing, within five business days after the Board's decision to either uphold, modify or reverse the EMS MD's suspension of an individual, individual provider or participant. The notice shall include a statement detailing the duration and grounds for the suspension.

- h) *If the local System review board affirms or modifies the EMS MD's suspension order, the individual, individual provider or other participant shall have the opportunity for a review of the local board's decision or the State EMS Disciplinary Review Board. (Section 3.40(b)(1) of the Act)*
- i) *If the local System review board reverses or modifies the EMS MD's suspension order, the EMS MD shall have the opportunity for review of the local board's decision by the State EMS Disciplinary Review Board. (Section 3.40(b)(2) of the Act)*
- j) *Requests for review by the State EMS Disciplinary Review Board shall be submitted in writing to the Chief of the Department's Division of Emergency Medical Services and Highway Safety, within 10 days after receiving the local board's decision or the EMS MD's suspension order, whichever is applicable. A copy of the Board's decision or the suspension order shall be enclosed. (Section 3.45(h) of the Act)*
- k) *An EMS MD may immediately suspend an EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHRN, LI, or other individual or entity if he or she finds that the continuation in practice by the individual or entity would constitute an imminent danger to the public. The suspended individual or entity shall be issued an immediate verbal notification, followed by a written suspension order by the EMS MD that states the length, terms and basis for the suspension. (Section 3.40(c) of the Act)*
- 1) *Within 24 hours following the commencement of the suspension, the EMS MD shall deliver to the Department, by messenger, telefax, or other Department-approved electronic communication, a copy of the suspension order and copies of any written materials that relate to the EMS MD's decision to suspend the individual or entity.*
 - 2) *Within 24 hours following the commencement of the suspension, the suspended individual or entity may deliver to the Department, by messenger, telefax, or other Department-approved electronic communication, a written response to the suspension order and copies of any written materials that the individual or entity feels are appropriate.*
 - 3) *Within 24 hours following receipt of the EMS MD's suspension order or the individual's or entity's written response, whichever is later, the Director or the Director's designee shall determine whether the suspension should be stayed pending an opportunity for a hearing or review in accordance with the Act, or whether the suspension should continue during the course of that hearing or review. The Director or the Director's designee shall issue this determination to the EMS MD, who shall immediately notify the suspended individual or entity. The suspension shall remain in effect during this period of review by the Director or the Director's designee. (Section 3.40(c) of the Act)*

(Source: Amended at 42 Ill. Reg. 17632, effective September 20, 2018)

IDPH Administrative Code Section 515.190 Felony Convictions

- a) *Applicants and licensees convicted of an Illinois Class X, Class 1 or Class 2 felony or an out-of-state equivalent offense shall be subject to adverse licensure actions under Section 3.50(d)(8) of the Act. In determining whether an applicant or licensee has been convicted of an*

out-of-state equivalent offense under Section 3.50(d)(8)(H) of the Act, the Department shall look to the essential elements of the out-of-state offense to determine whether that conviction is substantially equivalent to an Illinois Class X, Class 1 or Class 2 felony. The fact that the out-of-state offense may be named or classified differently by another state, territory or country shall not be considered in determining whether the out-of-state offense is equivalent. The controlling factor shall be whether the essential elements of the out-of-state offense are substantially equivalent to the essential elements of an Illinois Class X, Class 1 or Class 2 felony (Section 3.50(d) of the Act).

- b) All applicants for any license, permit or certification under the Act shall fully disclose any and all felony convictions in writing to the Department at the time of initial application or renewal. Failure to disclose all felony convictions on an application submitted to the Department shall be grounds for license denial or revocation.
- c) All licensees and certificate and permit holders under the Act shall report all new felony convictions to the Department within seven days after conviction. Convictions shall be reported by means of a letter to the Department.
- d) For applicants with a *Class X, Class 1 or Class 2 felony or an out-of-state equivalent offense* (Section 3.50(d) of the Act), the Department shall have the authority to require that the applicant sign an authorization permitting the Department to obtain a criminal history report from the Illinois State Police or other law enforcement agency at the applicant's cost. The failure or refusal of any felony applicant to provide the authorization and fee required by the applicable law enforcement agency shall be grounds for denial of licensure, including renewal.
- e) In deciding whether to issue any license to a person with a felony conviction under Section 3.50(d) of the Act, the Department shall consider the degree to which the applicant's criminal history suggests that the applicant may present a risk to patients. Factors to be considered shall include, but not be limited to:
 - 1) The length of time since the conviction and the severity of the penalty imposed;
 - 2) Whether the conviction involved theft, deception or infliction of intentional, unjustified harm to others;

