



Human Services Committee

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1 AMENDMENT TO SENATE BILL 2285

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2285 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Uniform Emergency Volunteer Health Practitioners Act.

6 Section 2. Definitions. In this Act:

7 (1) "Disaster relief organization" means an entity that  
8 provides emergency or disaster relief services that include  
9 health or veterinary services provided by volunteer health  
10 practitioners and that:

11 (A) is designated or recognized as a provider of those  
12 services pursuant to a disaster response and recovery plan  
13 adopted by an agency of the federal government or the  
14 Illinois Emergency Management Agency; or

15 (B) regularly plans and conducts its activities in  
16 coordination with an agency of the federal government or

1 the Illinois Emergency Management Agency.

2 (2) "Emergency" means an event or condition that is a  
3 disaster as defined in Section 4 of the Illinois Emergency  
4 Management Agency Act.

5 (3) "Emergency declaration" means a declaration of  
6 emergency issued by a person authorized to do so under the laws  
7 of this State or a disaster proclamation issued by the Governor  
8 pursuant to Section 7 of the Illinois Emergency Management  
9 Agency Act.

10 (4) (Reserved).

11 (5) "Entity" means a person other than an individual.

12 (6) "Health facility" means an entity licensed under the  
13 laws of this or another state to provide health or veterinary  
14 services.

15 (7) "Health practitioner" means an individual licensed  
16 under the laws of this or another state to provide health or  
17 veterinary services.

18 (8) "Health services" means the provision of treatment,  
19 care, advice or guidance, or other services, or supplies,  
20 related to the health or death of individuals or human  
21 populations, to the extent necessary to respond to an  
22 emergency, including:

23 (A) the following, concerning the physical or mental  
24 condition or functional status of an individual or  
25 affecting the structure or function of the body:

26 (i) preventive, diagnostic, therapeutic,

1           rehabilitative, maintenance, or palliative care; and  
2           (ii) counseling, assessment, procedures, or other  
3           services;

4           (B) sale or dispensing of a drug, a device, equipment,  
5           or another item to an individual in accordance with a  
6           prescription; and

7           (C) funeral, cremation, cemetery, or other mortuary  
8           services.

9           (9) "Host entity" means an entity operating in this State  
10          which uses volunteer health practitioners to respond to an  
11          emergency, including a healthcare facility, system, clinic or  
12          other fixed or mobile location where health care services are  
13          provided. A disaster relief organization may also be a host  
14          entity under this subsection to the extent that it operates a  
15          healthcare facility, system, clinic, or other fixed or mobile  
16          location in providing emergency or disaster relief services.

17          (10) "License" means authorization by a state to engage in  
18          health or veterinary services that are unlawful without the  
19          authorization.

20          (11) "Person" means an individual, corporation, business  
21          trust, trust, partnership, limited liability company,  
22          association, joint venture, public corporation, government or  
23          governmental subdivision, agency, or instrumentality, or any  
24          other legal or commercial entity.

25          (12) "Scope of practice" means the extent of the  
26          authorization to provide health or veterinary services granted

1 to a health practitioner by a license issued to the  
2 practitioner in the state in which the principal part of the  
3 practitioner's services are rendered, including any conditions  
4 imposed by the licensing authority.

5 (13) "State" means a state of the United States, the  
6 District of Columbia, Puerto Rico, the United States Virgin  
7 Islands, or any territory or insular possession subject to the  
8 jurisdiction of the United States.

9 (14) "Veterinary services" means the provision of  
10 treatment, care, advice or guidance, or other services, or  
11 supplies, related to the health or death of an animal or to  
12 animal populations, to the extent necessary to respond to an  
13 emergency declaration, including:

14 (A) diagnosis, treatment, or prevention of an animal  
15 disease, injury, or other physical or mental condition by  
16 the prescription, administration, or dispensing of  
17 vaccine, medicine, surgery, or therapy;

18 (B) use of a procedure for reproductive management; and

19 (C) monitoring and treatment of animal populations for  
20 diseases that have spread or demonstrate the potential to  
21 spread to humans.

22 (15) "Volunteer health practitioner" means a health  
23 practitioner who provides health or veterinary services,  
24 whether or not the practitioner receives compensation for those  
25 services. The term does not include a practitioner who receives  
26 compensation pursuant to an employment relationship existing

1 at the time of the emergency with a host entity which requires  
2 the practitioner to provide health services in this State,  
3 unless the practitioner is not a resident of this State and is  
4 employed by a disaster relief organization providing services  
5 in this State while an emergency declaration is in effect.

