

From: [Crane, Anna](#)
To: [Berger-White, Juliet](#)
Subject: FW: COVID Regulatory Response Proposal
Date: Tuesday, March 24, 2020 2:43:55 PM

From: Carl Bergetz
Sent: Monday, March 23, 2020 11:42 PM
To: Spillane, Ann ; Crane, Anna
Subject: [External] RE: COVID Regulatory Response Proposal

Ann:
Following up on our call, here are some explanations and questions relative to your email below and the regulatory proposal we sent this AM:

Reciprocal Licensing

Under the IDFP change, retired providers or providers whose license lapsed are being allowed to practice, but they still need to fill out an application and get licensed. While it says the applications will be expedited, we are not sure what that means. It would be more effective for purposes of the crisis to have them able to practice while this is pending or have 90 days after they start practicing to get licensed.

Waivers on Facilities

For the IDPH waiver piece, is IDPH still requiring change notifications but reviewing them once received from existing facilities within 24 hours? We just want to clarify if we are expected to keep updating IDPH every time we change something, e.g. add beds or change the type of bed, as it would be far more effective during the crisis to have a broader waiver that would allow such relatively minor changes within certain parameters for some longer period of time.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]ely

[REDACTED]

As to the general requests for emergency funding assistance we have made (like the IHA and others), we have an idea relative to Medicaid arrearage and private payer reimbursements. Payments from public and private payers are dramatically down during this period, yet private payers still collect

premiums and Medicaid is around 300 days in arrears. We have some ideas relating to that dynamic and imbalance and how the Governor could help address the funding problem for hospitals and providers during the crisis. Our current CEO, Dr Omar Lateef, a critical care pulmonologist, and our former CEO, Dr Larry Goodman, an infectious disease specialist, would like to see if they could WebEx with the Governor and your office and discuss the data and projections and this emergency funding idea.

Ann, any help you could provide on this would be most appreciated. Let me know what you think and if you can help arrange something. Your office has been incredibly helpful already and we thank you for that as we meet the pandemic head on.

Carl

Carl Bergetz

General Counsel

RUSH Legal | 1700 West Van Buren, Suite 301 | Chicago, IL 60612

p: (312) 942-6886 | f: (312) 942-4233 | Carl_Bergetz@rush.edu



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From: Spillane, Ann [<mailto:Ann.Spillane@Illinois.gov>]

Sent: Monday, March 23, 2020 2:07 PM

To: Carl Bergetz; Crane, Anna

Subject: RE: COVID Regulatory Response Proposal

Rush Email Security

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Carl,

Thank you for sending this – it's incredibly helpful to have Rush's issues all in one place. As I mentioned when we called a few minutes ago, our office is also working with IHA on the longer list of issues.

Just to follow up on a few of the issues you raised:

The reciprocal licensing (page 11) is done, with the temporary application available on IDFPR's website. If your colleagues think what we've done does not fully address this issue, please let us know so we can follow up. The issues relating to waiver of specific hospital facility requirements (page 13) are currently being worked on at IDPH. They should be at a 24-hour turnaround for changes to existing facilities and will keep moving faster on that as needed. Anna will follow up with IDPH on the issues around new/temporary locations. With regard to the long term acute care/skilled nursing facilities issue (page 17), it's my understanding that

the long term care association and hospitals have started to discuss this. We expect to get updates and will dive in as needed. Finally, on telehealth (page 18), I just asked two of my colleagues to look right away at the requested expansion of the telehealth changes in EO-7. Let's discuss the liability issue when you have a chance to send more info. We are researching that on our end as well.

Thank you again,

Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Monday, March 23, 2020 10:10 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] COVID Regulatory Response Proposal

Ann:

Please see the attached presentation we assembled providing an overview of our data analytics team's projections of the COVID-19 situation and the impact on Illinois hospitals and the public, as well as some proposals we are making relative to regulatory waivers and logistical assistance. We understand the IHA is also advancing some similar ideas and we are on the same page. If you would like, our leadership would like to host a Webex to go over these slides with your office and IDPH.

Thank you for your help and consideration, and please take care.

Carl

Carl Bergetz

General Counsel

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From: Quinn, Jonathan S.
To: G_Caplan@nge.com
Subject: [External] Re: immunity
Date: Wednesday, March 25, 2020 10:17:23 AM

Yeah [REDACTED]
Jonathan S. Quinn
Partner
Neal, Gerber & Eisenberg LLP
p: 312.269.8093 | f: 312.429.3531 | e: jquinn@nge.com
Two North LaSalle Street, Suite 1700
Chicago, IL 60602
www.nge.com

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On Mar 25, 2020, at 9:59 AM, Caplan, Gary <Gary.Caplan@illinois.gov> wrote:

CAUTION EXTERNAL EMAIL

Let's try 5:30 [REDACTED]

From: Quinn, Jonathan S. <jquinn@nge.com>
Sent: Wednesday, March 25, 2020 9:53 AM
To: Caplan, Gary <Gary.Caplan@illinois.gov>; Crane, Anna <Anna.Crane@illinois.gov>
Subject: [External] RE: immunity

Unfortunately, I have calls all morning and also at 1, 1:30, 3:30 and at 4:30.

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Jonathan-http://secure-web.cisco.com/1ODnnelLMvCr6CZU87IMZMmMwKmlYdEwRE1qEgU9EKA-NIRHILSHUCRnHawQSuUOT0TRsMRNkiKTBT0GZ67JdIdCJevHegBOE26cJNH4JGfuaAO0-TLy449uHbYvUOP0eJngHbZKTGtST-3woepalXSFYRyWgkMTrpIbbg_baiYyHK0zXp50zvl-bcl2AWemYwUhmngQdEeatXh_uoE002nOhXJGXC_ITtB2AcRDX35Eed2EaUfB8bA3dXVc3s0BRL_r1MhScaY7QL39ufcDPH_Kme7VqGwG8BRENGzPQb5m_6JD9qWVWHqf_BQ_CHEYhdVvelu11LZKqPTEtXuUBej-gE0EkyxRpn17qQOTBmxDGdT_1USIS85c_kE-MuNfNMLCVI60SSwks62RkyqU/htp%3A%2F%2Fwww.nge.com%2F2Fjquinn-
Partner
Neal, Gerber & Eisenberg LLP

<http://www.nge.com>
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To: Quinn, Jonathan S. <jquinn@nge.com>; Crane, Anna <Anna.Crane@illinois.gov>
Subject: Re: immunity

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Jon, we should touch base this afternoon. Would 1 pm work?

Get Outlook for iOS-https://secure-web.cisco.com/1ajHSGSM1ZpZjdrPnKqQlBLL1QulofCsc40CQoB-3mbVw8psPQyZgZHS7GluR_r9z2o2jNw5CK8HZMgEFP9p9HjzPAAb2z70TRYPun8UQr6ADPcfe9MKTIImaE7VbWhVwxaL7zJzhz_gbV6la4VLR_ILN8N032Asm4EV9Pbw8M1Z3TJtz4KHzdZbms6ZAX1S2_M8AaWNaRdO7naHUY28qCKdHbQcUq1oneSHUQTvOdHLQZQMFLVXHHIC-pk_LFzLz2EzTj-RQJz1Yx8RgHqyCWOBOUImrciFhxcRalAEPZ7P1L7Phb8q8EFf6R6-c2t66991b666JMPF-yDBRsd1P_MwCUU/L0MI5FzpwOM4Qjpa1aO_Ng9+GDzV3qLQcWVWVBNqA/https%3A%2F%2Faka.ms%2F60ukd/

From: Quinn, Jonathan S. <jquinn@nge.com>
Sent: Wednesday, March 25, 2020 9:11:29 AM
To: Caplan, Gary <Gary.Caplan@illinois.gov>; Crane, Anna <Anna.Crane@illinois.gov>
Subject: [External] RE: immunity

Not sure why my email from earlier this morning was sent like this.

But here is what I intended it to look like:

Thought this (attached) was interesting [REDACTED]

What would be the most helpful way of receiving information from us? Would you like set up a time to talk? Or would you rather receive information by memorandum? [REDACTED]

Jonathan-http://secure-web.cisco.com/1H6XHEyEmL15106U4MDWfS_nqXNZX7J-5CUG6CM1H8yTKYyqgOWzRgLRBSP2YulDj09cBZlphsb1EZAuU2naMGMPF5chugCwMjersokBWPWUGbdl_d2zwwgrah1ERctiVSwPsw_Y8YpKOedD69Q13x3DwR8aFbAh7Fo2soy8XGf3K29U3EKH48GV-yG1y5HakCVXXVJZeeFwMhInHZxYk28YGGWwAOeY4ngEmKNK4-0aQ002JZB0Qk9VSi15g8ID-JjCytZm_8KfGwBjA7vth20MHMigUoH88oM7acAlaKWZGHn1ZzK4CQm0K1G102a6WUWMf69r-prlAs17f3EhagPb7AjbABYc6YsX2YEAyqgChNWHSP5XkwdPbYHNDGfLkvgZIVM1vIn9Nhtp%3A%2F%2Fwww.nge.com%2F2Fjquinn-
Partner
Neal, Gerber & Eisenberg LLP

<http://www.nge.com>
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From: Quinn, Jonathan S. <jquinn@nge.com>
Sent: Wednesday, March 25, 2020 6:44 AM
To: Caplan, Gary <Gary.Caplan@illinois.gov>; Anna Crane <Anna.Crane@illinois.gov>
Subject: Re: immunity

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From: [Caplan, Gary](#)
To: [Crane, Anna](#)
Subject: FW: immunity
Date: Wednesday, March 25, 2020 10:17:39 AM
Attachments: [nge001.png](#)

fyi

From: Caplan, Gary
Sent: Wednesday, March 25, 2020 10:00 AM
To: Quinn, Jonathan S.
Subject: RE: immunity
Let's try 5:30. [REDACTED]

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Sent: Wednesday, March 25, 2020 9:53 AM
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Jonathan S. Quinn
Partner
Neal, Gerber & Eisenberg LLP



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From: [Caplan, Gary](#)
To: [Quinn, Jonathan S.](#)
Subject: RE: immunity
Date: Wednesday, March 25, 2020 11:00:38 AM
Attachments:  [nge001.png](#)

Thanks

From: Quinn, Jonathan S.
Sent: Wednesday, March 25, 2020 10:59 AM
To: Caplan, Gary
Subject: [External] RE: immunity

From: Caplan, Gary <Gary.Caplan@Illinois.gov>
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Jonathan S. Quinn

Partner

Neal, Gerber & Eisenberg LLP



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Jonathan S. Quinn

Partner

Neal, Gerber & Eisenberg LLP



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From: Quinn, Jonathan S.
To: [Caplan, Gary](#)
Subject: [External] RE: immunity
Date: Wednesday, March 25, 2020 11:05:00 AM
Attachments: [nge001.png](#)

Two other miscellaneous things:

[Redacted]

[Redacted]

Just a thought,
[Jonathan S. Quinn](#)
Partner
Neal, Gerber & Eisenberg LLP



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From: Caplan, Gary

Sent: Wednesday, March 25, 2020 10:58 AM
To: Quinn, Jonathan S.
Subject: RE: immunity

CAUTION EXTERNAL EMAIL

Great. 5:30 still ok.

From: Quinn, Jonathan S. <jquinn@nge.com>
Sent: Wednesday, March 25, 2020 10:57 AM
To: Caplan, Gary <Gary.Caplan@Illinois.gov>
Subject: [External] RE: immunity

[REDACTED]
I can talk between now and 12:30 if that helps.

Jonathan S. Quinn

Partner

Neal, Gerber & Eisenberg LLP



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Jonathan S. Quinn

Partner

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Jonathan S. Quinn

Partner

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Subject: [External] RE: immunity
Date: Wednesday, March 25, 2020 11:05:39 AM
Attachments: [nge001.png](#)


Something I put together last night.

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To: Quinn, Jonathan S.
Subject: RE: immunity

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Let's try 5:30.   


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Partner

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Jonathan S. Quinn

Partner

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From: Quinn, Jonathan S. <jquinn@nge.com>

Sent: Wednesday, March 25, 2020 6:44 AM

To: Caplan, Gary <Gary.Caplan@illinois.gov>; Anna Crane <Anna.Crane@Illinois.gov>

Subject: Re: immunity

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From: Quinn, Jonathan S.
To: [Caplan, Gary](#)
Subject: [External] RE: immunity
Date: Wednesday, March 25, 2020 11:08:05 AM
Attachments:  [nge001.png](#)

Thanks.

