



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2922

Introduced 1/20/2006, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-400

20 ILCS 2310/2310-625

20 ILCS 3305/10

from Ch. 127, par. 1060

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois and the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. In a Section allowing the Director of Professional Regulation to suspend certain licensing requirements after the proclamation of a disaster by the Governor for persons working under the direction of and emergency services and disaster agency accredited by the Illinois Emergency Management Agency (IEMA) and the Department of Public Health, provides that persons working under the direction of an emergency services and disaster agency accredited by the Illinois Emergency Management Agency and a local public health department pursuant to a declared disaster shall be deemed to be working under the direction of the Illinois Emergency Management Agency and the Department of Public Health. Makes the same change to a Section allowing similar license suspension powers to the Director of Public Health. Amends the Illinois Emergency Management Agency Act. Provides that volunteers who are duly qualified and enrolled (sworn in) as a volunteer of the Illinois Emergency Management Agency or an emergency services and disaster agency accredited by the Illinois Emergency Management Agency, and who are participating in a disaster as defined in Section 4 of this Act, shall be deemed employees of the State for purposes of the Court of Claims Act. Effective immediately.

LRB094 19058 RSP 54558 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Professional Regulation Law of
5 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 Director of Professional Regulation shall have the
12 following powers, which shall be exercised only in coordination
13 with the Illinois Emergency Management Agency and the
14 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
25 disaster.

26 (3) The power to expand the exemption in Section 4(a)
27 of the Pharmacy Practice Act of 1987 to those licensed
28 professionals whose scope of practice has been modified,
29 under paragraph (2) of subsection (a) of this Section, to
30 include any element of the practice of pharmacy as defined
31 in the Pharmacy Practice Act of 1987 for any person working
32 under the direction of the Illinois Emergency Management

1 Agency and the Illinois Department of Public Health
2 pursuant to the declared disaster.

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

15 (c) The Director shall exercise these powers by way of
16 proclamation.

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

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

21 (20 ILCS 2310/2310-625)

22 Sec. 2310-625. Emergency Powers.

23 (a) Upon proclamation of a disaster by the Governor, as
24 provided for in the Illinois Emergency Management Agency Act,
25 the Director of Public Health shall have the following powers,
26 which shall be exercised only in coordination with the Illinois
27 Emergency Management Agency and the Department of Professional
28 Regulation:

29 (1) The power to suspend the requirements for temporary
30 or permanent licensure or certification of persons who are
31 licensed or certified in another state and are working
32 under the direction of the Illinois Emergency Management
33 Agency and the Illinois Department of Public Health
34 pursuant to the declared disaster.

1 (2) The power to modify the scope of practice
2 restrictions under the Emergency Medical Services (EMS)
3 Systems Act for any persons who are licensed under that Act
4 for any person working under the direction of the Illinois
5 Emergency Management Agency and the Illinois Department of
6 Public Health pursuant to the declared disaster.

7 (3) The power to modify the scope of practice
8 restrictions under the Nursing Home Care Act for Certified
9 Nursing Assistants for any person working under the
10 direction of the Illinois Emergency Management Agency and
11 the Illinois Department of Public Health pursuant to the
12 declared disaster.

13 (b) Persons exempt from licensure or certification under
14 paragraph (1) of subsection (a) and persons operating under
15 modified scope of practice provisions under paragraph (2) of
16 subsection (a) and paragraph (3) of subsection (a) shall be
17 exempt from licensure or certification or subject to modified
18 scope of practice only until the declared disaster has ended as
19 provided by law. For purposes of this Section, persons working
20 under the direction of an emergency services and disaster
21 agency accredited by the Illinois Emergency Management Agency
22 and a local public health department pursuant to a declared
23 disaster shall be deemed to be working under the direction of
24 the Illinois Emergency Management Agency and the Department of
25 Public Health.

26 (c) The Director shall exercise these powers by way of
27 proclamation.

