



Rep. Arthur L. Turner

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LRB094 16412 RSP 56764 a

1 AMENDMENT TO HOUSE BILL 4666

2 AMENDMENT NO. _____. Amend House Bill 4666 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-400 as follows:

7 (20 ILCS 2105/2105-400)

8 Sec. 2105-400. Emergency Powers.

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

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

20 (2) The power to modify the scope of practice
21 restrictions under any licensing act administered by the
22 Department for any person working under the direction of
23 the Illinois Emergency Management Agency and the Illinois
24 Department of Public Health pursuant to the declared

1 disaster.

2 (3) The power to expand the exemption in Section 4(a)
3 of the Pharmacy Practice Act of 1987 to those licensed
4 professionals whose scope of practice has been modified,
5 under paragraph (2) of subsection (a) of this Section, to
6 include any element of the practice of pharmacy as defined
7 in the Pharmacy Practice Act of 1987 for any person working
8 under the direction of the Illinois Emergency Management
9 Agency and the Illinois Department of Public Health
10 pursuant to the declared disaster.

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

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

25 (Source: P.A. 93-829, eff. 7-28-04.)

26 Section 10. The Department of Public Health Powers and
27 Duties Law of the Civil Administrative Code of Illinois is
28 amended by changing Section 2310-625 as follows:

29 (20 ILCS 2310/2310-625)

30 Sec. 2310-625. Emergency Powers.

31 (a) Upon proclamation of a disaster by the Governor, as
32 provided for in the Illinois Emergency Management Agency Act,

1 the Director of Public Health shall have the following powers,
2 which shall be exercised only in coordination with the Illinois
3 Emergency Management Agency and the Department of Financial and
4 Professional Regulation:

5 (1) The power to suspend the requirements for temporary
6 or permanent licensure or certification of persons who are
7 licensed or certified in another state and are working
8 under the direction of the Illinois Emergency Management
9 Agency and the Illinois Department of Public Health
10 pursuant to the declared disaster.

11 (2) The power to modify the scope of practice
12 restrictions under the Emergency Medical Services (EMS)
13 Systems Act for any persons who are licensed under that Act
14 for any person working under the direction of the Illinois
15 Emergency Management Agency and the Illinois Department of
16 Public Health pursuant to the declared disaster.

17 (3) The power to modify the scope of practice
18 restrictions under the Nursing Home Care Act for Certified
19 Nursing Assistants for any person working under the
20 direction of the Illinois Emergency Management Agency and
21 the Illinois Department of Public Health pursuant to the
22 declared disaster.

23 (b) Persons exempt from licensure or certification under
24 paragraph (1) of subsection (a) and persons operating under
25 modified scope of practice provisions under paragraph (2) of
26 subsection (a) and paragraph (3) of subsection (a) shall be
27 exempt from licensure or certification or subject to modified
28 scope of practice only until the declared disaster has ended as
29 provided by law. For purposes of this Section, persons working
30 under the direction of an emergency services and disaster
31 agency accredited by the Illinois Emergency Management Agency
32 and a local public health department, pursuant to a declared
33 disaster, shall be deemed to be working under the direction of
34 the Illinois Emergency Management Agency and the Department of

1 Public Health.

2 (c) The Director shall exercise these powers by way of
3 proclamation.

4 (Source: P.A. 93-829, eff. 7-28-04.)

5 Section 15. The Illinois Emergency Management Agency Act is
6 amended by changing Section 10 as follows:

7 (20 ILCS 3305/10) (from Ch. 127, par. 1060)

8 Sec. 10. Emergency Services and Disaster Agencies.

9 (a) Each political subdivision within this State shall be
10 within the jurisdiction of and served by the Illinois Emergency
11 Management Agency and by an emergency services and disaster
12 agency responsible for emergency management programs. A
13 township, if the township is in a county having a population of
14 more than 2,000,000, must have approval of the county
15 coordinator before establishment of a township emergency
16 services and disaster agency.