From: Caplan, Gary
Sent: Wednesday, March 25, 2020 11:06 AM
To: Quinn, Jonathan S.
Subject: RE: immunity

CAUTION EXTERNAL EMAIL

We are on both

From: Quinn, Jonathan S. <jquinn@nge.com>
Sent: Wednesday, March 25, 2020 11:04 AM
To: Caplan, Gary <Gary.Caplan@Illinois.gov>
Subject: [External] RE: immunity

Two other miscellaneous things:

[REDACTED]

Just a thought,
[Jonathan S. Quinn](#)

Partner
Neal, Gerber & Eisenberg LLP



p: 312.269.8093 | **f:** 312.429.3531 | **e:** jquinn@nge.com
Two North LaSalle Street, Suite 1700, Chicago, IL 60602
www.nge.com

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Subject: RE: immunity

CAUTION EXTERNAL EMAIL

Great. 5:30 still ok.

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Sent: Wednesday, March 25, 2020 10:57 AM
To: Caplan, Gary <Gary.Caplan@Illinois.gov>
Subject: [External] RE: immunity

[REDACTED]
I can talk between now and 12:30 if that helps.

Jonathan S. Quinn

Partner
Neal, Gerber & Eisenberg LLP



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Let's try 5:30. [REDACTED]

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Unfortunately, I have calls all morning and also at 1, 1:30, 3:30 and at 4:30.
I could talk either at 2:45 or after about 5:15 pm. Do either work?

Jonathan S. Quinn

Partner

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Jon, we should touch base this afternoon. Would 1 pm work?
Get [Outlook for iOS](#)

From: Quinn, Jonathan S. <jquinn@nge.com>
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But here is what I intended it to look like:

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What would be the most helpful way of receiving information from us? Would you like set up a time to talk? Or would you rather receive information by memorandum? [REDACTED]

Jonathan S. Quinn

Partner

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From: Quinn, Jonathan S.
To: Gary.Captan@illinois.gov
Subject: [External] RE: immunity
Date: Wednesday, March 25, 2020, 4:23:29 PM
Attachments: 

K.
Call me on my office number (312) 269-8093.

Jonathan S. Quinn
Partner
Neal, Gerber & Eisenberg LLP
p. 312.269.8093 | f. 312.429.3531 | e. jquinn@nge.com
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On Mar 25, 2020, at 4:21 PM, Caplan, Gary <Gary.Captan@illinois.gov> wrote:

CAUTION EXTERNAL EMAIL

I am a call for a while and will call you soon

From: Quinn, Jonathan S. <jquinn@nge.com>
Sent: Wednesday, March 25, 2020 4:20 PM
To: Caplan, Gary <Gary.Captan@illinois.gov>
Subject: [External] RE: immunity

My 3:30 call ended early and so I was able to have my 4:30 call too.

I am free from now until about 6:30.

Jonathan<http://secure-web.cisco.com/1HhMU7c9kAnuU6WjYpYjYsk1-1J5whatLyyQeR4t4tNaZmH8_JwpQlqQyY7YPLDh4PMH699GjHxCoMoYOV6iBdM5f-PWep_N2YKaNGZibWJ0Kkavk2zbZzHvesFEKARDNpp-o0Dguc79ML3winq7f6_1n1VRC9kOpyFQ6SaVUFY59gWR6l0bgOpweldpYdBNbDdDp0PHT7vGoM47_Y-9q11FFEBM6l7YXWY0aAgTCBkKHU4Apo0BILbyGjMOCF_gBAWytwWSDFCQCPqEbn-70pFYZg66CLRTITYNBtDXDKFCGAWR5SgF9v1woLLandlJ5sCqMFPQ-9xP9KQZV BZLQkC6ITa9-gP5LjgxDW0MH6o_DXRDotqBQMQ0q1Amp9G1A52P92Fwww.ngelaw.com%2Fjquinn> S-5-htp://secure-web.cisco.com/1HhMU7c9kAnuU6WjYpYjYsk1-1J5whatLyyQeR4t4tNaZmH8_JwpQlqQyY7YPLDh4PMH699GjHxCoMoYOV6iBdM5f-PWep_N2YKaNGZibWJ0Kkavk2zbZzHvesFEKARDNpp-o0Dguc79ML3winq7f6_1n1VRC9kOpyFQ6SaVUFY59gWR6l0bgOpweldpYdBNbDdDp0PHT7vGoM47_Y-9q11FFEBM6l7YXWY0aAgTCBkKHU4Apo0BILbyGjMOCF_gBAWytwWSDFCQCPqEbn-70pFYZg66CLRTITYNBtDXDKFCGAWR5SgF9v1woLLandlJ5sCqMFPQ-9xP9KQZV BZLQkC6ITa9-gP5LjgxDW0MH6o_DXRDotqBQMQ0q1Amp9G1A52P92Fwww.ngelaw.com%2Fjquinn>
Partner
Neal, Gerber & Eisenberg LLP

<<http://www.nge.com>>
<image001.png>

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Let's try 5:30

[Redacted]

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Partner
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<image001.png>

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Partner
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<<http://www.nge.com>>
<image001.png>

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From: [Crane, Anna](#)
To: [Caplan, Gary](#)
Subject: RE: immunity
Date: Wednesday, March 25, 2020 5:29:02 PM
Attachments:  [nge001.png](#)

Is there a call-in?

From: Caplan, Gary
Sent: Wednesday, March 25, 2020 10:18 AM
To: Crane, Anna
Subject: FW: immunity
fyi

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Sent: Wednesday, March 25, 2020 10:00 AM
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Partner

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Neal, Gerber & Eisenberg LLP



p: 312.269.8093 | **f:** 312.429.3531 | **e:** jquinn@nge.com

Two North LaSalle Street, Suite 1700, Chicago, IL 60602

www.nge.com

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From: Quinn, Jonathan S. <jquinn@nge.com>

Sent: Wednesday, March 25, 2020 6:44 AM

To: Caplan, Gary <Gary.Caplan@illinois.gov>; Anna Crane <Anna.Crane@Illinois.gov>

Subject: Re: immunity

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From: [Spillane, Ann](#)
To: [Crane, Anna](#)
Subject: RE: COVID Regulatory Response Proposal
Date: Wednesday, March 25, 2020 8:25:49 PM

Thank you.

From: Crane, Anna
Sent: Wednesday, March 25, 2020 8:16 PM
To: Spillane, Ann
Subject: RE: COVID Regulatory Response Proposal

Thanks, Ann. [REDACTED]

From: Spillane, Ann <Ann.Spillane@Illinois.gov>
Sent: Wednesday, March 25, 2020 7:33 PM
To: Crane, Anna <Anna.Crane@Illinois.gov>
Subject: RE: COVID Regulatory Response Proposal

Hi,

I'll read the draft to Carl in just a minute.

I'm in a meeting with the Governor and the City. [REDACTED]

Thank you,
Ann

From: Crane, Anna <Anna.Crane@Illinois.gov>
Sent: Wednesday, March 25, 2020 6:57 PM
To: Spillane, Ann <Ann.Spillane@Illinois.gov>
Subject: FW: COVID Regulatory Response Proposal

Hi Ann – This is what I have so far as a potential response to Carl –please feel free to copy/edit and send. [REDACTED]

[REDACTED]

[Redacted]

From: Carl Bergetz <Carl_Bergetz@rush.edu>
Sent: Wednesday, March 25, 2020 5:36 AM
To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>
Subject: [External] Re: COVID Regulatory Response Proposal

Ann & Anna:
Regarding the issues in the below email: Yesterday Dr Omar Lateef spoke to the Governor at the press conference and mentioned the emergency funding idea. The Governor responded favorably and told him to send the proposal to him and Deputy Governor Dan Hynes. We will send it this AM and I will forward you a copy. Also the IHA and a large group of hospitals will be sending the Governor a letter on the liability issue noted in the email below.
If you have any more information on the other items, please give me a call. Thanks again for your help and consideration.
Carl

Carl Bergetz
General Counsel
RUSH Legal | [1700 West Van Buren, Suite 301 | Chicago, IL 60612](#)
p: [\(312\) 942-6886](tel:(312)942-6886) | f: [\(312\) 942-4233](tel:(312)942-4233) | Carl_Bergetz@rush.edu



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number or address. Also, if you are not the intended recipient, please delete this communication without forwarding to other individuals or entities, or retaining a copy in any form.

On Mar 23, 2020, at 23:41, Carl Bergetz <Carl_Bergetz@rush.edu> wrote:

Ann:

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Reciprocal Licensing

Under the IDFPR change, retired providers or providers whose license lapsed are being allowed to practice, but they still need to fill out an application and get licensed. While it says the applications will be expedited, we are not sure what that means. It would be more effective for purposes of the crisis to have them able to practice while this is pending or have 90 days after they start practicing to get licensed.

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Additional Request

As to the general requests for emergency funding assistance we have made (like the IHA and others), we have an idea relative to Medicaid arrearage and private payer reimbursements. Payments from public and private payers are dramatically down during this period, yet private payers still collect premiums and Medicaid is around 300

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Ann, any help you could provide on this would be most appreciated. Let me know what you think and if you can help arrange something. Your office has been incredibly helpful already and we thank you for that as we meet the pandemic head on.

Carl

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From: Spillane, Ann [<mailto:Ann.Spillane@Illinois.gov>]

Sent: Monday, March 23, 2020 2:07 PM

To: Carl Bergetz; Crane, Anna

Subject: RE: COVID Regulatory Response Proposal

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Carl,

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long term acute care/skilled nursing facilities issue (page 17), it's my understanding that the long term care association and hospitals have started to discuss this. We expect to get updates and will dive in as needed. Finally, on telehealth (page 18), I just asked two of my colleagues to look right away at the requested expansion of the telehealth changes in EO-7.

Let's discuss the liability issue when you have a chance to send more info. We are researching that on our end as well.

Thank you again,

Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Monday, March 23, 2020 10:10 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] COVID Regulatory Response Proposal

Ann:

Please see the attached presentation we assembled providing an overview of our data analytics team's projections of the COVID-19 situation and the impact on Illinois hospitals and the public, as well as some proposals we are making relative to regulatory waivers and logistical assistance. We understand the IHA is also advancing some similar ideas and we are on the same page. If you would like, our leadership would like to host a Webex to go over these slides with your office and IDPH.

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From: [Crane, Anna](#)
To: [Spillane, Ann](#)
Subject: RE: COVID Regulatory Response Proposal
Date: Wednesday, March 25, 2020 8:29:02 PM

Yes – I agree.

From: Spillane, Ann
Sent: Wednesday, March 25, 2020 8:28 PM
To: Crane, Anna
Subject: RE: COVID Regulatory Response Proposal

Ok. Thanks. [REDACTED]
[REDACTED]
[REDACTED]

From: Crane, Anna <Anna.Crane@Illinois.gov>
Sent: Wednesday, March 25, 2020 8:12 PM
To: Spillane, Ann <Ann.Spillane@Illinois.gov>
Subject: RE: COVID Regulatory Response Proposal

[REDACTED]
[REDACTED]
[REDACTED]

From: Spillane, Ann <Ann.Spillane@Illinois.gov>
Sent: Wednesday, March 25, 2020 7:43 PM
To: Crane, Anna <Anna.Crane@Illinois.gov>
Subject: RE: COVID Regulatory Response Proposal

The draft is very good. Thank you.
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Ann

From: Crane, Anna <Anna.Crane@Illinois.gov>
Sent: Wednesday, March 25, 2020 6:57 PM
To: Spillane, Ann <Ann.Spillane@Illinois.gov>
Subject: FW: COVID Regulatory Response Proposal

Hi Ann – This is what I have so far as a potential response to Carl –please feel free to copy/edit and send. [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Wednesday, March 25, 2020 5:36 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] Re: COVID Regulatory Response Proposal

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Sent: Monday, March 23, 2020 2:07 PM

To: Carl Bergetz; Crane, Anna

Subject: RE: COVID Regulatory Response Proposal

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Let's discuss the liability issue when you have a chance to send more info. We are researching that on our end as well.

Thank you again,

Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Monday, March 23, 2020 10:10 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] COVID Regulatory Response Proposal

Ann:

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From: [Spillane, Ann](#)
To: [Hynes, Dan](#); [Duarte, Lisa](#); [Caprara, Anne](#); [Sturm, Alexis](#)
Cc: [Crane, Anna](#)
Subject: FW: COVID Regulatory Response Proposal
Date: Wednesday, March 25, 2020 8:34:22 PM
Attachments: [Rush Letter to Governor Pritzker 032520.pdf](#)

Dan, Lisa, Anne and Alexis,

Here's the proposal on emergency funding from Rush. Dan – sounds like you may have received this already.

