



**REGION 11  
CHICAGO EMS SYSTEM  
POLICY**

Title: IDPH Waiver Provisions
Section: Quality Improvement
Approved: EMS Medical Directors Consortium
Effective: December 6, 2023

## **IDPH WAIVER PROVISIONS**

- I. The Illinois Department of Public Health (IDPH) may grant a waiver to any provision of the EMS Act or its Rules and Regulations for a specified period of time that they determine to be appropriate. IDPH may grant a waiver when it can be demonstrated that there will be no reduction in standards of medical care as determined by the EMS MD or IDPH. Waivers shall be valid only for the length of time determined by the Department. For either a single or multiple waiver request, the burden of proof as to the factual basis supporting any waiver shall be on the applicant.
- II. Any entity may apply in writing to IDPH for a waiver to specific requirements or standards for which it considers compliance to be a hardship. The application shall contain the following information:
  - A. The applicant's name, address, and license number (if applicable);
  - B. The Section of the EMS Act or its Rules and Regulations for which the waiver is being sought;
  - C. An explanation of why the applicant considers compliance to be a unique hardship, including:
    1. A description of how the applicant has attempted to comply with the requirement;
    2. The reasons for non-compliance; and
    3. A detailed plan for achieving compliance. The detailed plan shall include specific timetables.
  - D. The period of time for which the waiver is being sought;
  - E. An explanation of how the waiver will not reduce the quality of medical care established by the EMS Act and its Rules and Regulations; and
  - F. If the applicant is a system participant, the applicant's EMS MD shall state in writing whether he or she recommends or opposes the application for waiver, the reason for the recommendation or opposition, and how the waiver will or will not reduce the quality of medical care established by the EMS Act and its Rules and Regulations. The applicant shall submit the EMS MD's statements along with the application for waiver. If the EMS MD does not provide written statements within 30 days after the applicant's request, the EMS MD will be determined to be in support of the application, and the application may be submitted to IDPH.
- III. An EMS MD may apply to IDPH for a waiver on behalf of a system participant by submitting an application that contains all of the information required above, along with a statement signed by the system participant requesting or authorizing the EMS MD to make the application.



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IV. IDPH will grant the requested waiver if it finds the following:

- A. The waiver will not reduce the quality of medical care established by the EMS Act and its Rules and Regulations;
- B. Full compliance with the statutory or regulatory requirement at issue is or would be a unique hardship on the applicant;
- C. For EMS Personnel seeking a waiver to extend a relicensure date in order to complete relicensure requirements:
  - 1. The EMS provider has previously received no more than one extension since his or her last relicensure; and
  - 2. The EMS provider has not established a pattern of seeking extensions (e.g., waivers sought based on the same type of hardship in two or more previous license periods);
- D. For an applicant other than EMS providers seeking a waiver:
  - 1. The applicant has previously received no more than one waiver of the same statutory or regulatory requirement during the current license or designation period;
  - 2. The applicant has not established a pattern of seeking waivers of the same statutory or regulatory requirement during previous license or designation period; and
  - 3. IDPH finds that the hardship preventing compliance with the particular statutory or regulatory requirement is unique and not of an ongoing nature;
- E. For a hospital requesting a waiver to participate in a System other than that in which the hospital is geographically located:
  - 1. Documentation that transfer patterns support the request; and
  - 2. Historic patterns of patient referrals support the request.

IV. When granting a waiver, IDPH will specify the statutory or regulatory requirement that is being waived, any alternate requirement that the waiver applicant shall meet, and any procedures or timetable that the waiver applicant shall follow to achieve compliance with the waived requirement.

V. IDPH will determine the length of any waiver that it grants, based on the nature and extent of the hardship and will consider the medical needs of the community or areas in which the waiver applicant functions.