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

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

31 (20 ILCS 3305/10) (from Ch. 127, par. 1060)

32 Sec. 10. Emergency Services and Disaster Agencies.

33 (a) Each political subdivision within this State shall be
34 within the jurisdiction of and served by the Illinois Emergency

1 Management Agency and by an emergency services and disaster
2 agency responsible for emergency management programs. A
3 township, if the township is in a county having a population of
4 more than 2,000,000, must have approval of the county
5 coordinator before establishment of a township emergency
6 services and disaster agency.

7 (b) Unless multiple county emergency services and disaster
8 agency consolidation is authorized by the Illinois Emergency
9 Management Agency with the consent of the respective counties,
10 each county shall maintain an emergency services and disaster
11 agency that has jurisdiction over and serves the entire county,
12 except as otherwise provided under this Act and except that in
13 any county with a population of over 3,000,000 containing a
14 municipality with a population of over 500,000 the jurisdiction
15 of the county agency shall not extend to the municipality when
16 the municipality has established its own agency.

17 (c) Each municipality with a population of over 500,000
18 shall maintain an emergency services and disaster agency which
19 has jurisdiction over and serves the entire municipality. A
20 municipality with a population less than 500,000 may establish,
21 by ordinance, an agency or department responsible for emergency
22 management within the municipality's corporate limits.

23 (d) The Governor shall determine which municipal
24 corporations, other than those specified in paragraph (c) of
25 this Section, need emergency services and disaster agencies of
26 their own and require that they be established and maintained.
27 The Governor shall make these determinations on the basis of
28 the municipality's disaster vulnerability and capability of
29 response related to population size and concentration. The
30 emergency services and disaster agency of a county or township,
31 shall not have a jurisdiction within a political subdivision
32 having its own emergency services and disaster agency, but
33 shall cooperate with the emergency services and disaster agency
34 of a city, village or incorporated town within their borders.
35 The Illinois Emergency Management Agency shall publish and
36 furnish a current list to the municipalities required to have

1 an emergency services and disaster agency under this
2 subsection.

3 (e) Each municipality that is not required to and does not
4 have an emergency services and disaster agency shall have a
5 liaison officer designated to facilitate the cooperation and
6 protection of that municipal corporation with the county
7 emergency services and disaster agency in which it is located
8 in the work of disaster mitigation, preparedness, response, and
9 recovery.

10 (f) The principal executive officer or his or her designee
11 of each political subdivision in the State shall annually
12 notify the Illinois Emergency Management Agency of the manner
13 in which the political subdivision is providing or securing
14 emergency management, identify the executive head of the agency
15 or the department from which the service is obtained, or the
16 liaison officer in accordance with paragraph (d) of this
17 Section and furnish additional information relating thereto as
18 the Illinois Emergency Management Agency requires.

19 (g) Each emergency services and disaster agency shall
20 prepare an emergency operations plan for its geographic
21 boundaries that complies with planning, review, and approval
22 standards promulgated by the Illinois Emergency Management
23 Agency. The Illinois Emergency Management Agency shall
24 determine which jurisdictions will be required to include
25 earthquake preparedness in their local emergency operations
26 plans.

27 (h) The emergency services and disaster agency shall
28 prepare and distribute to all appropriate officials in written
29 form a clear and complete statement of the emergency
30 responsibilities of all local departments and officials and of
31 the disaster chain of command.

32 (i) Each emergency services and disaster agency shall have
33 a Coordinator who shall be appointed by the principal executive
34 officer of the political subdivision in the same manner as are
35 the heads of regular governmental departments. If the political
36 subdivision is a county and the principal executive officer

1 appoints the sheriff as the Coordinator, the sheriff may, in
2 addition to his or her regular compensation, receive
3 compensation at the same level as provided in Section 3 of "An
4 Act in relation to the regulation of motor vehicle traffic and
5 the promotion of safety on public highways in counties",
6 approved August 9, 1951, as amended. The Coordinator shall have
7 direct responsibility for the organization, administration,
8 training, and operation of the emergency services and disaster
9 agency, subject to the direction and control of that principal
10 executive officer. Each emergency services and disaster agency
11 shall coordinate and may perform emergency management
12 functions within the territorial limits of the political
13 subdivision within which it is organized as are prescribed in
14 and by the State Emergency Operations Plan, and programs,
15 orders, rules and regulations as may be promulgated by the
16 Illinois Emergency Management Agency and by local ordinance
17 and, in addition, shall conduct such functions outside of those
18 territorial limits as may be required under mutual aid
19 agreements and compacts as are entered into under subparagraph
20 (5) of paragraph (c) of Section 6.