Ann

From: Carl Bergetz
Sent: Wednesday, March 25, 2020 8:01 PM
To: Spillane, Ann ; Crane, Anna
Subject: [External] RE: COVID Regulatory Response Proposal
Attached is the letter and white paper on emergency funding that Dr Omar Lateef sent to the Governor and delivered to Deputy Governor Hynes as he suggested. Also the IHA will be submitting a letter regarding the liability issue mentioned below. Thanks.

Carl

Carl Bergetz

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[REDACTED]

[REDACTED]



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If you have any more information on the other items, please give me a call. Thanks again for your help and consideration.

Carl

Carl Bergetz

General Counsel

RUSH Legal | [1700 West Van Buren, Suite 301 | Chicago, IL 60612](#)

p: [\(312\) 942-6886](tel:3129426886) | f: [\(312\) 942-4233](tel:3129424233) | Carl_Bergetz@rush.edu



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On Mar 23, 2020, at 23:41, Carl Bergetz <Carl_Bergetz@rush.edu> wrote:

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[REDACTED]

quest

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From: Spillane, Ann [<mailto:Ann.Spillane@Illinois.gov>]

Sent: Monday, March 23, 2020 2:07 PM

To: Carl Bergetz; Crane, Anna

Subject: RE: COVID Regulatory Response Proposal

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Carl,

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Let's discuss the liability issue when you have a chance to send more info. We are researching that on our end as well.

Thank you again,

Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Monday, March 23, 2020 10:10 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] COVID Regulatory Response Proposal

Ann:

Please see the attached presentation we assembled providing an overview of our data analytics team's projections of the COVID-19 situation and the impact on Illinois hospitals and the public, as well as some proposals we are making relative to regulatory waivers and logistical assistance. We understand the IHA is also advancing some similar ideas and we are on the same page. If you would like, our leadership would like to host a Webex to go over these slides with your office and IDPH.

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From: [Spillane, Ann](#)
To: [Crane, Anna](#)
Cc: [Caplan, Gary](#)
Subject: Re: COVID Regulatory Response Proposal
Date: Thursday, March 26, 2020 12:25:04 AM

Thanks, Anna. I'll review first thing in the morning.

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From: Crane, Anna
Sent: Thursday, March 26, 2020 12:12:30 AM
To: Spillane, Ann
Cc: Caplan, Gary
Subject: RE: COVID Regulatory Response Proposal

Hi Ann –

Adding Gary who has also been looking at liability issues. Attached are two documents:

[REDACTED]
[REDACTED]
[REDACTED]

Happy to discuss in the morning.

From: Crane, Anna
Sent: Wednesday, March 25, 2020 9:43 PM
To: Spillane, Ann
Subject: RE: COVID Regulatory Response Proposal

Hi Ann – Just wanted to circle back [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Crane, Anna
Sent: Wednesday, March 25, 2020 8:16 PM
To: Spillane, Ann <Ann.Spillane@Illinois.gov>
Subject: RE: COVID Regulatory Response Proposal

Thanks, Ann. [REDACTED]

From: Spillane, Ann <Ann.Spillane@Illinois.gov>
Sent: Wednesday, March 25, 2020 7:33 PM

To: Crane, Anna <Anna.Crane@Illinois.gov>
Subject: RE: COVID Regulatory Response Proposal

Hi,

I'll read the draft to Carl in just a minute.

I'm in a meeting with the Governor and the City. [REDACTED]

[REDACTED]

Thank you,

Ann

From: Crane, Anna <Anna.Crane@Illinois.gov>

Sent: Wednesday, March 25, 2020 6:57 PM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>

Subject: FW: COVID Regulatory Response Proposal

Hi Ann – This is what I have so far as a potential response to Carl –please feel free to copy/edit and send. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Wednesday, March 25, 2020 5:36 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] Re: COVID Regulatory Response Proposal

Ann & Anna:

Regarding the issues in the below email: Yesterday Dr Omar Lateef spoke to the Governor at the press conference and mentioned the emergency funding idea. The Governor responded favorably and told him to send the proposal to him and Deputy Governor Dan Hynes. We will send it this AM and I will forward you a copy. Also the IHA and a large group of hospitals will be sending the Governor a letter on the liability issue noted in the email below.

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Carl

Carl Bergetz

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p: [\(312\) 942-6886](tel:(312)942-6886) | f: [\(312\) 942-4233](tel:(312)942-4233) | Carl_Bergetz@rush.edu



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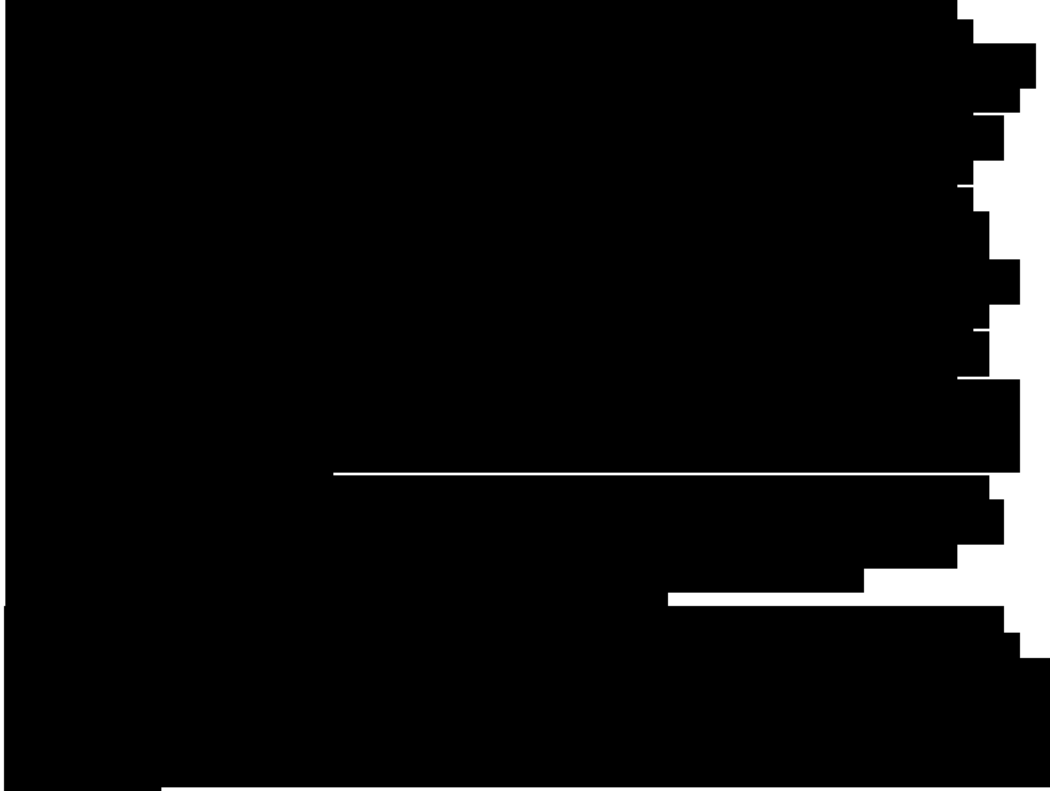
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For the IDPH waiver piece, is IDPH still requiring change notifications but reviewing them once received from existing facilities within 24 hours? We just want to clarify if we are expected to keep updating IDPH every time we change something, e.g. add beds or change the type of bed, as it would be far more effective during the crisis to have a broader waiver that would allow such relatively minor changes within certain parameters for some longer period of time.

Civil Liability Protection



request

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From: Spillane, Ann [<mailto:Ann.Spillane@Illinois.gov>]

Sent: Monday, March 23, 2020 2:07 PM

To: Carl Bergetz; Crane, Anna

Subject: RE: COVID Regulatory Response Proposal

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Carl,

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Let's discuss the liability issue when you have a chance to send more info. We are researching that on our end as well.

Thank you again,

Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Monday, March 23, 2020 10:10 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] COVID Regulatory Response Proposal

Ann:

Please see the attached presentation we assembled providing an overview of our data analytics team's projections of the COVID-19 situation and the impact on Illinois hospitals and the public, as well as some proposals we are making relative to regulatory waivers and logistical assistance. We understand the IHA is also advancing some similar ideas and we are on the same page. If you would like, our leadership would like to host a Webex to go over these slides with your office and IDPH.

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From: [Caplan, Gary](#)
To: [Crane, Anna](#)
Subject: RE: COVID Regulatory Response Proposal
Date: Thursday, March 26, 2020 8:26:30 AM

Thanks Anna.

From: Crane, Anna
Sent: Thursday, March 26, 2020 12:13 AM
To: Spillane, Ann
Cc: Caplan, Gary
Subject: RE: COVID Regulatory Response Proposal

Hi Ann –

Adding Gary who has also been looking at liability issues. Attached are two documents:

[Redacted]

Happy to discuss in the morning.

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[Redacted]

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From: Spillane, Ann [<mailto:Ann.Spillane@Illinois.gov>]

Sent: Monday, March 23, 2020 2:07 PM

To: Carl Bergetz; Crane, Anna

Subject: RE: COVID Regulatory Response Proposal

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From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Monday, March 23, 2020 10:10 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] COVID Regulatory Response Proposal

Ann:

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analytics team's projections of the COVID-19 situation and the impact on Illinois hospitals and the public, as well as some proposals we are making relative to regulatory waivers and logistical assistance. We understand the IHA is also advancing some similar ideas and we are on the same page. If you would like, our leadership would like to host a Webex to go over these slides with your office and IDPH.

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From: Quinn, Jonathan S.
To: [Caplan, Gary](#); [Crane, Anna](#)
Subject: [External] RE: liability issues
Date: Thursday, March 26, 2020 11:43:28 AM
Attachments:  [nge001.png](#)

See attached.

Let me know if this is what you were looking for: 

[Jonathan S. Quinn](#)

Partner

Neal, Gerber & Eisenberg LLP



p: 312.269.8093 | **f:** 312.429.3531 | **e:** jquinn@nge.com

Two North LaSalle Street, Suite 1700, Chicago, IL 60602

www.nge.com

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From: Caplan, Gary

Sent: Thursday, March 26, 2020 11:22 AM

To: Quinn, Jonathan S. ; Crane, Anna

Subject: liability issues

CAUTION EXTERNAL EMAIL

Jon,

We are having an agency meeting on this issue tomorrow at 1. Can we get your team's draft memo before that?

Gary S. Caplan

Deputy General Counsel

Office of the Governor, JB Pritzker

100 W. Randolph Street

Suite 16-100

Chicago, IL 60601


gary.caplan@illinois.gov

312.814.5154 (o)

312.771.2587 (c)

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From: Quinn, Jonathan S.
To: [Caplan, Gary](#); [Crane, Anna](#)
Subject: [External] RE: liability issues
Date: Thursday, March 26, 2020 1:17:45 PM
Attachments: [nge001.png](#)


A revised memorandum is attached.

[Jonathan S. Quinn](#)

Partner

Neal, Gerber & Eisenberg LLP



p: 312.269.8093 | **f:** 312.429.3531 | **e:** jquinn@nge.com
Two North LaSalle Street, Suite 1700, Chicago, IL 60602
www.nge.com

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From: Caplan, Gary
Sent: Thursday, March 26, 2020 1:05 PM
To: Quinn, Jonathan S. ; Crane, Anna
Subject: RE: liability issues

CAUTION EXTERNAL EMAIL

I'll call you later this afternoon

From: Quinn, Jonathan S. <jquinn@nge.com>
Sent: Thursday, March 26, 2020 12:49 PM
To: Caplan, Gary <Gary.Caplan@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>
Subject: [External] RE: liability issues



We're here to help however we can,

[Jonathan S. Quinn](#)

Partner

Neal, Gerber & Eisenberg LLP



p: 312.269.8093 | **f:** 312.429.3531 | **e:** jquinn@nge.com

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www.nge.com

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From: Caplan, Gary <Gary.Caplan@Illinois.gov>

Sent: Thursday, March 26, 2020 11:22 AM

To: Quinn, Jonathan S. <jquinn@nge.com>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: liability issues

CAUTION EXTERNAL EMAIL

Jon,

We are having an agency meeting on this issue tomorrow at 1. Can we get your team's draft memo before that?