17 (b) Unless multiple county emergency services and disaster
18 agency consolidation is authorized by the Illinois Emergency
19 Management Agency with the consent of the respective counties,
20 each county shall maintain an emergency services and disaster
21 agency that has jurisdiction over and serves the entire county,
22 except as otherwise provided under this Act and except that in
23 any county with a population of over 3,000,000 containing a
24 municipality with a population of over 500,000 the jurisdiction
25 of the county agency shall not extend to the municipality when
26 the municipality has established its own agency.

27 (c) Each municipality with a population of over 500,000
28 shall maintain an emergency services and disaster agency which
29 has jurisdiction over and serves the entire municipality. A
30 municipality with a population less than 500,000 may establish,
31 by ordinance, an agency or department responsible for emergency
32 management within the municipality's corporate limits.

1 (d) The Governor shall determine which municipal
2 corporations, other than those specified in paragraph (c) of
3 this Section, need emergency services and disaster agencies of
4 their own and require that they be established and maintained.
5 The Governor shall make these determinations on the basis of
6 the municipality's disaster vulnerability and capability of
7 response related to population size and concentration. The
8 emergency services and disaster agency of a county or township,
9 shall not have a jurisdiction within a political subdivision
10 having its own emergency services and disaster agency, but
11 shall cooperate with the emergency services and disaster agency
12 of a city, village or incorporated town within their borders.
13 The Illinois Emergency Management Agency shall publish and
14 furnish a current list to the municipalities required to have
15 an emergency services and disaster agency under this
16 subsection.

17 (e) Each municipality that is not required to and does not
18 have an emergency services and disaster agency shall have a
19 liaison officer designated to facilitate the cooperation and
20 protection of that municipal corporation with the county
21 emergency services and disaster agency in which it is located
22 in the work of disaster mitigation, preparedness, response, and
23 recovery.

24 (f) The principal executive officer or his or her designee
25 of each political subdivision in the State shall annually
26 notify the Illinois Emergency Management Agency of the manner
27 in which the political subdivision is providing or securing
28 emergency management, identify the executive head of the agency
29 or the department from which the service is obtained, or the
30 liaison officer in accordance with paragraph (d) of this
31 Section and furnish additional information relating thereto as
32 the Illinois Emergency Management Agency requires.

33 (g) Each emergency services and disaster agency shall
34 prepare an emergency operations plan for its geographic

1 boundaries that complies with planning, review, and approval
2 standards promulgated by the Illinois Emergency Management
3 Agency. The Illinois Emergency Management Agency shall
4 determine which jurisdictions will be required to include
5 earthquake preparedness in their local emergency operations
6 plans.

7 (h) The emergency services and disaster agency shall
8 prepare and distribute to all appropriate officials in written
9 form a clear and complete statement of the emergency
10 responsibilities of all local departments and officials and of
11 the disaster chain of command.

12 (i) Each emergency services and disaster agency shall have
13 a Coordinator who shall be appointed by the principal executive
14 officer of the political subdivision in the same manner as are
15 the heads of regular governmental departments. If the political
16 subdivision is a county and the principal executive officer
17 appoints the sheriff as the Coordinator, the sheriff may, in
18 addition to his or her regular compensation, receive
19 compensation at the same level as provided in Section 3 of "An
20 Act in relation to the regulation of motor vehicle traffic and
21 the promotion of safety on public highways in counties",
22 approved August 9, 1951, as amended. The Coordinator shall have
23 direct responsibility for the organization, administration,
24 training, and operation of the emergency services and disaster
25 agency, subject to the direction and control of that principal
26 executive officer. Each emergency services and disaster agency
27 shall coordinate and may perform emergency management
28 functions within the territorial limits of the political
29 subdivision within which it is organized as are prescribed in
30 and by the State Emergency Operations Plan, and programs,
31 orders, rules and regulations as may be promulgated by the
32 Illinois Emergency Management Agency and by local ordinance
33 and, in addition, shall conduct such functions outside of those
34 territorial limits as may be required under mutual aid

1 agreements and compacts as are entered into under subparagraph
2 (5) of paragraph (c) of Section 6.