6 Section 3. Applicability to volunteer health  
7 practitioners. This Act applies to volunteer health  
8 practitioners registered with a registration system that  
9 complies with Section 5 and who provide health or veterinary  
10 services in this State for a host entity or disaster relief  
11 organization while an emergency declaration is in effect.

12 Section 4. Regulation of services during emergency.

13 (a) While a disaster proclamation under the Illinois  
14 Emergency Management Agency Act is in effect, the Illinois  
15 Emergency Management Agency may limit, restrict, or otherwise  
16 regulate:

17 (1) the duration of practice by volunteer health  
18 practitioners;

19 (2) the geographical areas in which volunteer health  
20 practitioners may practice;

21 (3) the types of volunteer health practitioners who may  
22 practice; and

23 (4) any other matters necessary to coordinate  
24 effectively the provision of health or veterinary services

1 during the emergency.

2 (b) An order issued pursuant to subsection (a) may take  
3 effect immediately, without prior notice or comment, and is not  
4 a rule within the meaning of the Illinois Administrative  
5 Procedure Act.

6 (c) A host entity or disaster relief organization that uses  
7 volunteer health practitioners to provide health or veterinary  
8 services in this State shall:

9 (1) consult and coordinate its activities with the  
10 Illinois Emergency Management Agency to the extent  
11 practicable to provide for the efficient and effective use  
12 of volunteer health practitioners; and

13 (2) comply with any laws relating to the management of  
14 emergency health or veterinary services.

15 Section 5. Volunteer Health Practitioner Registration  
16 Systems.

17 (a) To qualify as a volunteer health practitioner  
18 registration system, a system must:

19 (1) accept applications for the registration of  
20 volunteer health practitioners before or during an  
21 emergency;

22 (2) include information about the licensure and good  
23 standing of health practitioners which is accessible by  
24 authorized persons;

25 (3) be capable of confirming the accuracy of

1 information concerning whether a health practitioner is  
2 licensed and in good standing before health services or  
3 veterinary services are provided under this Act; and

4 (4) meet one of the following conditions:

5 (A) be an emergency system for advance  
6 registration of volunteer health-care practitioners  
7 established by a state and funded through the  
8 Department of Health and Human Services under Section  
9 319I of the Public Health Services Act, 42 U.S.C.  
10 Section 247d-7b (as amended);

11 (B) be a local unit consisting of trained and  
12 equipped emergency response, public health, and  
13 medical personnel formed pursuant to Section 2801 of  
14 the Public Health Services Act, 42 U.S.C. Section 300hh  
15 (as amended);

16 (C) be operated by a:

17 (i) disaster relief organization;

18 (ii) licensing board;

19 (iii) national or regional association of  
20 licensing boards or health practitioners;

21 (iv) health facility that provides  
22 comprehensive inpatient and outpatient health-care  
23 services, including a tertiary care, teaching  
24 hospital, or ambulatory surgical treatment center;  
25 or

26 (v) governmental entity; or

1           (D) be designated by the Department of Public  
2           Health as a registration system for purposes of this  
3           Act.

4           (b) While an emergency declaration is in effect, the  
5           Department of Public Health, a person authorized to act on  
6           behalf of the Department of Public Health, or a host entity or  
7           disaster relief organization, may confirm whether volunteer  
8           health practitioners utilized in this State are registered with  
9           a registration system that complies with subsection (a).  
10          Confirmation is limited to obtaining identities of the  
11          practitioners from the system and determining whether the  
12          system indicates that the practitioners are licensed and in  
13          good standing.

14          (c) Upon request of a person in this State authorized under  
15          subsection (b), or a similarly authorized person in another  
16          state, a registration system located in this State shall notify  
17          the person of the identities of volunteer health practitioners  
18          and whether the practitioners are licensed and in good  
19          standing.

20          (d) A host entity or disaster relief organization is not  
21          required to use the services of a volunteer health practitioner  
22          even if the practitioner is registered with a registration  
23          system that indicates that the practitioner is licensed and in  
24          good standing.

25          Section 6. Recognition of volunteer health practitioners



1 licensed in other states.

2 (a) While an emergency declaration is in effect, a  
3 volunteer health practitioner, registered with a registration  
4 system that complies with Section 5 and licensed and in good  
5 standing in the state upon which the practitioner's  
6 registration is based, may practice in this State to the extent  
7 authorized by this Act as if the practitioner were licensed in  
8 this State.

9 (b) A volunteer health practitioner qualified under  
10 subsection (a) is not entitled to the protections of this Act  
11 if the practitioner is licensed in more than one state and any  
12 license of the practitioner is suspended, revoked, or subject  
13 to an agency order limiting or restricting practice privileges,  
14 or has been voluntarily terminated under threat of sanction.

