



FILED
INDEX DEPARTMENT

JUL 12 2022

IN THE OFFICE OF
SECRETARY OF STATE

SPRINGFIELD, ILLINOIS

July 12, 2022

Executive Order 2022-16

EXECUTIVE ORDER 2022-16
(COVID-19 EXECUTIVE ORDER NO. 109)

WHEREAS, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 3,480,000, and taking the lives of more than 34,200 residents; and,

WHEREAS, as Illinois continues to respond to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions, the burden on residents, healthcare providers, first responders, and governments throughout the State has been unprecedented; and,

WHEREAS, numerous variants have emerged over the course of the pandemic and continue to emerge, each with different transmissibility and degrees of severity; and,

WHEREAS, predicting what will happen in the future in this pandemic continues to be a difficult task, and proven pandemic mitigations such as social distancing, face coverings and other public health precautions continue to work to slow and stop the spread of COVID-19; and,

WHEREAS, the Centers for Disease Control and Prevention (CDC) issued revised guidance on February 25, 2022 to lift its recommendation for universal indoor masking, including in K-12 settings; and,

WHEREAS, that guidance provided a framework for assessing community COVID-19 levels based on COVID-19 hospital admissions, inpatient bed availability, and number of COVID-19 cases; and,

WHEREAS, the CDC's current guidance recommends universal masking only in communities with high community COVID-19 levels; and,

WHEREAS, the CDC continues to advise that some community settings, such as schools and high-risk congregate settings may require additional layers of prevention based on the characteristics of the setting and in the event of an outbreak; and,

WHEREAS, even without a State mandate, K-12 schools, childcare facilities, and other settings may choose to require individuals to wear face masks based on the community COVID-19 level and other characteristics of the setting; and,

WHEREAS, COVID-19 vaccines are effective at preventing COVID-19 disease, especially severe illness and death, but a proportion of the population remains unvaccinated and some residents, including children under six months of age, cannot yet receive the vaccine; and,

WHEREAS, some employers have entered collective bargaining agreements that continue to require individuals to wear face masks in certain settings, in addition to other mitigation measures; and,

WHEREAS, the CDC continues to recommend that individuals who are immunocompromised or at high risk for severe disease consider wearing a well-fitting mask indoors in public settings when the community COVID-19 level is high; and,

WHEREAS, the CDC continues to recommend that people with symptoms, a positive test, or exposure to someone with COVID-19 wear a mask; and,

WHEREAS, individuals may choose to wear a mask at any time to protect themselves or those around them from spread of COVID-19; and,

WHEREAS, CDC guidance continues to recommend that individuals who are not up-to-date on COVID-19 vaccinations or within 90 days of COVID-19 infection stay at home and quarantine for at least 5 days after exposure to COVID-19 and wear a mask until day 10; and,

WHEREAS, CDC guidance continues to recommend that individuals who have tested positive for COVID-19 stay at home and isolate for at least 5 days after testing positive and wear a mask until day 10; and,

WHEREAS, the CDC continues to recommend that students, teachers, and staff should stay home when they have signs of any infectious illness, including COVID-19; and,

WHEREAS, schools should continue to collaborate with their local health departments to determine, consistent with CDC guidance, which students, teachers, and staff with positive COVID-19 results or exposure should stay home for the health and safety of the school community; and,

WHEREAS, the federal Centers for Medicare and Medicaid Services (CMS) continues to require staff at federally-certified healthcare providers to be fully vaccinated against COVID-19, and strongly recommends staff at federally-certified Long-Term Care and Skilled Nursing Facilities be up-to-date on COVID-19 vaccinations; and,

WHEREAS, CMS requires that staff at Long-Term Care and Skilled Nursing facilities who are not up-to-date on their vaccinations be tested at least once per week if the level of COVID-19 community transmission is moderate, and at least twice per week if the level of COVID-19 community transmission is substantial or high; weekly testing is not required if the level of COVID-19 community transmission is low; and,

WHEREAS, in addition to causing the tragic loss of more than 34,200 Illinoisans and negatively impacting the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

WHEREAS, many executive agencies in the State continue to focus their limited resources on the ongoing response to the COVID-19 pandemic; and,

WHEREAS, on June 24, 2022, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that will be felt over the coming month by people across the State, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, in response to the epidemic emergency and public health emergency described above, I find it necessary to re-issue and modify Executive Orders 2020-12 and 2021-22, and hereby incorporate the WHEREAS clauses of those Executive Orders;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective July 12, 2022:

Part 1: Re-Issue of Executive Orders 2020-12 and 2021-22.