3 (j) In carrying out the provisions of this Act, each
4 political subdivision may enter into contracts and incur
5 obligations necessary to place it in a position effectively to
6 combat the disasters as are described in Section 4, to protect
7 the health and safety of persons, to protect property, and to
8 provide emergency assistance to victims of those disasters. If
9 a disaster occurs, each political subdivision may exercise the
10 powers vested under this Section in the light of the exigencies
11 of the disaster and, excepting mandatory constitutional
12 requirements, without regard to the procedures and formalities
13 normally prescribed by law pertaining to the performance of
14 public work, entering into contracts, the incurring of
15 obligations, the employment of temporary workers, the rental of
16 equipment, the purchase of supplies and materials, and the
17 appropriation, expenditure, and disposition of public funds
18 and property.

19 (k) Volunteers who, while engaged in a disaster, an
20 exercise, training related to the emergency operations plan of
21 the political subdivision, or a search-and-rescue team
22 response to an occurrence or threat of injury or loss of life
23 that is beyond local response capabilities, suffer disease,
24 injury or death, shall, for the purposes of benefits under the
25 Workers' Compensation Act or Workers' Occupational Diseases
26 Act only, be deemed to be employees of the State, if: (1) the
27 claimant is a duly qualified and enrolled (sworn in) as a
28 volunteer of the Illinois Emergency Management Agency or an
29 emergency services and disaster agency accredited by the
30 Illinois Emergency Management Agency, and (2) if: (i) the
31 claimant was participating in a disaster as defined in Section
32 4 of this Act, (ii) the exercise or training participated in
33 was specifically and expressly approved by the Illinois
34 Emergency Management Agency prior to the exercise or training,

1 or (iii) the search-and-rescue team response was to an
2 occurrence or threat of injury or loss of life that was beyond
3 local response capabilities and was specifically and expressly
4 approved by the Illinois Emergency Management Agency prior to
5 the search-and-rescue team response. The computation of
6 benefits payable under either of those Acts shall be based on
7 the income commensurate with comparable State employees doing
8 the same type work or income from the person's regular
9 employment, whichever is greater.

10 Volunteers who are working under the direction of an
11 emergency services and disaster agency accredited by the
12 Illinois Emergency Management Agency, pursuant to a plan
13 approved by the Illinois Emergency Management Agency (i) during
14 a disaster declared by the Governor under Section 7 of this
15 Act, or (ii) in circumstances otherwise expressly approved by
16 the Illinois Emergency Management Agency, shall be deemed
17 exclusively employees of the State for purposes of Section 8(d)
18 of the Court of Claims Act, provided that the Illinois
19 Emergency Management Agency may, in coordination with the
20 emergency services and disaster agency, audit implementation
21 for compliance with the plan.

22 (l) If any person who is entitled to receive benefits
23 through the application of this Section receives, in connection
24 with the disease, injury or death giving rise to such
25 entitlement, benefits under an Act of Congress or federal
26 program, benefits payable under this Section shall be reduced
27 to the extent of the benefits received under that other Act or
28 program.

29 (m) (1) Prior to conducting an exercise, the principal
30 executive officer of a political subdivision or his or her
31 designee shall provide area media with written
32 notification of the exercise. The notification shall
33 indicate that information relating to the exercise shall
34 not be released to the public until the commencement of the

1 exercise. The notification shall also contain a request
2 that the notice be so posted to ensure that all relevant
3 media personnel are advised of the exercise before it
4 begins.

5 (2) During the conduct of an exercise, all messages,
6 two-way radio communications, briefings, status reports,
7 news releases, and other oral or written communications
8 shall begin and end with the following statement: "This is
9 an exercise message".

10 (Source: P.A. 92-16, eff. 6-28-01; 92-73, eff. 1-1-02.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."