

May 28, 2021

Governor Issues New COVID-19 Proclamation, Executive Order Begins Rolling Back Healthcare Waivers

On Friday (May 28), Governor J.B. Pritzker issued a new [Proclamation](#) and [Executive Order \(EO\) No. 11 \(COVID-19 #80\)](#), extending prior executive orders for 30 days to June 26, but also rolling back and eliminating some waivers.

With respect to the healthcare related EOs, as vaccinations continue to increase and the state begins to emerge from the pandemic, the previous waivers that provided flexibilities are being rolled back, in some cases entirely.

Please note the following changes:

- Telehealth ([EO 2020-09](#), as amended by [EO 2020-52](#)), is re-issued in its entirety and extended through June 26, 2021. Additionally, given the General Assembly's passage of House Bill 3308, which is expected to be signed by Governor, Illinois' telehealth laws will soon be amended to codify many of the flexibilities previously issued by this EO.
- Health Care Worker Background Checks (Sections 1 and 3 of [EO 2020-12](#)) are re-issued and extended through June 26, 2021, **however, these waivers will expire after June 26**. Specifically, after June 26, the waiver under Section 3, which allowed, under certain conditions, the hiring of a certified nursing assistant if they were inactive on the Health Care Worker Registry and/or suspended during the duration of the Gubernatorial Disaster Proclamation, will no longer be available.
- Actions by the Illinois Dept. of Financial and Professional Regulation (IDFPR) for licensed professionals engaged in disaster response ([EO 2020-23](#)) is re-issued in its entirety through June 26, 2021. This is the waiver that allows IDFPR to take actions to increase the number of licensed professionals responding to the disaster, including issuing variances to allow for out-of-state licensees to practice within Illinois. Simultaneously, IDFPR issued a [new proclamation](#) and new variances, which essentially extend those variances which has had previously been issued, as follows:
 - [Physician Assistant Licensure Variance](#) to allow Physician Assistants who have Illinois physician assistant licenses in "Inactive" status for less than three years to restore their license by paying a reduced renewal fee of \$0 and exempting them from completing the necessary continuing education

requirements due to the current COVID-19 pandemic and the need for an increased number of healthcare professionals.

- [Respiratory Care Therapist Licensure Variance](#) to allow Respiratory Care Therapists who have Illinois respiratory care therapist licenses, in “Inactive” status for less than five years, to restore their license by paying a reduced renewal fee of \$0 and exempting them from completing the necessary continuing education requirements due to the current COVID-19 pandemic.
 - [Licensed Practical Nurse Licensure Variance](#) to allow Licensed Practical Nurses, Registered Professional Nurses, and Advanced Practice Registered Nurses who have Illinois nursing licenses in “Inactive” status for less than five years to restore their Illinois nursing licenses by paying a reduced renewal fee of \$0 and exempting them from completing the necessary continuing education requirements due to the current COVID-19 pandemic.
 - [Physician Licensure Variance](#) to allow Physicians licensed to practice medicine in all of its branches have Illinois physician licenses to practice medicine in all of its branches in “Expired” or “Inactive” status for less than three years to restore their Illinois physician licenses to practice medicine in all of its branches by exempting them from the following three requirements: paying the required fee, submitting a completed physician profile, and completing the necessary continuing education requirements due to the current COVID19 pandemic.
 - [Professional Counselors and Clinical Professional Counselors Licensure Variance](#) to allow applicants for licensure as Professional Counselors and Clinical Professional Counselors to complete their live face-to-face supervision and education remotely, using real time video as appropriate, rather than on-site. Remote supervision and educational courses may be performed using video technology tools including, but not limited to, video conferencing, Skype, Zoom, and Google Hangout. When an Applicant is providing services to a client, the supervisor should be available and prepared to offer assistance as needed. This Variance is an extension of the Variance that was initially issued on April 6, 2020 and renewed on July 31, 2020 and again on December 9, 2020. This Variance is for supervision and education that occurs between April 6, 2020 and September 30, 2021. This Variance expires on September 30, 2021 or upon the expiration of the Gubernatorial COVID-19 Disaster Proclamations, whichever occurs first.
- Hospital capacity flexibilities/waivers ([EO 2020-26](#)) **only Section 5**, which waives reporting deadlines in the Illinois Adverse Health Care Events Reporting Law, **is re-issued** and extended through June 26, 2021 but **will expire thereafter**.

All of the flexibilities/waivers set forth below have now expired:

- IDPH discretion regarding enforcement of the Hospital Licensing Act, Emergency Medical Services Systems Act and corresponding regulations.
- Waivers of the following provisions of the Hospital Licensing Act as follows:
 - 210 ILCS 85/6.09. Notice of discharge; aged patients and patients with disabilities on Medicare.
 - 210 ILCS 85/6.09b. Patient notice of observation status.
 - 210 ILCS 85/6.14g. Reports to the Department; opioid overdoses.
 - 210 ILCS 85/6.22. Arrangement for transportation of patient by an ambulance service provider.
 - 210 ILCS 85/10. Board creation; Department rules.
 - 210 ILCS 85/10.8. Requirements for employment of physicians.
 - 210 ILCS 85/10.10. Nurse Staffing by Patient Acuity.
 - 210 ILCS 85/11.8. Closed captioning required.
- Waivers of the Hospital Report Card Act, 210 ILCS 86/1 et seq
- Waivers of certain provisions of the Department of Public Health Powers and Duties Law, 20 ILCS 2310/2310-1 et seq:
 - 20 ILCS 2310/2310-218(c). Phlebotomy on Children and Adults with Intellectual and Developmental Disabilities.
 - 20 ILCS 2310/2310-540. Uterine cytologic examinations for cancer.
- Waivers of the Emergency Medical Services (EMS) Systems Act, 210 ILCS 50/1 et seq, permitting EMS personnel or services to transport patients to and alternate care facility (ACF) authorized by Executive Order.
- Ability to establish an ACF.
- Illinois Dept. of Public Health regulatory activities (Sections 14 and 15 of [EO 2020-35](#)) are **re-issued and extended through June 26, 2021, but will expire thereafter.**

Section 14 waives provisions of the Nursing Home Care Act, 210 ILCS 45/3-401(d); MC/DD Act, 210 ILCS 46/3-401; and ID/DD Community Care Act, 210 ILCS 47/3-401, permitting a long-term care facility to initiate an involuntary transfer or discharge of a resident for late payment or nonpayment.

Section 15 waives the provision of the Illinois Speech-Language Pathology and Audiology Practice Act, 225 ILCS 110/8.8(e), defining “direct supervision” of speech-language pathology assistants as “on-site, in-view observation and guidance by a speech-language pathologist” is suspended for the limited purpose

of allowing speech-language pathology assistants to receive supervision by speech-language pathologists by way of video conferencing technology.