Executive Orders 2020-12 and 2021-22 are hereby re-issued and modified as follows:

Executive Order 2020-12 (Health care worker background checks):

Section 1 of Executive Order 2020-12 is re-issued and extended through **July 24, 2022**. Executive Order 2020-12 shall be rescinded no later than September 22, 2022.

Executive Order 2021-22 (Vaccination and testing requirements):

Sections 2, 3, 5, 6, 7, 8, and 9 of Executive Order 2021-22, as amended by Executive Order 2021-23, Executive Order 2021-27, and Executive Order 2022-05, are re-issued and extended through **July 24, 2022**.

Section 4 of Executive Order 2021-22 is rescinded.

Section 2 of Executive Order 2021-22 is further amended and revised as follows:

a. Definitions

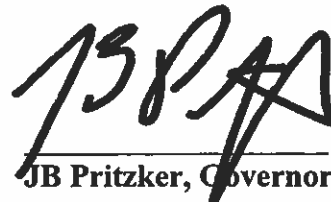
ii. "Health Care Facility" means any institution, building, or agency, or portion of an institution, building or agency, whether public or private (for-profit or nonprofit), that is used, operated or designed to provide health services, medical treatment or nursing, or rehabilitative or preventive care to any person or persons. This includes, but is not limited to, ambulatory surgical treatment centers, hospices, hospitals, physician offices, pharmacies, ~~emergency medical services, IDPH licensed emergency medical service vehicles,~~ chiropractic offices, dental offices, free-standing emergency centers, urgent care facilities, birth centers, post-surgical recovery care facilities, end-stage renal disease facilities, long-term care facilities (including skilled and intermediate long-term care facilities licensed under the Nursing Home Care Act, the ID/DD Community Care Act or the MC/DD Act), Specialized Mental Health Rehabilitation Facilities, assisted living facilities, supportive living facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatment facilities, and adult day care centers. The term "Health Care Facility" does not include any State-owned or operated facilities.

c. Health Care Facilities shall exclude Health Care Workers who are not fully vaccinated against COVID-19 from the premises unless they comply with the testing requirements specified in Subsection (d) or (h).

e. Individuals are exempt from any requirement to be fully vaccinated against COVID-19 if (1) vaccination is medically contraindicated, including any individual who is entitled to an accommodation under the Americans with Disabilities Act or any other law applicable to a disability-related reasonable accommodation, or (2) vaccination would require the individual to violate or forgo a sincerely held religious belief, practice, or observance. Individuals who demonstrate they are exempt from the vaccination requirement shall undergo, ~~at a minimum,~~ weekly testing as provided for in Subsection (d) or (h).

- h. Notwithstanding any other provision of this Executive Order, beginning July 12, 2022:
- i. Health Care Workers at skilled nursing and intermediate care facilities licensed under the Nursing Home Care Act, facilities licensed under the ID/DD Community Care Act, and facilities licensed under the MC/DD Act who are not up-to-date on COVID-19 vaccinations must undergo testing once per week if the Level of COVID-19 Community Transmission is moderate and twice per week if the Level of COVID-19 Community Transmission is substantial or high. If the Level of COVID-19 Community Transmission is low, weekly testing is not required.
 - ii. Health Care Workers at hospitals and any other health care facilities that are certified by the Centers for Medicare and Medicaid Services as meeting the federal guidelines to participate in the Medicare/Medicaid program as recommended by the state survey agency, who are not fully vaccinated against COVID-19 must undergo testing once per week if the Level of COVID-19 Community Transmission is high. If the Level of COVID-19 Community Transmission is low, moderate, or substantial, weekly testing is not required.
 - iii. For purposes of subsection (h), "Level of COVID-19 Community Transmission" is as defined and determined by the Centers for Disease Control and Prevention.

Part 2: Savings Clause. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.


JB Pritzker, Governor

Issued by the Governor July 12, 2022
Filed by the Secretary of State July 12, 2022

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