

## **SYSTEM REVIEW BOARD**

- I. Upon receipt of a Notice of Suspension from the EMS Medical Director, the EMS personnel or ambulance service provider, or other system participant shall have fifteen (15) days to request a hearing before the System Review Board, by submitting a written request to the EMSMD via certified mail. Failure to request a hearing within fifteen (15) days shall constitute a waiver of the right to a System Review Board Hearing. The decision of the EMSMD shall be considered final and suspension shall commence.
- II. The Resource Hospital shall designate the Local System Review Board, consisting of at least three members, one of whom is an Emergency Department Physician with the knowledge of EMS, and one of whom is an EMT-B/Paramedic, and one of whom is of the same professional category as the individual EMS personnel, individual ambulance service provider, or other system participant requesting the hearing.
- III. The hearing shall commence as soon as possible but within at least 21 days after receipt of a written request. The suspended participant shall be notified by certified return receipt mail or personal service of the date, time and place of the hearing and shall receive a copy of this policy. For good cause, the hearing may be changed upon advance request by one of the parties.
- IV. The Board shall review and consider any testimony and documentation related to the suspension which is offered by either the EMSMD or the suspended party.
- V. The EMSMD and the suspended party may both elect to have legal counsel representation.
- VI. A hearing held by the System need not be formal in legal terms, nor need it adhere to established rules of evidence. The hearing shall be conducted in a fair and objective manner under procedures outlined:
  - A. Each party to the proceedings shall have the right to select a person to represent him/her and be present at the hearing at his/her own expense. Any rights of participation, review or commentary extended to the counsel for the EMS System will be similarly extended to the same degree to the representative for the suspended participant.
  - B. At the hearing, the EMSMD or the counsel for the EMS System shall present such witnesses and evidence, as they deem appropriate to uphold the suspension. The suspended participant or his/her representative may present such witnesses and evidence, as the suspended participant deems appropriate. The System Review Board will direct questions to all concerned parties in order to gather all of the facts and pertinent information.
  - C. The System Review Board shall review and consider any testimony and documentation related to the issue at hand which is offered by either party to the suspension issue. Only current allegation may be presented unless previous information illustrates a pattern of behavior or practice. Each party shall have the right to submit evidence explaining or refuting the charges as well as the right to question the witnesses.

- D. The EMSMD shall arrange for a certified shorthand reporter to make a stenographic record of the hearing. A copy of the hearing transcription shall be made available to any involved party so requesting at the party's expense. The transcript, all documents or materials received as evidence during such hearing and the System Review Board's written decision shall be retained in the custody of the Resource Hospital EMS office and shall be maintained in confidence.
  - E. The suspended participant, the EMSMD and/or legal counsel(s) shall be allowed to listen to all testimony, but shall not be allowed admittance to the discussion and decision process of the System Review Board. However, they may be present after the decision is reached, and the System Review Board's recommendations are announced, if the decision can be reached immediately.
  - F. Witnesses may only be present during their testimony or when making their statement, and shall be instructed not to discuss the situation with any other witness.
- VII. The Board shall state, in writing, its decision to affirm, modify or reverse the suspension order. Such decision shall be sent via certified mail or personal service to the EMSMD and the EMS personnel, ambulance service provider or other system participant within 5 business days after the conclusion of the hearing.
- VIII. The EMSMD shall notify the Chief of the Division of EMS and Highway Safety at the Illinois Department of Public Health (IDPH), in writing, of a decision by the System Review Board to either uphold, reverse or modify the EMSMD's suspension of an EMS personnel, ambulance service provider or other system participant from participation within the EMS System, within five (5) business days after the System Review Board's decision is received. Such notice shall include, if applicable, a statement detailing the duration of and grounds for the suspension.
- IX. A recommendation to IDPH by an EMSMD to deny, suspend or revoke the license of a participant within an EMS System is not subject to the provisions of this section, unless such recommendation forms the basis for suspension pursuant to the EMS Act.
- X. The EMS System shall implement a decision of the System Review Board unless that decision has been appealed to the State EMS Disciplinary Review Board.
- XI. A request for review by the State EMS Disciplinary Review Board shall be made in writing by certified mail to the Chief of the Division of EMS and Highway and Safety, IDPH, within ten (10) business days after receiving the System Review Board's decision. A copy of the System Review Board's decision shall be enclosed. Requests for review shall only be made by an EMS System participant whose suspension order was affirmed or modified by the System Review Board. If reversed or modified, the EMSMD can request review.
- XII. Upon receipt of a valid request for review, IDPH, Division of EMS and Highway Safety shall convene a State EMS Disciplinary Review Board to review the decision of the System Review Board.

**Copyright 2018 Region XI EMS Medical Directors Consortium**

Written:

Reviewed: 11/92; 11/2/95; 4/96; 4/98; 3/00; 9/00; 4/07; 5/11; 8/15; 8/17

Revised:

MDC Approval: 10/89; 12/3/92; 11/2/95; 6/13/96; 4/98; 3/00; 10/5/00; 12/4/07

IDPH Approval: 1989; 1/5/93; 9/17/96; 1/99; 5/00; 3/01; 10/24/08

Implementation: 2/1/90; 9/1/93; 12/1/96; 8/1/99; 10/1/00; 5/1/01; 1/1/10