15 Section 7. No effect on credentialing and privileging.

16 (a) In this Section:

17 (1) "Credentialing" means obtaining, verifying, and  
18 assessing the qualifications of a health practitioner to  
19 provide treatment, care, or services in or for a health  
20 facility.

21 (2) "Privileging" means the authorizing by an  
22 appropriate authority, such as a governing body, of a  
23 health practitioner to provide specific treatment, care,  
24 or services at a health facility subject to limits based on  
25 factors that include license, education, training,

1           experience, competence, health status, and specialized  
2           skill.

3           (b) This Act does not affect credentialing or privileging  
4           standards of a health facility and does not preclude a health  
5           facility from waiving or modifying those standards while an  
6           emergency declaration is in effect.

7           Section 8. Provision of volunteer health or veterinary  
8           services; administrative sanctions.

9           (a) Subject to subsections (b) and (c), a volunteer health  
10          practitioner shall adhere to the scope of practice for a  
11          similarly licensed practitioner established by the licensing  
12          provisions, practice Acts, or other laws of this State.

13          (b) Except as otherwise provided in subsection (c), this  
14          Act does not authorize a volunteer health practitioner to  
15          provide services that are outside the practitioner's scope of  
16          practice, even if a similarly licensed practitioner in this  
17          State would be permitted to provide the services.

18          (c) Consistent with the Department of Professional  
19          Regulation Law of the Civil Administrative Code of Illinois and  
20          the Department of Public Health Powers and Duties Law of the  
21          Civil Administrative Code of Illinois, the Illinois Emergency  
22          Management Agency, the Department of Financial and  
23          Professional Regulation, or the Department of Public Health may  
24          modify or restrict the health or veterinary services that  
25          volunteer health practitioners may provide pursuant to this Act

1 during an emergency. A proclamation under this subsection may  
2 take effect immediately, without prior notice or comment, and  
3 is not a rule within the meaning of the Illinois Administrative  
4 Procedure Act.

5 (d) A host entity or disaster relief organization may  
6 restrict the health or veterinary services that a volunteer  
7 health practitioner may provide pursuant to this Act.

8 (e) A volunteer health practitioner does not engage in  
9 unauthorized practice unless the practitioner has reason to  
10 know of any limitation, modification, or restriction under this  
11 Section or that a similarly licensed practitioner in this State  
12 would not be permitted to provide the services. A volunteer  
13 health practitioner has reason to know of a limitation,  
14 modification, or restriction or that a similarly licensed  
15 practitioner in this State would not be permitted to provide a  
16 service if: (1) the practitioner knows the limitation,  
17 modification, or restriction exists or that a similarly  
18 licensed practitioner in this State would not be permitted to  
19 provide the service; or (2) from all the facts and  
20 circumstances known to the practitioner at the relevant time, a  
21 reasonable person would conclude that the limitation,  
22 modification, or restriction exists or that a similarly  
23 licensed practitioner in this State would not be permitted to  
24 provide the service.

25 (f) In addition to the authority granted by law of this  
26 State to regulate the conduct of health practitioners, a

1 licensing board or other disciplinary authority in this State:

2 (1) may impose administrative sanctions upon a health  
3 practitioner licensed in this State for conduct outside of  
4 this State in response to an out-of-state emergency;

5 (2) may impose administrative sanctions upon a  
6 practitioner not licensed in this State for conduct in this  
7 State in response to an in-state emergency; and

8 (3) shall report any administrative sanctions imposed  
9 upon a practitioner licensed in another state to the  
10 appropriate licensing board or other disciplinary  
11 authority in any other state in which the practitioner is  
12 known to be licensed.

13 (g) In determining whether to impose administrative  
14 sanctions under subsection (f), a licensing board or other  
15 disciplinary authority shall consider the circumstances in  
16 which the conduct took place, including any exigent  
17 circumstances, and the practitioner's scope of practice,  
18 education, training, experience, and specialized skill.

19 Section 9. Relation to other laws.

20 (a) This Act does not limit rights, privileges, or  
21 immunities provided to volunteer health practitioners by laws  
22 other than this Act. Except as otherwise provided in subsection  
23 (b), this Act does not affect requirements for the use of  
24 health practitioners pursuant to the Emergency Management  
25 Assistance Compact.

1           (b) The Illinois Emergency Management Agency, pursuant to  
2 any mutual aid compacts entered into by this State, may  
3 incorporate into the emergency forces of this State volunteer  
4 health practitioners who are not officers or employees of this  
5 State, a political subdivision of this State, or a municipality  
6 or other local government within this State.

