



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB2541

Introduced 1/12/2010, by Sen. A. J. Wilhelmi

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Uniform Emergency Volunteer Health Practitioners Act. Provides for the registration of volunteer health practitioners with a registration system for the provision of health or veterinary services in the State for a host entity or disaster relief organization while an emergency declaration is in effect. Sets forth a provision concerning the uniformity of application and construction of the Act. Provides for the creation of the registration system. Provides that the Illinois Emergency Management Agency shall be the administrating authority of the Uniform Act.

LRB096 16373 ASK 31637 b

1 AN ACT concerning professional regulation.

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

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  
17 the Illinois Emergency Management Agency.

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

21 (3) "Emergency declaration" means a declaration of  
22 emergency issued by a person authorized to do so under the laws  
23 of this State or a disaster proclamation issued by the Governor

1 pursuant to Section 7 of the Illinois Emergency Management  
2 Agency Act.

3 (4) (Reserved).

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

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

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

11 (8) "Health services" means the provision of treatment,  
12 care, advice or guidance, or other services, or supplies,  
13 related to the health or death of individuals or human  
14 populations, to the extent necessary to respond to an  
15 emergency, including:

16 (A) the following, concerning the physical or mental  
17 condition or functional status of an individual or  
18 affecting the structure or function of the body:

19 (i) preventive, diagnostic, therapeutic,  
20 rehabilitative, maintenance, or palliative care; and

21 (ii) counseling, assessment, procedures, or other  
22 services;

23 (B) sale or dispensing of a drug, a device, equipment,  
24 or another item to an individual in accordance with a  
25 prescription; and

26 (C) funeral, cremation, cemetery, or other mortuary

1 services.

2 (9) "Host entity" means an entity operating in this State  
3 which uses volunteer health practitioners to respond to an  
4 emergency, including a healthcare facility, system, clinic or  
5 other fixed or mobile location where health care services are  
6 provided. A disaster relief organization may also be a host  
7 entity under this subsection to the extent that it operates a  
8 healthcare facility, system, clinic, or other fixed or mobile  
9 location in providing emergency or disaster relief services.

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

13 (11) "Person" means an individual, corporation, business  
14 trust, trust, partnership, limited liability company,  
15 association, joint venture, public corporation, government or  
16 governmental subdivision, agency, or instrumentality, or any  
17 other legal or commercial entity.

18 (12) "Scope of practice" means the extent of the  
19 authorization to provide health or veterinary services granted  
20 to a health practitioner by a license issued to the  
21 practitioner in the state in which the principal part of the  
22 practitioner's services are rendered, including any conditions  
23 imposed by the licensing authority.

24 (13) "State" means a state of the United States, the  
25 District of Columbia, Puerto Rico, the United States Virgin  
26 Islands, or any territory or insular possession subject to the

1 jurisdiction of the United States.

2 (14) "Veterinary services" means the provision of  
3 treatment, care, advice or guidance, or other services, or  
4 supplies, related to the health or death of an animal or to  
5 animal populations, to the extent necessary to respond to an  
6 emergency declaration, including:

7 (A) diagnosis, treatment, or prevention of an animal  
8 disease, injury, or other physical or mental condition by  
9 the prescription, administration, or dispensing of  
10 vaccine, medicine, surgery, or therapy;

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

12 (C) monitoring and treatment of animal populations for  
13 diseases that have spread or demonstrate the potential to  
14 spread to humans.

15 (15) "Volunteer health practitioner" means a health  
16 practitioner who provides health or veterinary services,  
17 whether or not the practitioner receives compensation for those  
18 services. The term does not include a practitioner who receives  
19 compensation pursuant to an employment relationship existing  
20 at the time of the emergency with a host entity which requires  
21 the practitioner to provide health services in this State,  
22 unless the practitioner is not a resident of this State and is  
23 employed by a disaster relief organization providing services  
24 in this State while an emergency declaration is in effect.

25 Section 3. Applicability to volunteer health

1 practitioners. This Act applies to volunteer health  
2 practitioners registered with a registration system that  
3 complies with Section 5 and who provide health or veterinary  
4 services in this State for a host entity or disaster relief  
5 organization while an emergency declaration is in effect.

6 Section 4. Regulation of services during emergency.

7 (a) While a disaster proclamation under the Illinois  
8 Emergency Management Agency Act is in effect, the Illinois  
9 Emergency Management Agency may limit, restrict, or otherwise  
10 regulate:

11 (1) the duration of practice by volunteer health  
12 practitioners;

13 (2) the geographical areas in which volunteer health  
14 practitioners may practice;

15 (3) the types of volunteer health practitioners who may  
16 practice; and

17 (4) any other matters necessary to coordinate  
18 effectively the provision of health or veterinary services  
19 during the emergency.

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

24 (c) A host entity or disaster relief organization that uses  
25 volunteer health practitioners to provide health or veterinary

1 services in this State shall:

2 (1) consult and coordinate its activities with the  
3 Illinois Emergency Management Agency to the extent  
4 practicable to provide for the efficient and effective use  
5 of volunteer health practitioners; and

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

8 Section 5. Volunteer Health Practitioner Registration  
9 Systems.

10 (a) To qualify as a volunteer health practitioner  
11 registration system, a system must:

12 (1) accept applications for the registration of  
13 volunteer health practitioners before or during an  
14 emergency;

15 (2) include information about the licensure and good  
16 standing of health practitioners which is accessible by  
17 authorized persons;

18 (3) be capable of confirming the accuracy of  
19 information concerning whether a health practitioner is  
20 licensed and in good standing before health services or  
21 veterinary services are provided under this Act; and

22 (4) meet one of the following conditions:

