

August 30, 2021

Ashley Thoele, MSN, MBA, RN
 Division Chief, Emergency Medical Services and Highway Safety
 Office of Preparedness and Response
 Illinois Department of Public Health
 422 S. Fifth St., 3rd Floor
 Springfield, IL 62701

Re: Senate Bill 693 – EMS Systems Transport

Dear Division Chief Thoele,

On behalf of the Illinois Health and Hospital Association’s (IHA) more than 200 member hospitals and nearly 40 health systems, I am writing regarding the implementation of [Public Act 102-0623](#) (Sen. Melina Bush/Rep. Deb Conroy), which amended the Emergency Medical Services (EMS) Systems Act ([210 ILCS 50/](#)) to permit bypass/diversion from the closest emergency department to “transport to the **closest or appropriate** EMS System-approved mental health facility”. We support the legislative sponsors’ intent to divert patients from hospital emergency departments to community-based mental health treatment settings, and offer recommendations to safely achieve this goal.

In the absence of clear administrative rules and direct Illinois Department of Public Health (IDPH) approval of regional or system protocols to facilitate new emergency transport flexibilities, this law may inadvertently and substantially increase patient throughput directly to hospitals with inpatient beds for acute mental illness, regardless of individual facility capacity or the intention of diversion. The relaxed permissions for patient transport may overwhelm targeted hospitals by diverting an influx of patients to these facilities, resulting in a system of care that is less safe, reliable, and effective. “Mental health facility” is undefined and the facility’s participation in this new flexibility permitted for each EMS System is not explicitly voluntary, like other facility descriptions in the statute (e.g., “Participating Hospital” is required to be defined through rules adopted pursuant to the statute). Hospitals have expressed concern that this new law permits patient transport to a hospital without first obtaining the facility’s commitment for inclusion in the EMS system plan and the provision of their services, as the “closest and appropriate” mental health facility and separate from other defined hospital roles in the statute and associated rules. Even outside of the current public health emergency, hospital beds for acute mental illness are often at staffed capacity, and the flexibilities executed as written could permit inappropriate transfers and delay critical patient care.

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Given the broad impact this law will have on emergency response to patient evaluation and treatment, we request that IDPH release guidance on plans for administrative rules to implement Section 3.155(i) of the EMS Systems Act. It is important that these rules and guidelines:

- Establish criteria for the participation of alternative healthcare facilities for mental healthcare, including, but not limited to, the types of facilities that may participate in an EMS system and the limits of participation;
- Define the role and scope of alternative healthcare facilities for mental healthcare within the current EMS system structure;
- Limit alternative healthcare facility participation according to protocols developed by the Resource Hospital within the facility's designated EMS system; and
- Prioritize voluntary EMS system participation by alternative healthcare facilities.

We also understand that there are a number of ongoing pilots to facilitate non-emergency patient transport to alternative healthcare facilities across the state and we support guidance that acknowledges the continuation of these programs in an effort to assess patient outcomes and the feasibility of implementing this approach safely across the state.

Thank you for your consideration and we look forward to working with you to address this matter in way that meets the needs of all stakeholders. If you have any questions or comments, please [contact IHA](#).

Sincerely,

A.J. Wilhelmi
President & CEO
Illinois Health and Hospital Association

Cc: The Honorable Melinda Bush, Illinois Senate, District 31
The Honorable Deb Conroy, Illinois House of Representatives, District 46