



Sen. Mattie Hunter

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LRB094 19057 RSP 56305 a

1 AMENDMENT TO SENATE BILL 2921

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2921 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 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

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 Professional  
4 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."