21 (j) In carrying out the provisions of this Act, each
22 political subdivision may enter into contracts and incur
23 obligations necessary to place it in a position effectively to
24 combat the disasters as are described in Section 4, to protect
25 the health and safety of persons, to protect property, and to
26 provide emergency assistance to victims of those disasters. If
27 a disaster occurs, each political subdivision may exercise the
28 powers vested under this Section in the light of the exigencies
29 of the disaster and, excepting mandatory constitutional
30 requirements, without regard to the procedures and formalities
31 normally prescribed by law pertaining to the performance of
32 public work, entering into contracts, the incurring of
33 obligations, the employment of temporary workers, the rental of
34 equipment, the purchase of supplies and materials, and the
35 appropriation, expenditure, and disposition of public funds
36 and property.

1 (k) Volunteers who, while engaged in a disaster, an
2 exercise, training related to the emergency operations plan of
3 the political subdivision, or a search-and-rescue team
4 response to an occurrence or threat of injury or loss of life
5 that is beyond local response capabilities, suffer disease,
6 injury or death, shall, for the purposes of benefits under the
7 Workers' Compensation Act or Workers' Occupational Diseases
8 Act only, be deemed to be employees of the State, if: (1) the
9 claimant is a duly qualified and enrolled (sworn in) as a
10 volunteer of the Illinois Emergency Management Agency or an
11 emergency services and disaster agency accredited by the
12 Illinois Emergency Management Agency, and (2) if: (i) the
13 claimant was participating in a disaster as defined in Section
14 4 of this Act, (ii) the exercise or training participated in
15 was specifically and expressly approved by the Illinois
16 Emergency Management Agency prior to the exercise or training,
17 or (iii) the search-and-rescue team response was to an
18 occurrence or threat of injury or loss of life that was beyond
19 local response capabilities and was specifically and expressly
20 approved by the Illinois Emergency Management Agency prior to
21 the search-and-rescue team response. The computation of
22 benefits payable under either of those Acts shall be based on
23 the income commensurate with comparable State employees doing
24 the same type work or income from the person's regular
25 employment, whichever is greater. Volunteers who are duly
26 qualified and enrolled (sworn in) as a volunteer of the
27 Illinois Emergency Management Agency or an emergency services
28 and disaster agency accredited by the Illinois Emergency
29 Management Agency, and who are participating in a disaster as
30 defined in Section 4 of this Act, shall be deemed employees of
31 the State for purposes of the Court of Claims Act.

32 (l) If any person who is entitled to receive benefits
33 through the application of this Section receives, in connection
34 with the disease, injury or death giving rise to such
35 entitlement, benefits under an Act of Congress or federal
36 program, benefits payable under this Section shall be reduced

1 to the extent of the benefits received under that other Act or
2 program.

3 (m) (1) Prior to conducting an exercise, the principal
4 executive officer of a political subdivision or his or her
5 designee shall provide area media with written
6 notification of the exercise. The notification shall
7 indicate that information relating to the exercise shall
8 not be released to the public until the commencement of the
9 exercise. The notification shall also contain a request
10 that the notice be so posted to ensure that all relevant
11 media personnel are advised of the exercise before it
12 begins.

13 (2) During the conduct of an exercise, all messages,
14 two-way radio communications, briefings, status reports,
15 news releases, and other oral or written communications
16 shall begin and end with the following statement: "This is
17 an exercise message".

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.