



Summary: COVID-19 Executive Order No. 24

On April 16, 2020, Governor J.B. Pritzker issued an [executive order](#) which instructs the Illinois Department of Public Health (IDPH) to exercise discretion regarding enforcement of all provisions of the: (i) [Hospital Licensing Act](#); (ii) [Emergency Medical Services \(EMS\) Systems Act](#); (iii) [Department of Public Health Powers and Duties Law](#); (iv) [Illinois Adverse Health Care Events Reporting Law of 2005](#); and (iv) corresponding regulations in order to assist hospitals and healthcare providers response to the COVID-19 pandemic and to ensure patient safety.

According to the Governor, the Executive Order and any emergency rules promulgated by IDPH shall be interpreted consistent with any waivers, regulations, other official guidance issued by the federal Centers for Medicare and Medicaid Services or the U.S. Department of Health and Human Services pertaining to the following: (i) establishment of temporary expansion sites by hospitals; (ii) the physician self-referral law (Stark); (iii) the Emergency Treatment & Labor Act (EMTALA); (iv) Medicare, Medicaid and Children’s Health Insurance Program participation requirements; and (v) the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy rule.

IDPH will issue emergency rules implementing the approval process for alternative care facilities on April 17. IHA will provide a summary of the rule as soon as it becomes available.

Hospital Licensing Act

Additionally, the executive order waives certain provisions of the [Hospital Licensing Act](#), including:

- Notice of discharge; aged patients/patients with disabilities (210 ILCS 85/6.09).
- Patient notice of observation status (210 ILCS 85/6.09b)
- Reports to the Department; opioid overdoses (210 ILCS 85/6.14g)
- Arrangement for transportation of patient by ambulance service (210 ILCS 85/6.22)
- Board creation; Department rules (210 ILCS 85/10)
- Requirements for employment of physicians (210 ILCS 85/10.8)
- Nurse Staffing by Patient Acuity (210 ILCS 85/10.10)
- Closed captioning required (210 ILCS 85/11.8)

Corresponding regulations in the Illinois Administrative Code implementing these statutory provisions are also suspended or modified as set forth in emergency rules promulgated by IDPH.

Hospital Report Card Act

All provisions of the [Hospital Report Card Act](#), except Section 35 (Whistleblower Protections) and Section 40 (Private Right of Action), and the corresponding regulations set forth in [77 Ill. Adm. Code 255](#), are suspended.

Department of Public Health Powers and Duties Law

The following provisions of the [Department of Public Health Powers and Duties Law](#), and the corresponding regulations set forth in [77 Ill. Adm. Code 250](#), are suspended:

- Phlebotomy on Children/Adults with Intellectual and Developmental Disabilities (20 ILCS 2310/2310-218(c)), and
- Uterine cytologic examinations for cancer (20 ILCS 2310/2310-540). This provision is suspended only to the extent it requires every hospital licensed in Illinois to offer a uterine cytologic examination for cancer to every female in-patient 20 years of age or over unless considered contra-indicated by the attending physician or unless it has been performed within the previous year, and to the extent it requires the hospital to maintain records to show either the results of the test or that the test was not applicable or that it was refused.

Adverse Health Care Events Reporting Law

All reporting deadlines in the [Adverse Health Care Events Reporting Law](#), and the corresponding regulations set forth in [77 Ill. Adm. Code 235](#), are suspended. This does not suspend the obligation to report, only the timing of such report. The deadlines shall resume upon the termination of all Gubernatorial disaster proclamations.

Emergency Medical Services (EMS) Systems Act

The [Emergency Medical Services \(EMS\) Systems Act](#), and the corresponding regulations set forth in [77 Ill. Adm. Code 515](#) are suspended to the extent necessary to permit EMS personnel or services to transport patients to an alternate care facility (ACF) authorized by this Executive Order.

Authorizing Alternative Care Facilities

During the Gubernatorial Disaster Proclamations: (a) hospitals licensed by IDPH, or (b) the State of Illinois, through one of its agencies or in cooperation with one or more federal or local government bodies, may establish an alternative care facility (ACF) to provide room and board, nursing, and diagnosis or treatment to COVID-19 patients, or to non-COVID-19 patients in order to increase regional hospital capacity to respond to COVID-19 pursuant to emergency rules promulgated by IDPH.

The [Hospital Licensing Act](#) and its corresponding regulations set forth in [77 Ill. Adm. Code 250](#), are suspended in their entirety as applicable to the ACFs, provided the ACFs meet the standards set forth in emergency rules promulgated by IDPH.