Gary S. Caplan

Deputy General Counsel

Office of the Governor, JB Pritzker

100 W. Randolph Street

Suite 16-100

Chicago, IL 60601

gary.caplan@illinois.gov

312.814.5154 (o)

312.771.2587 (c)

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From: [Crane, Anna](#)
To: [Berger-White, Juliet](#)
Subject: FW: COVID Regulatory Response Proposal
Date: Thursday, March 26, 2020 2:55:15 PM
Attachments: [redacted]

From: Crane, Anna
Sent: Thursday, March 26, 2020 12:13 AM
To: Spillane, Ann
Cc: Caplan, Gary
Subject: RE: COVID Regulatory Response Proposal
Hi Ann –

Adding Gary who has also been looking at liability issues. Attached are two documents:

[redacted]
[redacted]
[redacted]

Happy to discuss in the morning.

From: Crane, Anna
Sent: Wednesday, March 25, 2020 9:43 PM
To: Spillane, Ann <Ann.Spillane@Illinois.gov>
Subject: RE: COVID Regulatory Response Proposal

Hi Ann – Just wanted to circle back [redacted]

[redacted]
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[redacted]

From: Crane, Anna
Sent: Wednesday, March 25, 2020 8:16 PM
To: Spillane, Ann <Ann.Spillane@Illinois.gov>
Subject: RE: COVID Regulatory Response Proposal

Thanks, Ann. [redacted]
[redacted]

From: Spillane, Ann <Ann.Spillane@Illinois.gov>
Sent: Wednesday, March 25, 2020 7:33 PM
To: Crane, Anna <Anna.Crane@Illinois.gov>
Subject: RE: COVID Regulatory Response Proposal

Hi,

I'll read the draft to Carl in just a minute.

I'm in a meeting with the Governor and the City. [REDACTED]

[REDACTED]

Thank you,

Ann

From: Crane, Anna <Anna.Crane@Illinois.gov>

Sent: Wednesday, March 25, 2020 6:57 PM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>

Subject: FW: COVID Regulatory Response Proposal

Hi Ann – This is what I have so far as a potential response to Carl –please feel free to copy/edit and send. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Wednesday, March 25, 2020 5:36 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] Re: COVID Regulatory Response Proposal

Ann & Anna:

Regarding the issues in the below email: Yesterday Dr Omar Lateef spoke to the Governor at the press conference and mentioned the emergency funding idea. The Governor responded favorably and told him to send the proposal to him and Deputy Governor Dan Hynes. We will send it this AM and I will forward you a copy. Also the IHA and a large group of hospitals will be sending the Governor a letter on the liability issue noted in the email below.

If you have any more information on the other items, please give me a call. Thanks again for your help and consideration.

Carl

Carl Bergetz

General Counsel

RUSH Legal | [1700 West Van Buren, Suite 301 | Chicago, IL 60612](#)

p: [\(312\) 942-6886](tel:(312)942-6886) | f: [\(312\) 942-4233](tel:(312)942-4233) | Carl_Bergetz@rush.edu



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On Mar 23, 2020, at 23:41, Carl Bergetz <Carl_Bergetz@rush.edu> wrote:

Ann:

Following up on our call, here are some explanations and questions relative to your email below and the regulatory proposal we sent this AM:

[Reciprocal Licensing](#)

Under the IDFP change, retired providers or providers whose license lapsed are being allowed to practice, but they still need to fill out an application and get licensed. While it says the applications will be expedited, we are not sure what that means. It would be more effective for purposes of the crisis to have them able to practice while this is pending or have 90 days after they start practicing to get licensed.

[Waivers on Facilities](#)

For the IDPH waiver piece, is IDPH still requiring change notifications but reviewing them once received from existing facilities within 24 hours? We just want to clarify if

we are expected to keep updating IDPH every time we change something, e.g. add beds or change the type of bed, as it would be far more effective during the crisis to have a broader waiver that would allow such relatively minor changes within certain parameters for some longer period of time.

Civil Liability Protection



quest

As to the general requests for emergency funding assistance we have made (like the IHA and others), we have an idea relative to Medicaid arrearage and private payer reimbursements. Payments from public and private payers are dramatically down during this period, yet private payers still collect premiums and Medicaid is around 300 days in arrears. We have some ideas relating to that dynamic and imbalance and how the Governor could help address the funding problem for hospitals and providers during the crisis. Our current CEO, Dr Omar Lateef, a critical care pulmonologist, and our former CEO, Dr Larry Goodman, an infectious disease specialist, would like to see if they could WebEx with the Governor and your office and discuss the data and projections and this emergency funding idea.

Ann, any help you could provide on this would be most appreciated. Let me know what you think and if you can help arrange something. Your office has been incredibly helpful already and we thank you for that as we meet the pandemic head on.

Carl

Carl Bergetz

General Counsel

RUSH Legal | 1700 West Van Buren, Suite 301 | Chicago, IL 60612

p: (312) 942-6886 | f: (312) 942-4233 | Carl_Bergetz@rush.edu

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From: Spillane, Ann [<mailto:Ann.Spillane@Illinois.gov>]

Sent: Monday, March 23, 2020 2:07 PM

To: Carl Bergetz; Crane, Anna

Subject: RE: COVID Regulatory Response Proposal

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Carl,

Thank you for sending this – it's incredibly helpful to have Rush's issues all in one place. As I mentioned when we called a few minutes ago, our office is also working with IHA on the longer list of issues.

Just to follow up on a few of the issues you raised:

The reciprocal licensing (page 11) is done, with the temporary application available on IDFPR's website. If your colleagues think what we've done does not fully address this issue, please let us know so we can follow up. The issues relating to waiver of specific hospital facility requirements (page 13) are currently being worked on at IDPH. They should be at a 24-hour turnaround for changes to existing facilities and will keep moving faster on that as needed. Anna will follow up with IDPH on the issues around new/temporary locations. With regard to the long term acute care/skilled nursing facilities issue (page 17), it's my understanding that the long term care association and hospitals have started to discuss this. We expect to get updates and will dive in as needed. Finally, on telehealth (page 18), I just asked two of my colleagues to look right away at the requested expansion of the telehealth changes in EO-7.

Let's discuss the liability issue when you have a chance to send more info. We are researching that on our end as well.

Thank you again,

Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Monday, March 23, 2020 10:10 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] COVID Regulatory Response Proposal

Ann:

Please see the attached presentation we assembled providing an overview of our data

analytics team's projections of the COVID-19 situation and the impact on Illinois hospitals and the public, as well as some proposals we are making relative to regulatory waivers and logistical assistance. We understand the IHA is also advancing some similar ideas and we are on the same page. If you would like, our leadership would like to host a Webex to go over these slides with your office and IDPH.

Thank you for your help and consideration, and please take care.

Carl

Carl Bergetz


General Counsel

RUSH Legal | 1700 West Van Buren, Suite 301 | Chicago, IL 60612

p: (312) 942-6886 | f: (312) 942-4233 | Carl_Bergetz@rush.edu

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From: [Crane, Anna](#)
To: [Berger-White, Juliet](#)
Subject: FW: liability issues
Date: Thursday, March 26, 2020 2:57:14 PM
Attachments: [nge001.png](#)


From: Quinn, Jonathan S.
Sent: Thursday, March 26, 2020 1:17 PM
To: Caplan, Gary ; Crane, Anna
Subject: [External] RE: liability issues
A revised memorandum is attached.

Jonathan S. Quinn

Partner

Neal, Gerber & Eisenberg LLP



p: 312.269.8093 | **f:** 312.429.3531 | **e:** jquinn@nge.com

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From: Caplan, Gary <Gary.Caplan@Illinois.gov>
Sent: Thursday, March 26, 2020 1:05 PM
To: Quinn, Jonathan S. <jquinn@nge.com>; Crane, Anna <Anna.Crane@Illinois.gov>
Subject: RE: liability issues

CAUTION EXTERNAL EMAIL

I'll call you later this afternoon

From: Quinn, Jonathan S. <jquinn@nge.com>
Sent: Thursday, March 26, 2020 12:49 PM
To: Caplan, Gary <Gary.Caplan@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>
Subject: [External] RE: liability issues

A large block of text is completely redacted with black bars.

We're here to help however we can,

Jonathan S. Quinn

Partner

Neal, Gerber & Eisenberg LLP



p: 312.269.8093 | **f:** 312.429.3531 | **e:** jquinn@nge.com

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From: Caplan, Gary <Gary.Caplan@Illinois.gov>

Sent: Thursday, March 26, 2020 11:22 AM

To: Quinn, Jonathan S. <jquinn@nge.com>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: liability issues

CAUTION EXTERNAL EMAIL

Jon,

We are having an agency meeting on this issue tomorrow at 1. Can we get your team's draft memo before that?

Gary S. Caplan

Deputy General Counsel

Office of the Governor, JB Pritzker

100 W. Randolph Street

Suite 16-100

Chicago, IL 60601

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From: [Spillane, Ann](#)
To: [Caplan, Gary](#); [Berger-White, Juliet](#); [Crane, Anna](#)
Subject: FW: IHA request for liability EO
Date: Friday, March 27, 2020 12:42:52 PM

Fyi

From: Harris, Karen
Sent: Wednesday, March 25, 2020 10:13 PM
To: Spillane, Ann ; Crane, Anna
Cc: Gross, David ; Woods, Michael ; Villagran, Diana
Subject: [External] RE: IHA request for liability EO


Ann and Anna:

In anticipation of our call, I am sharing the three concepts that we would like to discuss with you. If it would be helpful, we have prepared language for each of these that I would be happy to share with you.

We look forward to talking with you shortly.

- 1. Liability Protections:** Healthcare professionals and hospitals are working under difficult and unprecedented circumstances. They are coordinating closely with the State and your office to ensure that they are there to care for all Illinois residents and communities for the duration of this outbreak, including risking their own lives. They must rest assured that while providing critical lifesaving care during the crisis – such as providing care in National Guard established triage centers – that they are not exposing themselves to increased liability claims. Instead, their good faith actions, should be given the liability protections that are typically provided under existing state (e.g., Illinois Emergency Management Agency Act (IEMA) (20 ILCS 3305/21(c)); Immunity from Civil Liability Statute (210 ILCS 50/33.150(a)) and federal laws. An executive order from your office, extending and ensuring that the limited liability provisions of these laws cover the services they render on behalf of the State, will reassure our healthcare providers and allow them to focus on the job at hand – saving lives.
- 2. Intra-State Reciprocal Licensure:** The Governor’s March 19th Executive Order and the Illinois Department of Financial and Professional Regulations’ (IDFPR) variance to allow physicians, nurses, physician assistants and respiratory therapists, who are licensed and in good standing, to obtain temporary licenses in Illinois on an expedited basis was a needed first step, but it should be broadened to include the full range of healthcare professionals who may be needed during this crisis – pharmacists, pharmacy technicians, physical and occupational therapists, clinical professional and professional counselors, clinical and professional psychologists, dieticians, social workers, home medical equipment and service providers. Broaching your initial order in this way will ensure that all healthcare professionals from across the country who may be available and ready to assist are able to do so.
[We know that IDFPR is also looking at the above, but wanted to discuss with you as well since it relates to the liability issue.](#)
- 3. Reciprocal Credentialing and Privileging:** Having the flexibility to easily utilize healthcare providers who are only credentialed at one facility at other facilities as well is also critically important during this period. Specifically, if Hospital A experiences a surge in COVID-19 patients, healthcare providers from other hospitals who may have available staff should be able to assist the overwhelmed hospitals by making their staffs available to Hospital A. Normally, before such staff could provide assistance at Hospital A, Hospital A would need to review and approve their credentials – a lengthy process. Given the urgency of the current situation, Hospital A should be allowed to rely on the credentialing done by the other hospitals and be able to immediately onboard staff from other hospitals. This will allow hospitals and healthcare professionals to assist each other and provide critical lifesaving staffing during the surge period.

[We believe that this issue would fall under IDPH as part of the Hospital Licensing Act / UI Hospital Licensing Act requirements, but wanted to discuss with you well since it relates to the liability issues](#)

 **Karen K. Harris** | Senior Vice President and General Counsel
T 630.276.5548 | kharris@team-iha.org | www.team-iha.org
Illinois Health and Hospital Association
1151 E. Warrenville Road, Naperville, IL 60563

See IHA's Updates on COVID-19

From: Harris, Karen

Sent: Wednesday, March 25, 2020 9:37 PM

To: 'Ann.Spillane@Illinois.gov' <Ann.Spillane@Illinois.gov>; 'Anna.Crane@Illinois.gov' <Anna.Crane@Illinois.gov>

Cc: Gross, David <DGross@team-iha.org>; Woods, Michael <MWoods@team-iha.org>; Villagran, Diana <DVillagran@team-iha.org>

Subject: RE: IHA request for liability EO

Hi Ann and Anna and nice to meet you.