23 (A) be an emergency system for advance  
24 registration of volunteer health-care practitioners  
25 established by a state and funded through the

1 Department of Health and Human Services under Section  
2 319I of the Public Health Services Act, 42 U.S.C.  
3 Section 247d-7b (as amended);

4 (B) be a local unit consisting of trained and  
5 equipped emergency response, public health, and  
6 medical personnel formed pursuant to Section 2801 of  
7 the Public Health Services Act, 42 U.S.C. Section 300hh  
8 (as amended);

9 (C) be operated by a:

10 (i) disaster relief organization;

11 (ii) licensing board;

12 (iii) national or regional association of  
13 licensing boards or health practitioners;

14 (iv) health facility that provides  
15 comprehensive inpatient and outpatient health-care  
16 services, including a tertiary care, teaching  
17 hospital, or ambulatory surgical treatment center;  
18 or

19 (v) governmental entity; or

20 (D) be designated by the Department of Public  
21 Health as a registration system for purposes of this  
22 Act.

23 (b) While an emergency declaration is in effect, the  
24 Department of Public Health, a person authorized to act on  
25 behalf of the Department of Public Health, or a host entity or  
26 disaster relief organization, may confirm whether volunteer



1 health practitioners utilized in this State are registered with  
2 a registration system that complies with subsection (a).  
3 Confirmation is limited to obtaining identities of the  
4 practitioners from the system and determining whether the  
5 system indicates that the practitioners are licensed and in  
6 good standing.

7 (c) Upon request of a person in this State authorized under  
8 subsection (b), or a similarly authorized person in another  
9 state, a registration system located in this State shall notify  
10 the person of the identities of volunteer health practitioners  
11 and whether the practitioners are licensed and in good  
12 standing.

13 (d) A host entity or disaster relief organization is not  
14 required to use the services of a volunteer health practitioner  
15 even if the practitioner is registered with a registration  
16 system that indicates that the practitioner is licensed and in  
17 good standing.

18 Section 6. Recognition of volunteer health practitioners  
19 licensed in other states.

20 (a) While an emergency declaration is in effect, a  
21 volunteer health practitioner, registered with a registration  
22 system that complies with Section 5 and licensed and in good  
23 standing in the state upon which the practitioner's  
24 registration is based, may practice in this State to the extent  
25 authorized by this Act as if the practitioner were licensed in

1 this State.

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

8 Section 7. No effect on credentialing and privileging.

9 (a) In this Section:

10 (1) "Credentialing" means obtaining, verifying, and  
11 assessing the qualifications of a health practitioner to  
12 provide treatment, care, or services in or for a health  
13 facility.

14 (2) "Privileging" means the authorizing by an  
15 appropriate authority, such as a governing body, of a  
16 health practitioner to provide specific treatment, care,  
17 or services at a health facility subject to limits based on  
18 factors that include license, education, training,  
19 experience, competence, health status, and specialized  
20 skill.

21 (b) This Act does not affect credentialing or privileging  
22 standards of a health facility and does not preclude a health  
23 facility from waiving or modifying those standards while an  
24 emergency declaration is in effect.

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

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

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

12 (c) Consistent with the Department of Professional  
13 Regulation Law of the Civil Administrative Code of Illinois and  
14 the Department of Public Health Powers and Duties Law of the  
15 Civil Administrative Code of Illinois, the Illinois Emergency  
16 Management Agency, the Department of Financial and  
17 Professional Regulation, or the Department of Public Health may  
18 modify or restrict the health or veterinary services that  
19 volunteer health practitioners may provide pursuant to this Act  
20 during an emergency. A proclamation under this subsection may  
21 take effect immediately, without prior notice or comment, and  
22 is not a rule within the meaning of the Illinois Administrative  
23 Procedure Act.

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

1 (e) A volunteer health practitioner does not engage in  
2 unauthorized practice unless the practitioner has reason to  
3 know of any limitation, modification, or restriction under this  
4 Section or that a similarly licensed practitioner in this State  
5 would not be permitted to provide the services. A volunteer  
6 health practitioner has reason to know of a limitation,  
7 modification, or restriction or that a similarly licensed  
8 practitioner in this State would not be permitted to provide a  
9 service if:

10 (1) the practitioner knows the limitation,  
11 modification, or restriction exists or that a similarly  
12 licensed practitioner in this State would not be permitted  
13 to provide the service; or

14 (2) from all the facts and circumstances known to the  
15 practitioner at the relevant time, a reasonable person  
16 would conclude that the limitation, modification, or  
17 restriction exists or that a similarly licensed  
18 practitioner in this State would not be permitted to  
19 provide the service.

20 (f) In addition to the authority granted by law of this  
21 State to regulate the conduct of health practitioners, a  
22 licensing board or other disciplinary authority in this State:

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

26 (2) may impose administrative sanctions upon a

1 practitioner not licensed in this State for conduct in this  
2 State in response to an in-state emergency; and

3 (3) shall report any administrative sanctions imposed  
4 upon a practitioner licensed in another state to the  
5 appropriate licensing board or other disciplinary  
6 authority in any other state in which the practitioner is  
7 known to be licensed.

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

14 Section 9. Relation to other laws.

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

21 (b) The Illinois Emergency Management Agency, pursuant to  
22 any mutual aid compacts entered into by this State, may  
23 incorporate into the emergency forces of this State volunteer  
24 health practitioners who are not officers or employees of this  
25 State, a political subdivision of this State, or a municipality

1 or other local government within this State.

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

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

17 Section 12. Uniformity of application and construction. In  
18 applying and construing this Uniform Act, consideration must be  
19 given to the need to promote uniformity of the law with respect  
20 to its subject matter among states that enact it.