



## Executive Order 2020-26 on Hospital Capacity: Overview

On Thursday, April 16, 2020 Governor Pritzker issued Executive Order 2020-26 (COVID-19 Executive Order No. 24) (<https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-26.aspx>). This executive order is focused on improving hospital capacity throughout Illinois. The following is an overview of the executive order. Hospitals are encouraged to read the substance of the executive order for an accurate and detailed understanding of its provisions.

The executive order addresses several statutes:

1. Hospital Licensing Act, 210 ILCS 85/1 et seq.
2. Hospital Report Card Act, 210 ILCS 86/1 et seq.
3. Department of Public Health Powers and Duties Law, 20 ILCS 2310/2310-1 et seq.
4. Illinois Adverse Health Care Events Reporting Law of 2005, 410 ILCS 522/10-1 et seq.
5. Emergency Medical Services (EMS) Systems Act, 210 ILCS 50/1 et seq.

The purpose of E.O. 2020-26 (COVID-19 E.O. No. 24) is to ensure that “the State of Illinois has adequate bed capacity, supplies, and providers to treat patients affected with COVID-19, as well as patients afflicted with other maladies” and to eliminate “any obstacle to the effective provision of medical treatment at Illinois hospitals” to ensure that “the Illinois healthcare system has adequate capacity to provide care to all who need it.”

**Discretion in enforcement.** Pursuant to the executive order, the Illinois Department of Public Health will continue to exercise discretion in enforcement of all provisions of the Hospital Licensing Act, 210 ILCS 85/1 et seq., the Emergency Medical Services (EMS) Systems Act, 210 ILCS 50/1 et seq., the Department of Public Health Powers and Duties Law, 20 ILCS 2310/2310-1 et seq., and the Illinois Adverse Health Care Events Reporting Law of 2005, 410 ILCS 522/10-1 et seq. The IDPH will continue to exercise discretion in enforcement of all relevant regulations as well.

**Suspension of Statutes and Regulations.** Pursuant to the executive order certain statutes and certain provisions of other statutes, along with the corresponding regulations, are suspended. Please review the executive order for a detailed listing.

**Emergency Rules.** As directed by the executive order 2020-26, IDPH has filed the following emergency rules:

77 Ill. Adm. Code 250.2 (<http://www.dph.illinois.gov/sites/default/files/COVID19/77-250RG-E.pdf>)

77 Ill. Adm. Code 235.1 (<http://www.dph.illinois.gov/sites/default/files/COVID19/77-235RG-E.pdf>)

77 Ill. Adm. Code 255.1 (<http://www.dph.illinois.gov/sites/default/files/COVID19/77-255RG-E.pdf>)

77 Ill. Adm. Code 955.2 (<http://www.dph.illinois.gov/sites/default/files/COVID19/7-955RG-E.pdf>)

**Earlier Emergency Rules.** Prior to E.O. 2020-26, IDPH filed the following emergency rule:

77 Ill. Adm. Code 250.1

(<http://www.dph.illinois.gov/sites/default/files/COVID19/Part%20250%20Emergency%20amendment.pdf>)

**FAQs.** Please use the link provided below for information on (1) increasing bed capacity for COVID-19 purposes, (2) hospital and state alternative care facilities established for COVID-19 purposes, and (3) temporary suspension of a category of service or facility for COVID-19 purposes. These FAQs are provided by the Health Facilities & Services Review Board (HFSRB).

<https://www2.illinois.gov/sites/hfsrb/Announcements/Documents/FAQs.Draft.Beds%204-20.pdf>