7           Section 10. Regulatory authority. The Illinois Emergency  
8 Management Agency may implement this Act. The Illinois  
9 Emergency Management Agency shall consult with and consider the  
10 recommendations of the entity established to coordinate the  
11 implementation of the Emergency Management Assistance Compact  
12 and shall also consult with and consider rules promulgated by  
13 similarly empowered agencies in other states to promote  
14 uniformity of application of this Act and make the emergency  
15 response systems in the various states reasonably compatible.

16           Section 11. Workers' compensation coverage. A volunteer  
17 health practitioner providing health or veterinary services  
18 pursuant to this Act may be considered a volunteer in  
19 accordance with subsection (k) of Section 10 of the Illinois  
20 Emergency Management Act for the purposes of worker's  
21 compensation coverage.

22           Section 12. Uniformity of application and construction. In  
23 applying and construing this uniform act, consideration must be

1 given to the need to promote uniformity of the law with respect  
2 to its subject matter among states that enact it.

3 Section 800. No authority to make or promulgate rules.  
4 Notwithstanding any other rulemaking authority that may exist,  
5 neither the Governor nor any agency or agency head under the  
6 jurisdiction of the Governor has any authority to make or  
7 promulgate rules to implement or enforce the provisions of this  
8 Act. If, however, the Governor believes that rules are  
9 necessary to implement or enforce the provisions of this Act,  
10 the Governor may suggest rules to the General Assembly by  
11 filing them with the Clerk of the House and Secretary of the  
12 Senate and by requesting that the General Assembly authorize  
13 such rulemaking by law, enact those suggested rules into law,  
14 or take any other appropriate action in the General Assembly's  
15 discretion. Nothing contained in this Act shall be interpreted  
16 to grant rulemaking authority under any other Illinois statute  
17 where such authority is not otherwise explicitly given. For the  
18 purposes of this Act, "rules" is given the meaning contained in  
19 Section 1-70 of the Illinois Administrative Procedure Act, and  
20 "agency" and "agency head" are given the meanings contained in  
21 Sections 1-20 and 1-25 of the Illinois Administrative Procedure  
22 Act to the extent that such definitions apply to agencies or  
23 agency heads under the jurisdiction of the Governor.

24 Section 900. The Department of Professional Regulation Law

1 of the Civil Administrative Code of Illinois is amended by  
2 changing Section 2105-400 as follows:

3 (20 ILCS 2105/2105-400)

4 Sec. 2105-400. Emergency Powers.

5 (a) Upon proclamation of a disaster by the Governor, as  
6 provided for in the Illinois Emergency Management Agency Act,  
7 the Secretary of Financial and Professional Regulation shall  
8 have the following powers, which shall be exercised only in  
9 coordination with the Illinois Emergency Management Agency and  
10 the Department of Public Health:

11 (1) The power to suspend the requirements for permanent  
12 or temporary licensure of persons who are licensed in  
13 another state and are working under the direction of the  
14 Illinois Emergency Management Agency and the Department of  
15 Public Health pursuant to a declared disaster.

16 (2) The power to modify the scope of practice  
17 restrictions under any licensing act administered by the  
18 Department for any person working under the direction of  
19 the Illinois Emergency Management Agency and the Illinois  
20 Department of Public Health pursuant to the declared  
21 disaster.

22 (3) The power to expand the exemption in Section 4(a)  
23 of the Pharmacy Practice Act to those licensed  
24 professionals whose scope of practice has been modified,  
25 under paragraph (2) of subsection (a) of this Section, to

1 include any element of the practice of pharmacy as defined  
2 in the Pharmacy Practice Act for any person working under  
3 the direction of the Illinois Emergency Management Agency  
4 and the Illinois Department of Public Health pursuant to  
5 the declared disaster.

6 (4) The power to request the services of emergency  
7 volunteer health practitioners registered with an approved  
8 registration system created under the Uniform Emergency  
9 Volunteer Health Practitioners Act.

10 (b) Persons exempt from licensure under paragraph (1) of  
11 subsection (a) of this Section and persons operating under  
12 modified scope of practice provisions under paragraph (2) of  
13 subsection (a) of this Section shall be exempt from licensure  
14 or be subject to modified scope of practice only until the  
15 declared disaster has ended as provided by law. For purposes of  
16 this Section, persons working under the direction of an  
17 emergency services and disaster agency accredited by the  
18 Illinois Emergency Management Agency and a local public health  
19 department, pursuant to a declared disaster, shall be deemed to  
20 be working under the direction of the Illinois Emergency  
21 Management Agency and the Department of Public Health.

22 (c) The Director shall exercise these powers by way of  
23 proclamation.

24 (Source: P.A. 94-733, eff. 4-27-06; 95-689, eff. 10-29-07.)".