

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 or independent
20 contractor relationship existing at the time of the emergency
21 with a host entity or disaster relief organization which
22 requires the practitioner to provide health or veterinary
23 services in this State, unless the practitioner is not a
24 resident of this State and is employed by or an independent
25 contractor of a host entity or disaster relief organization
26 providing services in this State while an emergency declaration

1 is in effect.

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

8 Section 4. Regulation of services during emergency.

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

13 (1) the duration of practice by volunteer health
14 practitioners;

15 (2) the geographical areas in which volunteer health
16 practitioners may practice;

17 (3) the types of volunteer health practitioners who may
18 practice; and

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

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

1 Procedure Act.

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

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

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

11 Section 5. Volunteer Health Practitioner Registration
12 Systems.

13 (a) To qualify as a volunteer health practitioner
14 registration system, a system must:

15 (1) accept applications for the registration of
16 volunteer health practitioners before or during an
17 emergency;

18 (2) include information about the licensure and good
19 standing of health practitioners which is accessible by
20 authorized persons;

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

25 (4) meet one of the following conditions:

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

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

12 (C) be operated by a:

13 (i) disaster relief organization;

14 (ii) licensing board;

15 (iii) national or regional association of
16 licensing boards or health practitioners;

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

21 or

22 (v) governmental entity; or

23 (D) be designated by the Illinois Department of
24 Public Health as a registration system for purposes of
25 this Act.

26 (b) While an emergency declaration is in effect, the

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

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

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

21 Section 6. Recognition of volunteer health practitioners
22 licensed in other states.

23 (a) While an emergency declaration is in effect, a
24 volunteer health practitioner, registered with a registration
25 system that complies with Section 5 and licensed and in good

1 standing in the state upon which the practitioner's
2 registration is based, may practice in this State to the extent
3 authorized by this Act as if the practitioner were licensed in
4 this State.

5 (b) A volunteer health practitioner qualified under
6 subsection (a) is not entitled to the protections of this Act
7 if any license of the practitioner is suspended, revoked, or
8 subject to an agency order limiting or restricting practice
9 privileges, or has been voluntarily terminated under threat of
10 sanction.

11 Section 7. No effect on credentialing and privileging.

12 (a) In this Section:

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

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

24 (b) This Act does not affect credentialing or privileging
25 standards of a health facility and does not preclude a health

1 facility from waiving or modifying those standards while an
2 emergency declaration is in effect.

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

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

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

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

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

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

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

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

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

26 (1) may impose administrative sanctions upon a health

1 practitioner licensed in this State for conduct outside of
2 this State in response to an out-of-state emergency;

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

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

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

17 Section 9. Relation to other laws.

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

24 (b) The Illinois Emergency Management Agency, pursuant to
25 any mutual aid compacts entered into by this State, may

1 incorporate into the emergency forces of this State volunteer
2 health practitioners who are not officers or employees of this
3 State, a political subdivision of this State, or a municipality
4 or other local government within this State.

5 Section 10. Regulatory authority. The Illinois Emergency
6 Management Agency may adopt rules to implement this Act. The
7 Illinois Emergency Management Agency shall consult with and
8 consider the recommendations of the entity established to
9 coordinate the implementation of any mutual aid compacts
10 entered into by this State and may also consult with and
11 consider rules adopted by similarly empowered agencies in other
12 states to promote uniformity of application of this Act and
13 make the emergency response systems in the various states
14 reasonably compatible.

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

21 Section 12. Uniformity of application and construction. In
22 applying and construing this Uniform Act, consideration must be
23 given to the need to promote uniformity of the law with respect

1 to its subject matter among states that enact it.