I look forward to speaking with you.

I've copied my assistant Diana who can help us schedule some time to discuss.

Diana – Can you please assist in coordinating a call? Thank you.



Karen K. Harris | Senior Vice President and General Counsel

T 630.276.5548 | kharris@team-iha.org | www.team-iha.org

Illinois Health and Hospital Association

1151 E. Warrenville Road, Naperville, IL 60563

See [IHA's Updates on COVID-19](#)

From: Spillane, Ann <Ann.Spillane@Illinois.gov>

Sent: Wednesday, March 25, 2020 1:14 PM

To: Gross, David <DGross@team-iha.org>

Cc: Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [EXTERNAL] RE: IHA request for liability EO

Dave –

I think the best next step is for Karen Harris to email me and Anna Crane, Associate General Counsel in the Governor's Office (and cc'd here), and we can set up a call. We are actively looking into this issue and would welcome a chance to talk through the legal analysis and background info with Karen.

Thank you. I hope you are well and holding up ok in this crisis.

Ann

From: Gross, David <DGross@team-iha.org>

Sent: Wednesday, March 25, 2020 9:10 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>

Subject: [External] IHA request for liability EO

Ann,

Our hospitals want the IHA to request an EO liability waiver from the administration. If possible, I would like to have Karen Harris (IHA's GC) reach out to you to discuss. Karen has been holding conference calls with our academic and large system members on the subject and she can explain their serious concerns.

Certainly appreciate all of the good work your team is putting in to help our members get through this extraordinary event.

Stay safe,

Dave

Harris, Karen KHarris@team-iha.org c:7732945862



Dave Gross | Senior Vice President | Government Relations

T 217-541-1161 | M 217-836-3303 | dgross@team-iha.org

Illinois Health and Hospital Association

700 S. Second Street, Springfield, IL 62704

Your trusted voice and resource

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waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

From: Harris, Karen
To: [Spillane, Ann](#); [Caplan, Gary](#); [Crane, Anna](#)
Cc: "erinobrien@isms.org"; [Kane, Robert](#)
Subject: [External] Liability, Reciprocal Credentialing and Intra-State Licensing Reciprocity
Date: Friday, March 27, 2020 2:01:11 PM
Attachments: [REDACTED]
Importance: High

Ann:

Thank you for speaking with the IHA and ISMS.

We appreciate your time and consideration of the issues we raised (liability protections, reciprocal credentialing and intra-state licensing reciprocity).

As promised, attached is draft language for your consideration.

Additionally, as promised, below is information about the City of Chicago's efforts to increase the healthcare workforce – see the **2nd item**. I believe this is the portal that the City is attempting to use to try to identify potential workers who could be trained to perform certain healthcare jobs.

After you have had a chance to review this information we would be happy to continue the conversation.

Thank you.

P.S. Please make sure that this went to everyone on your team – I think I am missing one person's email address.

Volunteer and Employment Opportunities

- Mayor Lori Lightfoot and Chicago Department of Public Health Commissioner Allison Arwady, M.D. have issued **a call for assistance from the medical community and are seeking to hire healthcare workers immediately** to help the City of Chicago in its COVID-19 response efforts. [Medical Assistants](#) and [Nurses](#) are encouraged to apply for temporary positions. If you have any questions about the positions or the application process, you may email shelly.johnson@sunbeltstaffing.com or call [813-261-2706](tel:813-261-2706).
- **Chicago Medical Reserve Corps (MRC)** is a network of both medical and non-medical professionals who volunteer their time to assist during public health emergencies such as the current COVID-19 outbreak. Many MRC volunteers are just like you - nurses, doctors, pharmacists, therapists, public health professionals, and other community members who believe in keeping Chicago safe. Register at illinoishelps.net and be there when Chicago needs you most.



Karen K. Harris | Senior Vice President and General Counsel
T 630.276.5548 | kharris@team-iha.org | www.team-iha.org
Illinois Health and Hospital Association
1151 E. Warrenville Road, Naperville, IL 60563
See [IHA's Updates on COVID-19](#)

From: [Spillane, Ann](#)
To: [Berger-White, Juliet](#); [Crane, Anna](#); [Caplan, Gary](#)
Subject: FW: Liability, Reciprocal Credentialing and Intra-State Licensing Reciprocity
Date: Friday, March 27, 2020 2:50:53 PM
Attachments: [REDACTED]
Importance: High

Juliet – you were not on this email.

From: Harris, Karen
Sent: Friday, March 27, 2020 2:01 PM
To: Spillane, Ann ; Caplan, Gary ; Crane, Anna
Cc: 'erinobrien@isms.org' ; Kane, Robert
Subject: [External] Liability, Reciprocal Credentialing and Intra-State Licensing Reciprocity
Importance: High

Ann:

Thank you for speaking with the IHA and ISMS.

We appreciate your time and consideration of the issues we raised (liability protections, reciprocal credentialing and intra-state licensing reciprocity).

As promised, attached is draft language for your consideration.

Additionally, as promised, below is information about the City of Chicago's efforts to increase the healthcare workforce – see the **2nd item**. I believe this is the portal that the City is attempting to use to try to identify potential workers who could be trained to perform certain healthcare jobs.

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- **Chicago Medical Reserve Corps (MRC)** is a network of both medical and non-medical professionals who volunteer their time to assist during public health emergencies such as the current COVID-19 outbreak. Many MRC volunteers are just like you - nurses, doctors, pharmacists, therapists, public health professionals, and other community members who believe in keeping Chicago safe. Register at illinoishelps.net and be there when Chicago needs you most.



Karen K. Harris | Senior Vice President and General Counsel
T 630.276.5548 | kharris@team-ihh.org | www.team-ihh.org
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See [IHA's Updates on COVID-19](#)


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From: [Caplan, Gary](#)
To: [Crane, Anna](#); [Berger-White, Juliet](#); [Caplan, Gary](#)
Subject: EO v.2 Liability.docx
Date: Friday, March 27, 2020 7:37:30 PM
Attachments: 

Let's discuss when you can tomorrow. Enjoy a couple of hours!

gsc

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From: [Berger-White, Juliet](#)
To: [Caplan, Gary](#)
Subject: EO v.2 Liability3.docx
Date: Saturday, March 28, 2020 1:04:11 PM
Attachments: 

GC – Calling you now.

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From: [Caplan, Gary](#)
To: [Spillane, Ann](#); [Crane, Anna](#); [Berger-White, Juliet](#); [Caplan, Gary](#)
Subject: EO v.3 Liability.docx
Date: Saturday, March 28, 2020 3:03:52 PM
Attachments: [REDACTED]

For your review, after edits and discussion with Juliet. I'm available any time to discuss.

Gary S. Caplan
Deputy General Counsel
Office of the Governor, JB Pritzker
100 W. Randolph Street
Suite 16-100
Chicago, IL 60601
gary.caplan@illinois.gov
312.814.5154 (o)
312.771.2587 (c)

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From: [Berger-White, Juliet](#)
To: [Crane, Anna](#)
Subject: FW: Liability, Reciprocal Credentialing and Intra-State Licensing Reciprocity
Date: Saturday, March 28, 2020 4:01:19 PM
Attachments: [REDACTED]
Importance: High

[REDACTED]
[REDACTED]

From: Spillane, Ann
Sent: Friday, March 27, 2020 2:51 PM
To: Berger-White, Juliet ; Crane, Anna ; Caplan, Gary
Subject: FW: Liability, Reciprocal Credentialing and Intra-State Licensing Reciprocity
Importance: High

Juliet – you were not on this email.

From: Harris, Karen <KHarris@team-ihh.org>
Sent: Friday, March 27, 2020 2:01 PM
To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Caplan, Gary <Gary.Caplan@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>
Cc: 'erinobrien@isms.org' <erinobrien@isms.org>; Kane, Robert <RKane@ismie.com>
Subject: [External] Liability, Reciprocal Credentialing and Intra-State Licensing Reciprocity
Importance: High

Ann:

Thank you for speaking with the IHA and ISMS.

We appreciate your time and consideration of the issues we raised (liability protections, reciprocal credentialing and intra-state licensing reciprocity).

As promised, attached is draft language for your consideration.

Additionally, as promised, below is information about the City of Chicago's efforts to increase the healthcare workforce – see the **2nd item**. I believe this is the portal that the City is attempting to use to try to identify potential workers who could be trained to perform certain healthcare jobs.

After you have had a chance to review this information we would be happy to continue the conversation.

Thank you.

P.S. Please make sure that this went to everyone on your team – I think I am missing one person's email address.

Volunteer and Employment Opportunities

- Mayor Lori Lightfoot and Chicago Department of Public Health Commissioner Allison Arwady, M.D. have issued **a call for assistance from the medical community and are seeking to hire healthcare workers immediately** to help the City of Chicago in its COVID-19 response efforts. [Medical Assistants](#) and [Nurses](#) are encouraged to apply for temporary positions. If you have any questions about the positions or the application process, you may email shelly.johnson@sunbeltstaffing.com or call [813-261-2706](tel:813-261-2706).
- **Chicago Medical Reserve Corps (MRC)** is a network of both medical and non-medical professionals who volunteer their time to assist during public health emergencies such as the current COVID-19 outbreak. Many MRC volunteers are just like you - nurses, doctors, pharmacists, therapists, public health professionals, and other community members who believe in keeping Chicago safe. Register at illinoishelps.net and be there when Chicago needs you most.



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Illinois Health and Hospital Association
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See [IHA's Updates on COVID-19](#)

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From: [Spillane, Ann](#)
To: [Berger-White, Juliet](#); [Caplan, Gary](#); [Crane, Anna](#)
Subject: FW: IHA request for liability EO
Date: Saturday, March 28, 2020 4:31:36 PM

Here's her first email. Will send one more.

From: Harris, Karen
Sent: Wednesday, March 25, 2020 10:13 PM
To: Spillane, Ann ; Crane, Anna
Cc: Gross, David ; Woods, Michael ; Villagran, Diana
Subject: [External] RE: IHA request for liability EO


Ann and Anna:

In anticipation of our call, I am sharing the three concepts that we would like to discuss with you. If it would be helpful, we have prepared language for each of these that I would be happy to share with you.

We look forward to talking with you shortly.

- 1. Liability Protections:** Healthcare professionals and hospitals are working under difficult and unprecedented circumstances. They are coordinating closely with the State and your office to ensure that they are there to care for all Illinois residents and communities for the duration of this outbreak, including risking their own lives. They must rest assured that while providing critical lifesaving care during the crisis – such as providing care in National Guard established triage centers – that they are not exposing themselves to increased liability claims. Instead, their good faith actions, should be given the liability protections that are typically provided under existing state (e.g., Illinois Emergency Management Agency Act (IEMA) (20 ILCS 3305/21(c)); Immunity from Civil Liability Statute (210 ILCS 50/33.150(a)) and federal laws. An executive order from your office, extending and ensuring that the limited liability provisions of these laws cover the services they render on behalf of the State, will reassure our healthcare providers and allow them to focus on the job at hand – saving lives.
- 2. Intra-State Reciprocal Licensure:** The Governor's March 19th Executive Order and the Illinois Department of Financial and Professional Regulations' (IDFPR) variance to allow physicians, nurses, physician assistants and respiratory therapists, who are licensed and in good standing, to obtain temporary licenses in Illinois on an expedited basis was a needed first step, but it should be broadened to include the full range of healthcare professionals who may be needed during this crisis – pharmacists, pharmacy technicians, physical and occupational therapists, clinical professional and professional counselors, clinical and professional psychologists, dieticians, social workers, home medical equipment and service providers. Broadening your initial order in this way will ensure that all healthcare professionals from across the country who may be available and ready to assist are able to do so.
We know that IDFPR is also looking at the above, but wanted to discuss with you as well since it relates to the liability issue.
- 3. Reciprocal Credentialing and Privileging:** Having the flexibility to easily utilize healthcare providers who are only credentialed at one facility at other facilities as well is also critically important during this period. Specifically, if Hospital A experiences a surge in COVID-19 patients, healthcare providers from other hospitals who may have available staff should be able to assist the overwhelmed hospitals by making their staffs available to Hospital A. Normally, before such staff could provide assistance at Hospital A, Hospital A would need to review and approve their credentials – a lengthy process. Given the urgency of the current situation, Hospital A should be allowed to rely on the credentialing done by the other hospitals and be able to immediately onboard staff from other hospitals. This will allow hospitals and healthcare professionals to assist each other and provide critical lifesaving staffing during the surge period.

