

insights

State Emergency Declarations: When do they expire and what impact do they have for health care facilities and providers?

In response to the COVID-19 pandemic, states across the country have issued emergency declarations or disaster proclamations. These declarations provide states with additional flexibility to maximize resources and address novel issues associated with the pandemic, generally allowing the states to waive certain statutory and regulatory requirements that might otherwise hinder the state's response to the emergency. However, once these emergency declarations expire, the affected statutory and regulatory requirements will be reinstated. Thus, it is important to track the expiration of a state's emergency declaration to ensure appropriate compliance with various legal requirements. Below is a summary of the emergency declarations and associated waivers of statutes and regulations for both Illinois and Missouri.

Illinois

Governor Pritzker first issued a [disaster proclamation on March 9, 2020](#), which was effective for thirty days. He has subsequently extended the proclamation seven times, and the current proclamation is set to expire on October 18, 2020. Governor Pritzker has also issued several [executive orders](#) to waive certain statutory and regulatory requirements for health care facilities and providers, including ones that address the following issues:

- Expansion of telehealth services to allow providers to assess and treat patients through electronic or telephonic methods;
- Suspension of health care worker background checks;
- Suspension of licensure requirements for various health care providers;
- Suspension of various hospital licensing regulations to allow for increased hospital capacity;
- Suspension of regulations governing radiography certifications;
- Suspension of on-site reviews of long-term care facilities; and
- Immunity from civil liability for health care facilities, providers, and volunteers (expired June 27, 2020).

Unless Governor Pritzker re-issues or extends these executive orders, they will expire on October 18, 2020, and the various statutory and regulatory requirements will be reinstated.

Missouri

Governor Parson first issued an [emergency declaration on March 13, 2020](#), which was subsequently extended twice and currently remains in effect through December 30, 2020. In contrast to Illinois Governor Pritzker who has waived various rules through executive orders, Governor Parson's emergency declaration issues broad authority to state agencies to determine which specific statutes and regulations should be waived in light of COVID-19. Thus, although the emergency declaration has been extended through December 30, 2020, each state agency must separately announce whether its waivers will be extended through December 30th as well. Both the [Missouri Department of Health and Senior Services](#) and the [Missouri Division of Professional Registration](#) have announced their waivers will remain in effect through December 30th. These waivers include, but are not limited to, the following issues:

- Suspension of certain requirements of the Bureau of Narcotics and Dangerous Drugs;

- Suspension of certain licensure requirements for hospitals and long term care facilities;
- Suspension of various regulatory requirements for hospitals, home health agencies, intermediate care and skilled nursing facilities, long term care facilities, and residential care facilities;
- Suspension of telehealth requirements to allow more providers to assess and treat patients using electronic or telephonic methods; and
- Suspension of certain licensure requirements for various health care providers.

As with the above, many of the waivers previously issued by Missouri state agencies have been extended pursuant to Governor Parson's extension of the emergency declaration. However, as of this writing, the Missouri Department of Insurance, Financial Institutions and Professional Registration has not yet extended its waivers allowing commercial insurers to expand access to telehealth services, [and the previous waivers expired June 15, 2020.](#) Thus, although the emergency declaration has been extended, it will be important to track state agency announcements for their individual waiver extensions.

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