We believe that this issue would fall under IDPH as part of the Hospital Licensing Act / UI Hospital Licensing Act requirements, but wanted to discuss with you well since it relates to the liability issues

 **Karen K. Harris** | Senior Vice President and General Counsel
T 630.276.5548 | kharris@team-iha.org | www.team-iha.org
Illinois Health and Hospital Association
1151 E. Warrenville Road, Naperville, IL 60563

See IHA's Updates on COVID-19

From: Harris, Karen

Sent: Wednesday, March 25, 2020 9:37 PM

To: 'Ann.Spillane@Illinois.gov' <Ann.Spillane@Illinois.gov>; 'Anna.Crane@Illinois.gov' <Anna.Crane@Illinois.gov>

Cc: Gross, David <DGross@team-iha.org>; Woods, Michael <MWoods@team-iha.org>; Villagran, Diana <DVillagran@team-iha.org>

Subject: RE: IHA request for liability EO

Hi Ann and Anna and nice to meet you.

I look forward to speaking with you.

I've copied my assistant Diana who can help us schedule some time to discuss.

Diana – Can you please assist in coordinating a call? Thank you.



Karen K. Harris | Senior Vice President and General Counsel

T 630.276.5548 | kharris@team-iha.org | www.team-iha.org

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1151 E. Warrenville Road, Naperville, IL 60563

See [IHA's Updates on COVID-19](#)

From: Spillane, Ann <Ann.Spillane@Illinois.gov>

Sent: Wednesday, March 25, 2020 1:14 PM

To: Gross, David <DGross@team-iha.org>

Cc: Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [EXTERNAL] RE: IHA request for liability EO

Dave –

I think the best next step is for Karen Harris to email me and Anna Crane, Associate General Counsel in the Governor's Office (and cc'd here), and we can set up a call. We are actively looking into this issue and would welcome a chance to talk through the legal analysis and background info with Karen.

Thank you. I hope you are well and holding up ok in this crisis.

Ann

From: Gross, David <DGross@team-iha.org>

Sent: Wednesday, March 25, 2020 9:10 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>

Subject: [External] IHA request for liability EO

Ann,

Our hospitals want the IHA to request an EO liability waiver from the administration. If possible, I would like to have Karen Harris (IHA's GC) reach out to you to discuss. Karen has been holding conference calls with our academic and large system members on the subject and she can explain their serious concerns.

Certainly appreciate all of the good work your team is putting in to help our members get through this extraordinary event.

Stay safe,

Dave

Harris, Karen KHarris@team-iha.org c:7732945862



Dave Gross | Senior Vice President | Government Relations

T 217-541-1161 | M 217-836-3303 | dgross@team-iha.org

Illinois Health and Hospital Association

700 S. Second Street, Springfield, IL 62704

Your trusted voice and resource

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waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

From: [Spillane, Ann](#)
To: [Berger-White, Juliet](#); [Caplan, Gary](#); [Crane, Anna](#)
Subject: FW: Liability, Reciprocal Credentialing and Intra-State Licensing Reciprocity
Date: Saturday, March 28, 2020 4:32:04 PM
Attachments: [REDACTED]
Importance: High

This is the only other email I have from Karen Harris.

From: Harris, Karen
Sent: Friday, March 27, 2020 2:01 PM
To: Spillane, Ann ; Caplan, Gary ; Crane, Anna
Cc: 'erinobrien@isms.org' ; Kane, Robert
Subject: [External] Liability, Reciprocal Credentialing and Intra-State Licensing Reciprocity
Importance: High

Ann:

Thank you for speaking with the IHA and ISMS.

We appreciate your time and consideration of the issues we raised (liability protections, reciprocal credentialing and intra-state licensing reciprocity).

As promised, attached is draft language for your consideration.

Additionally, as promised, below is information about the City of Chicago's efforts to increase the healthcare workforce – see the **2nd item**. I believe this is the portal that the City is attempting to use to try to identify potential workers who could be trained to perform certain healthcare jobs.

After you have had a chance to review this information we would be happy to continue the conversation.

Thank you.

P.S. Please make sure that this went to everyone on your team – I think I am missing one person's email address.

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- Mayor Lori Lightfoot and Chicago Department of Public Health Commissioner Allison Arwady, M.D. have issued **a call for assistance from the medical community and are seeking to hire healthcare workers immediately** to help the City of Chicago in its COVID-19 response efforts. [Medical Assistants](#) and [Nurses](#) are encouraged to apply for temporary positions. If you have any questions about the positions or the application process, you may email shelly.johnson@sunbeltstaffing.com or call [813-261-2706](tel:813-261-2706).
- **Chicago Medical Reserve Corps (MRC)** is a network of both medical and non-medical professionals who volunteer their time to assist during public health emergencies such as the current COVID-19 outbreak. Many MRC volunteers are just like you - nurses, doctors, pharmacists, therapists, public health professionals, and other community members who believe in keeping Chicago safe. Register at illinoishelps.net and be there when Chicago needs you most.



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From: [Caplan, Gary](#)
To: [Spillane, Ann](#); [Berger-White, Juliet](#); [Crane, Anna](#)
Subject: DRAFT EO v.4 Liability.docx
Date: Sunday, March 29, 2020 10:21:20 AM
Attachments: [REDACTED]

For your review.

Gary S. Caplan
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From: [Caplan, Gary](#)
To: [Quinn, Jonathan S.](#)
Subject: here is the current draft
Date: Sunday, March 29, 2020 4:29:27 PM
Attachments: [REDACTED]

[REDACTED]
Gary S. Caplan
Deputy General Counsel
Office of the Governor, JB Pritzker
100 W. Randolph Street
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From: Quinn, Jonathan S.
To: [Caplan, Gary](#)
Subject: [External] EO v.4 Liability
Date: Sunday, March 29, 2020 5:17:19 PM
Attachments: [REDACTED]

A few typos and nits. . .

From: [Caplan, Gary](#)
To: [Spillane, Ann](#)
Subject: Immunity EO fact sheet
Date: Monday, March 30, 2020 9:33:33 AM
Attachments: 

Let me know if you want any changes.

Gary S. Caplan
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From: [Spillane, Ann](#)
To: [Caplan, Gary](#); [Berger-White, Juliet](#); [Crane, Anna](#)
Subject: RE: In drafting pursuant to your suggestions, I think we need a call
Date: Monday, March 30, 2020 12:31:40 PM
Attachments: [REDACTED]

Here are some minor edits and a few questions. As soon as the 12:30 ends, I'll contact you all to set up a call.

[REDACTED]
[REDACTED]
[REDACTED]

From: Caplan, Gary
Sent: Monday, March 30, 2020 11:38 AM
To: Spillane, Ann ; Berger-White, Juliet ; Crane, Anna
Subject: In drafting pursuant to your suggestions, I think we need a call
[REDACTED] Let us know Ann when you are available to jump on a call.

Gary
Gary S. Caplan
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100 W. Randolph Street
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gary.caplan@illinois.gov
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From: [Caplan, Gary](#)
To: [Schomberg, John F](#)
Cc: [Spillane, Ann](#); [Crane, Anna](#); [Berger-White, Juliet](#)
Subject: CONFIDENTIAL DRAFT EO v.4 Liability.docx
Date: Monday, March 30, 2020 4:29:57 PM
Attachments: [REDACTED]

John,

I'm attaching a confidential draft of an immunity EO. [REDACTED]

[REDACTED]

This is a top priority and your input would be very helpful.

Thanks very much.

Gary

Gary S. Caplan

Deputy General Counsel

Office of the Governor, JB Pritzker

100 W. Randolph Street

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From: [Caplan, Gary](#)
To: [Berger-White, Juliet](#)
Subject: RE:
Date: Monday, March 30, 2020 4:33:28 PM

Good catch!

From: Berger-White, Juliet
Sent: Monday, March 30, 2020 4:24 PM
To: Caplan, Gary
Subject:

Note – highlighted language needs to change

[REDACTED]

Juliet Berger-White
Deputy General Counsel | Chief Compliance Officer
Office of Illinois Governor JB Pritzker
100 W. Randolph Street | Chicago, IL 60601
Office: (312) 814-8868 | Cell: (312) 639-8085
juliet.berger-white@illinois.gov
Pronouns: she/her/hers

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From: [Berger-White, Juliet](#)
To: [Alikhan, Rukhaya](#)
Cc: [Crane, Anna](#)
Subject: FW: CONFIDENTIAL DRAFT EO v.4 Liability.docx
Date: Monday, March 30, 2020 5:43:24 PM
Attachments: [REDACTED]

Rukhaya –

Attached is a draft (which is still being revised) of an EO to address immunity for healthcare workers.

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Please feel free to reach out to John to coordinate. Thank you!

From: Caplan, Gary
Sent: Monday, March 30, 2020 4:30 PM
To: Schomberg, John F
Cc: Spillane, Ann ; Crane, Anna ; Berger-White, Juliet
Subject: CONFIDENTIAL DRAFT EO v.4 Liability.docx

John,

I'm attaching a confidential draft of an immunity EO. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

This is a top priority and your input would be very helpful.

Thanks very much.

Gary

Gary S. Caplan
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From: [Schomberg, John F](#)
To: [Caplan, Gary](#)
Cc: [Spillane, Ann](#); [Crane, Anna](#); [Berger-White, Juliet](#)
Subject: RE: CONFIDENTIAL DRAFT EO v.4 Liability.docx
Date: Monday, March 30, 2020 6:41:31 PM
Attachments: [REDACTED]

Gary,

Here is a shot at including some DHS specifics. [REDACTED]

[REDACTED]

Happy to discuss and to dig into further.

Thanks,

John

John F. Schomberg

General Counsel | Office of the General Counsel
Illinois Department of Human Services
(312) 814-2747

From: Caplan, Gary
Sent: Monday, March 30, 2020 4:30 PM
To: Schomberg, John F
Cc: Spillane, Ann ; Crane, Anna ; Berger-White, Juliet
Subject: CONFIDENTIAL DRAFT EO v.4 Liability.docx

John,

I'm attaching a confidential draft of an immunity EO. [REDACTED]

[REDACTED]

This is a top priority and your input would be very helpful.

Thanks very much.

Gary

Gary S. Caplan
Deputy General Counsel
Office of the Governor, JB Pritzker
100 W. Randolph Street
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From: [Berger-White, Juliet](#)
To: [Alikhan, Rukhaya](#)
Subject: FW: CONFIDENTIAL DRAFT EO v.4 Liability.docx
Date: Monday, March 30, 2020 7:03:36 PM
Attachments: [REDACTED]

From: Schomberg, John F
Sent: Monday, March 30, 2020 6:42 PM
To: Caplan, Gary
Cc: Spillane, Ann ; Crane, Anna ; Berger-White, Juliet
Subject: RE: CONFIDENTIAL DRAFT EO v.4 Liability.docx

Gary,

Here is a shot at including some DHS specifics [REDACTED]

[REDACTED]

Happy to discuss and to dig into further.

Thanks,

John

John F. Schomberg

General Counsel | Office of the General Counsel
Illinois Department of Human Services
(312) 814-2747

From: Caplan, Gary <Gary.Caplan@Illinois.gov>
Sent: Monday, March 30, 2020 4:30 PM
To: Schomberg, John F <John.Schomberg@Illinois.gov>
Cc: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>; Berger-White, Juliet <Juliet.Berger-White@Illinois.gov>
Subject: CONFIDENTIAL DRAFT EO v.4 Liability.docx

John,

I'm attaching a confidential draft of an immunity EO. [REDACTED]

[REDACTED]

This is a top priority and your input would be very helpful.

Thanks very much.

Gary

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From: [Crane, Anna](#)
To: [Berger-White, Juliet](#)
Subject: FW: COVID Regulatory Response Proposal
Date: Tuesday, March 31, 2020 8:50:53 AM

Carl_Bergetz@rush.edu

From: Carl Bergetz
Sent: Wednesday, March 25, 2020 9:47 PM
To: Crane, Anna
Cc: Spillane, Ann
Subject: [External] Re: COVID Regulatory Response Proposal

Thank you for the update. Much appreciated.

Carl

Carl Bergetz

General Counsel

RUSH Legal | [1700 West Van Buren, Suite 301 | Chicago, IL 60612](#)

p: [\(312\) 942-6886](#) | f: [\(312\) 942-4233](#) | Carl_Bergetz@rush.edu



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On Mar 25, 2020, at 20:53, Crane, Anna <Anna.Crane@illinois.gov> wrote:

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Carl –

Thanks very much for following up on these. Wanted to provide a few updates on the items you previously raised.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Anna

From: Carl Bergetz <Carl_Bergetz@rush.edu>
Sent: Wednesday, March 25, 2020 5:36 AM
To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>
Subject: [External] Re: COVID Regulatory Response Proposal

Ann & Anna:

Regarding the issues in the below email: Yesterday Dr Omar Lateef spoke to the Governor at the press conference and mentioned the emergency funding idea. The Governor responded favorably and told him to send the proposal to him and Deputy Governor Dan Hynes. We will send it this AM and I will forward you a copy. Also the IHA and a large group of hospitals will be sending the Governor a letter on the liability issue noted in the email below.

If you have any more information on the other items, please give me a call. Thanks again for your help and consideration.

Carl

Carl Bergetz
General Counsel
RUSH Legal | [1700 West Van Buren, Suite 301 | Chicago, IL 60612](#)
p: [\(312\) 942-6886](tel:(312)942-6886) | f: [\(312\) 942-4233](tel:(312)942-4233) | Carl_Bergetz@rush.edu



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On Mar 23, 2020, at 23:41, Carl Bergetz <Carl_Bergetz@rush.edu> wrote:

Ann:

Following up on our call, here are some explanations and questions relative to your email below and the regulatory proposal we sent this AM:

Reciprocal Licensing

Under the IDFPR change, retired providers or providers whose license lapsed are being allowed to practice, but they still need to fill out an application and get licensed. While it says the applications will be expedited, we are not sure what that means. It would be more effective for purposes of the crisis to have them able to practice while this is pending or have 90 days after they start practicing to get licensed.

Waivers on Facilities

For the IDPH waiver piece, is IDPH still requiring change notifications but reviewing them once received from existing facilities within 24 hours? We just want to clarify if we are expected to keep updating IDPH every time we change something, e.g. add beds or change the type of bed, as it would be far more effective during the crisis to have a broader waiver that would allow such relatively minor changes within certain parameters for some longer period of time.

Civil Liability Protection

[REDACTED]



As to the general requests for emergency funding assistance we have made (like the IHA and others), we have an idea relative to Medicaid arrearage and private payer reimbursements. Payments from public and private payers are dramatically down during this period, yet private payers still collect premiums and Medicaid is around 300 days in arrears. We have some ideas relating to that dynamic and imbalance and how the Governor could help address the funding problem for hospitals and providers during the crisis. Our current CEO, Dr Omar Lateef, a critical care pulmonologist, and our former CEO, Dr Larry Goodman, an infectious disease specialist, would like to see if they could WebEx with the Governor and your office and discuss the data and projections and this emergency funding idea.

Ann, any help you could provide on this would be most appreciated. Let me know what you think and if you can help arrange something. Your office has been incredibly helpful already and we thank you for that as we meet the pandemic head on.

Carl

Carl Bergetz

General Counsel

RUSH Legal | 1700 West Van Buren, Suite 301 | Chicago, IL 60612

p: (312) 942-6886 | f: (312) 942-4233 | Carl.Bergetz@rush.edu

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From: Spillane, Ann [<mailto:Ann.Spillane@Illinois.gov>]

Sent: Monday, March 23, 2020 2:07 PM

To: Carl Bergetz; Crane, Anna

Subject: RE: COVID Regulatory Response Proposal

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Carl,

Thank you for sending this – it's incredibly helpful to have Rush's issues all in one place. As I mentioned when we called a few minutes ago, our office is also working with IHA on the longer list of issues.

Just to follow up on a few of the issues you raised:

The reciprocal licensing (page 11) is done, with the temporary application available on IDFP's website. If your colleagues think what we've done does not fully address this issue, please let us know so we can follow up. The issues relating to waiver of specific hospital facility requirements (page 13) are currently being worked on at IDPH. They should be at a 24-hour turnaround for changes to existing facilities and will keep moving faster on that as needed. Anna will follow up with IDPH on the issues around new/temporary locations. With regard to the long term acute care/skilled nursing facilities issue (page 17), it's my understanding that the long term care association and hospitals have started to discuss this. We expect to get updates and will dive in as needed. Finally, on telehealth (page 18), I just asked two of my colleagues to look right away at the requested expansion of the telehealth changes in EO-7.

Let's discuss the liability issue when you have a chance to send more info. We are researching that on our end as well.

Thank you again,

Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Monday, March 23, 2020 10:10 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] COVID Regulatory Response Proposal

Ann:

Please see the attached presentation we assembled providing an overview of our data analytics team's projections of the COVID-19 situation and the impact on Illinois hospitals and the public, as well as some proposals we are making relative to regulatory waivers and logistical assistance. We understand the IHA is also advancing some similar ideas and we are on the same page. If you would like, our leadership would like to host a Webex to go over these slides with your office and IDPH.

Thank you for your help and consideration, and please take care.

Carl

Carl Bergetz

General Counsel

RUSH Legal | 1700 West Van Buren, Suite 301 | Chicago, IL 60612

p: (312) 942-6886 | f: (312) 942-4233 | Carl_Bergetz@rush.edu

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From: [Crane, Anna](#)
To: [Berger-White, Juliet](#)
Date: Tuesday, March 31, 2020 10:32:38 AM

[REDACTED]

Anna Crane
Associate General Counsel
Office of Illinois Governor JB Pritzker
100 W. Randolph Street
Chicago, IL 60601
Chicago: (312) 814-0021
Cell: (312) 350-6225
Pronouns: she/her/hers

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From: [Berger-White, Juliet](#)
To: [Crane, Anna](#)
Subject: Working draft
Date: Tuesday, March 31, 2020 1:54:28 PM
Attachments: 

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From: [Berger-White, Juliet](#)
To: [Crane, Anna](#)
Subject: EO Liability JBW 3.31.20 (002).docx
Date: Tuesday, March 31, 2020 2:04:44 PM
Attachments: [REDACTED]

Can you use this version? Still tweaking [REDACTED]

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From: [Crane, Anna](#)
To: [Berger-White, Juliet](#)
Subject: RE: MI
Date: Tuesday, March 31, 2020 3:00:09 PM
Attachments: [REDACTED]

From: Berger-White, Juliet
Sent: Tuesday, March 31, 2020 2:44 PM
To: Crane, Anna
Subject: RE: MI
Ok great. Thank you.

From: Crane, Anna <Anna.Crane@Illinois.gov>
Sent: Tuesday, March 31, 2020 2:25 PM
To: Berger-White, Juliet <Juliet.Berger-White@Illinois.gov>
Subject: RE: MI
[REDACTED]

From: Berger-White, Juliet <Juliet.Berger-White@Illinois.gov>
Sent: Tuesday, March 31, 2020 2:13 PM
To: Crane, Anna <Anna.Crane@Illinois.gov>
Subject: MI
[REDACTED]

[REDACTED]


[REDACTED]

[REDACTED]

[REDACTED]

Juliet Berger-White
Deputy General Counsel | Chief Compliance Officer
Office of Illinois Governor JB Pritzker
100 W. Randolph Street | Chicago, IL 60601
Office: (312) 814-8868 | Cell: (312) 639-8085
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From: [Berger-White, Juliet](#)
To: [Crane, Anna](#)
Subject: EO Liability JBW 3.31.20 (002)_APC.docx
Date: Tuesday, March 31, 2020 3:46:55 PM
Attachments: 

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From: [Berger-White, Juliet](#)
To: [Spillane, Ann](#); [Caplan, Gary](#)
Cc: [Crane, Anna](#)
Subject: Draft - EO Liability
Date: Tuesday, March 31, 2020 4:00:48 PM
Attachments: [REDACTED]

Ann and Gary – Attached is a revised version of the liability EO [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Thank you.


Sincerely,
Juliet

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From: [Berger-White, Juliet](#)
To: [Spillane, Ann](#); [Caplan, Gary](#)
Cc: [Crane, Anna](#)
Subject: Pls use this version if you haven't started reviewing
Date: Tuesday, March 31, 2020 4:08:08 PM
Attachments: 

Thanks.

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From: [Berger-White, Juliet](#)
To: [Crane, Anna](#)
Subject: EO Liability draft 3.31.20 615.docx
Date: Tuesday, March 31, 2020 6:26:27 PM
Attachments: 

Pls give a quick read. This includes your last change.

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From: [Crane, Anna](#)
To: [Berger-White, Juliet](#)
Subject: RE: EO Liability draft 3.31.20 615.docx
Date: Tuesday, March 31, 2020 6:33:51 PM
Attachments: [REDACTED]

See the attached [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Berger-White, Juliet
Sent: Tuesday, March 31, 2020 6:26 PM
To: Crane, Anna
Subject: EO Liability draft 3.31.20 615.docx
Pls give a quick read. This includes your last change.

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From: [Berger-White, Juliet](#)
To: [Maurice Classen](#); [Jeffrey Levine](#); [Macgregor Lebuhn](#)
Cc: [Spillane, Ann](#); [Caplan, Gary](#); [Crane, Anna](#)
Subject: DRAFT Executive Order for tonight's discussion/please do not circulate
Date: Tuesday, March 31, 2020 6:41:26 PM
Attachments: [REDACTED]

Good evening – Please see attached draft Executive Order providing liability protections for health care facilities, workers, and volunteers during the COVID-19 crisis. We are looking forward to our discussion at 7:00 p.m.

Sincerely,

Juliet

Juliet Berger-White

Deputy General Counsel | Chief Compliance Officer

Office of Illinois Governor JB Pritzker

100 W. Randolph Street | Chicago, IL 60601

Office: (312) 814-8868 | Cell: (312) 639-8085

juliet.berger-white@illinois.gov

Pronouns: she/her/hers

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From: [Berger-White, Juliet](#)
To: [Spillane, Ann](#)
Subject: FW: DRAFT Executive Order re: liability waiver
Date: Tuesday, March 31, 2020 7:13:30 PM
Attachments: [REDACTED]

FYI – I sent this out to our GCs and Secretary Hagan. I left you off the email to save your inbox when the replies start coming back.

From: Berger-White, Juliet
Sent: Tuesday, March 31, 2020 6:38 PM
To: Schomberg, John F ; Snigdha Acharya (Snigdha.Acharya2@Illinois.gov) ; Rukhaya AliKhan (Rukhaya.Alikhan@Illinois.gov) ; Debbie Hagen (Deborah.Hagan@Illinois.gov) ; Cecilia Abundis (Cecilia.Abundis@illinois.gov) ; Hunter Wiggins (hunter.wiggins@illinois.gov)
Cc: Caplan, Gary ; Anna Crane (Anna.Crane@Illinois.gov)
Subject: DRAFT Executive Order re: liability waiver

All:

As you know, we've been working on drafting an Executive Order to waive liability for health care facilities, health care workers, and volunteers for COVID-19 related care. As you can imagine, this is a challenging process but our goal is to provide such protection on a temporary basis, during the pendency of the Disaster Proclamation, to address the crisis.

Can you please each review the attached draft and provide redlines and comments? [REDACTED]

[REDACTED]

We are trying to finalize this so we would greatly appreciate quick feedback if possible. Many thanks to each of you!

Sincerely,

Juliet

Juliet Berger-White

Deputy General Counsel | Chief Compliance Officer

Office of Illinois Governor JB Pritzker

100 W. Randolph Street | Chicago, IL 60601

Office: (312) 814-8868 | Cell: (312) 639-8085

juliet.berger-white@illinois.gov

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From: [Berger-White, Juliet](#)
To: [GOV.Legal](#)
Subject: DRAFT Executive Order re: liability waiver
Date: Tuesday, March 31, 2020 8:34:24 PM
Attachments: [REDACTED]

Hi team – Attached is a draft EO that waives liability for certain health care facilities, health care workers, and volunteers for COVID-19 related care. We are still gathering input from our agencies on this draft. If you have a moment to review, please send any redlines/comments my way. [REDACTED]

[REDACTED] Ann,
Gary, Anna, and I have been in the weeds on this so we would appreciate a fresh set of eyes. Many thanks!

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From: [Lerner, Scott](#)
To: [Berger-White, Juliet](#); [GOV.Legal](#)
Subject: RE: DRAFT Executive Order re: liability waiver
Date: Tuesday, March 31, 2020 9:56:36 PM
Attachments: [REDACTED]

[REDACTED]
[REDACTED] I'm happy to discuss if you have questions about any of my comments. Thanks.

Scott Lerner

Deputy General Counsel | Office of Illinois Governor JB Pritzker
100 W. Randolph Street | Chicago, IL 60601
Office: (312) 814-8266 | Cell: (312) 350-0565
scott.lerner@illinois.gov

From: Berger-White, Juliet
Sent: Tuesday, March 31, 2020 8:34 PM
To: GOV.Legal
Subject: DRAFT Executive Order re: liability waiver

Hi team – Attached is a draft EO that waives liability for certain health care facilities, health care workers, and volunteers for COVID-19 related care. We are still gathering input from our agencies on this draft. If you have a moment to review, please send any redlines/comments my way. [REDACTED]

[REDACTED] Ann, Gary, Anna, and I have been in the weeds on this so we would appreciate a fresh set of eyes. Many thanks!

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From: [Flores, Cynthia](#)
To: [Lerner, Scott](#); [Berger-White, Juliet](#); [GOV.Legal](#)
Subject: RE: DRAFT Executive Order re: liability waiver
Date: Tuesday, March 31, 2020 10:14:30 PM
Attachments: [REDACTED]

Some nits attached. This looks great!

From: Lerner, Scott
Sent: Tuesday, March 31, 2020 9:57 PM
To: Berger-White, Juliet ; GOV.Legal
Subject: RE: DRAFT Executive Order re: liability waiver

[REDACTED]
[REDACTED] I'm happy to discuss if you have questions about any of my comments. Thanks.

Scott Lerner

Deputy General Counsel | Office of Illinois Governor JB Pritzker
100 W. Randolph Street | Chicago, IL 60601
Office: (312) 814-8266 | Cell: (312) 350-0565
scott.lerner@illinois.gov

From: Berger-White, Juliet <Juliet.Berger-White@Illinois.gov>
Sent: Tuesday, March 31, 2020 8:34 PM
To: GOV.Legal <GOV.Legal@illinois.gov>
Subject: DRAFT Executive Order re: liability waiver

Hi team – Attached is a draft EO that waives liability for certain health care facilities, health care workers, and volunteers for COVID-19 related care. We are still gathering input from our agencies on this draft. If you have a moment to review, please send any redlines/comments my way. [REDACTED]

[REDACTED] Ann, Gary, Anna, and I have been in the weeds on this so we would appreciate a fresh set of eyes. Many thanks!

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From: [Schomberg, John F](#)
To: [Berger-White, Juliet](#); [Acharya, Snigdha](#); [Alikhan, Rukhaya](#); [Hagan, Deborah](#); [Abundis, Cecilia](#); [Wiggins, Hunter](#)
Cc: [Caplan, Gary](#); [Crane, Anna](#)
Subject: RE: DRAFT Executive Order re: liability waiver
Date: Tuesday, March 31, 2020 10:36:06 PM
Attachments: [REDACTED]

Juliet,

I'm still waiting for any additional feedback, but wanted to provide what DHS has thus far. [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

We're obviously happy to provide more information or to discuss.

Thanks,

John

John F. Schomberg

General Counsel | Office of the General Counsel
Illinois Department of Human Services
(312) 814-2747

From: Berger-White, Juliet
Sent: Tuesday, March 31, 2020 6:38 PM
To: Schomberg, John F ; Acharya, Snigdha ; Alikhan, Rukhaya ; Hagan, Deborah ; Abundis, Cecilia ; Wiggins, Hunter
Cc: Caplan, Gary ; Crane, Anna
Subject: DRAFT Executive Order re: liability waiver

All:

As you know, we've been working on drafting an Executive Order to waive liability for health care facilities, health care workers, and volunteers for COVID-19 related care. As you can imagine, this is a challenging process but our goal is to provide such protection on a temporary basis, during the pendency of the Disaster Proclamation, to address the crisis.

Can you please each review the attached draft and provide redlines and comments? [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We are trying to finalize this so we would greatly appreciate quick feedback if possible. Many thanks to each of you!

Sincerely,

Juliet

Juliet Berger-White

Deputy General Counsel | Chief Compliance Officer

Office of Illinois Governor JB Pritzker

100 W. Randolph Street | Chicago, IL 60601

Office: (312) 814-8868 | Cell: (312) 639-8085

juliet.berger-white@illinois.gov


Pronouns: she/her/hers

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From: [Berger-White, Juliet](#)
To: [Crane, Anna](#)
Subject: DRAFT EO
Date: Tuesday, March 31, 2020 11:55:21 PM
Attachments: [REDACTED]

Anna - [REDACTED]
[REDACTED] I will dive in early in the morning but sending to you in case you have thoughts.

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From: [Berger-White, Juliet](#)
To: [Crane, Anna](#)
Subject: EO Liability draft 3.31.20 11pm.docx
Date: Wednesday, April 1, 2020 12:06:22 AM
Attachments: 

Made one change so sending this so we don't have problems with version control. Thanks.

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From: [Rosen, Whitney](#)
To: [Flores, Cynthia](#); [Lerner, Scott](#); [Berger-White, Juliet](#); [GOV.Legal](#)
Subject: RE: DRAFT Executive Order re: liability waiver
Date: Wednesday, April 1, 2020 6:04:13 AM
Attachments: [REDACTED]

Looks very good. Had two thoughts on word usage.

Thank you!

From: Flores, Cynthia
Sent: Tuesday, March 31, 2020 10:15 PM
To: Lerner, Scott ; Berger-White, Juliet ; GOV.Legal
Subject: RE: DRAFT Executive Order re: liability waiver
Some nits attached. This looks great!

From: Lerner, Scott <Scott.Lerner@Illinois.gov>
Sent: Tuesday, March 31, 2020 9:57 PM
To: Berger-White, Juliet <Juliet.Berger-White@Illinois.gov>; GOV.Legal <GOV.Legal@illinois.gov>
Subject: RE: DRAFT Executive Order re: liability waiver

[REDACTED]
[REDACTED] I'm happy to discuss if you have questions about any of my comments. Thanks.

Scott Lerner

Deputy General Counsel | Office of Illinois Governor JB Pritzker
100 W. Randolph Street | Chicago, IL 60601
Office: (312) 814-8266 | Cell: (312) 350-0565
scott.lerner@illinois.gov

From: Berger-White, Juliet <Juliet.Berger-White@Illinois.gov>
Sent: Tuesday, March 31, 2020 8:34 PM
To: GOV.Legal <GOV.Legal@illinois.gov>
Subject: DRAFT Executive Order re: liability waiver

Hi team – Attached is a draft EO that waives liability for certain health care facilities, health care workers, and volunteers for COVID-19 related care. We are still gathering input from our agencies on this draft. If you have a moment to review, please send any redlines/comments my way. [REDACTED]

[REDACTED] Ann, Gary, Anna, and I have been in the weeds on this so we would appreciate a fresh set of eyes. Many thanks!

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From: [Spillane, Ann](#)
To: [Berger-White, Juliet](#)
Subject: FW: DRAFT Executive Order re: liability waiver
Date: Wednesday, April 1, 2020 9:40:24 AM
Attachments: [REDACTED]

[REDACTED] We can talk through them if needed whenever the next version is ready.

From: Flores, Cynthia
Sent: Tuesday, March 31, 2020 10:15 PM
To: Lerner, Scott ; Berger-White, Juliet ; GOV.Legal
Subject: RE: DRAFT Executive Order re: liability waiver
Some nits attached. This looks great!

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Sent: Tuesday, March 31, 2020 9:57 PM
To: Berger-White, Juliet <Juliet.Berger-White@Illinois.gov>; GOV.Legal <GOV.Legal@illinois.gov>
Subject: RE: DRAFT Executive Order re: liability waiver

[REDACTED] I'm happy to discuss if you have questions about any of my comments. Thanks.


Scott Lerner
Deputy General Counsel | Office of Illinois Governor JB Pritzker
100 W. Randolph Street | Chicago, IL 60601
Office: (312) 814-8266 | Cell: (312) 350-0565
scott.lerner@illinois.gov

From: Berger-White, Juliet <Juliet.Berger-White@Illinois.gov>
Sent: Tuesday, March 31, 2020 8:34 PM
To: GOV.Legal <GOV.Legal@illinois.gov>
Subject: DRAFT Executive Order re: liability waiver

Hi team – Attached is a draft EO that waives liability for certain health care facilities, health care workers, and volunteers for COVID-19 related care. We are still gathering input from our agencies on this draft. If you have a moment to review, please send any redlines/comments my way. [REDACTED]

[REDACTED] Ann, Gary, Anna, and I have been in the weeds on this so we would appreciate a fresh set of eyes. Many thanks!

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From: [Berger-White, Juliet](#)
To: [Crane, Anna](#)
Subject: EO - liability
Date: Wednesday, April 1, 2020 9:56:25 AM
Attachments: 

Anna – This is a revised draft. Can you review and let me know if you have thoughts? I can send you a compare if that would be easier.

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From: Carl Bergetz
To: [Berger-White, Juliet](#)
Subject: [External] Re: COVID Regulatory Response Proposal
Date: Wednesday, April 1, 2020 10:02:04 AM

Sure I'm at [REDACTED].

Carl Bergetz

General Counsel

RUSH Legal | [1700 West Van Buren, Suite 301 | Chicago, IL 60612](#)

p: [\(312\) 942-6886](tel:(312)942-6886) | f: [\(312\) 942-4233](tel:(312)942-4233) | Carl_Bergetz@rush.edu



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On Apr 1, 2020, at 09:58, Berger-White, Juliet wrote:

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Hi Carl – Are you available for a quick call this morning? If so, can you let me know the best number to reach you? I want to send you a draft of the EO but wanted to connect for a minute first. Thanks.

From: Spillane, Ann
Sent: Wednesday, April 1, 2020 9:25 AM
To: Carl Bergetz
Cc: Crane, Anna ; Berger-White, Juliet
Subject: RE: COVID Regulatory Response Proposal

Juliet will be reaching out this morning on the liability issue.

I am tied up this morning, but could talk this afternoon if that would help.

Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>
Sent: Wednesday, April 1, 2020 8:53 AM
To: Spillane, Ann <Ann.Spillane@Illinois.gov>

Cc: Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] Re: COVID Regulatory Response Proposal

Ann-

Thanks for connecting me w Juliet and Debbie. I'm working through a plan and will reconnect with them today. We have some thoughts on it I may need to run past you. Also - Any word on the liability protection?

Carl Bergetz

General Counsel

RUSH Legal | [1700 West Van Buren, Suite 301 | Chicago, IL 60612](#)

p: [\(312\) 942-6886](tel:(312)942-6886) | f: [\(312\) 942-4233](tel:(312)942-4233) | Carl_Bergetz@rush.edu



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On Mar 25, 2020, at 20:33, Spillane, Ann <Ann.Spillane@illinois.gov> wrote:

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Carl,

Thanks for sending this. I gave Dan Hynes and our Chief of Staff, Anne Caprara, a heads up earlier today that you would be sending it. I'll get it to Anne now. Let me know if you want me to follow up on this at any point.

Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Wednesday, March 25, 2020 8:01 PM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] RE: COVID Regulatory Response Proposal

Attached is the letter and white paper on emergency funding that Dr Omar Lateef sent to the Governor and delivered to Deputy Governor Hynes as he suggested. Also the IHA will be submitting a letter regarding the liability issue mentioned below. Thanks.

Carl

Carl Bergetz

General Counsel

RUSH Legal | 1700 West Van Buren, Suite 301 | Chicago, IL 60612

p: (312) 942-6886 | f: (312) 942-4233 | Carl_Bergetz@rush.edu

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From: Carl Bergetz

Sent: Wednesday, March 25, 2020 5:36 AM

To: Spillane, Ann; Crane, Anna

Subject: Re: COVID Regulatory Response Proposal

Ann & Anna:

Regarding the issues in the below email: Yesterday Dr Omar Lateef spoke to the Governor at the press conference and mentioned the emergency funding idea. The Governor responded favorably and told him to send the proposal to him and Deputy Governor Dan Hynes. We will send it this AM and I will forward you a copy. Also the IHA and a large group of hospitals will be sending the Governor a letter on the liability issue noted in the email below.

If you have any more information on the other items, please give me a call. Thanks again for your help and consideration.

Carl

Carl Bergetz

General Counsel

RUSH Legal | [1700 West Van Buren, Suite 301 | Chicago, IL 60612](#)

p: [\(312\) 942-6886](tel:(312)942-6886) | f: [\(312\) 942-4233](tel:(312)942-4233) | Carl_Bergetz@rush.edu

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recipient's authorized agent, you are hereby notified that any dissemination, copy, or disclosure of this communication beyond the intended recipient is strictly prohibited. If you have received this communication in error, please notify the sender via phone or email at the above number or address. Also, if you are not the intended recipient, please delete this communication without forwarding to other individuals or entities, or retaining a copy in any form.

On Mar 23, 2020, at 23:41, Carl Bergetz <Carl_Bergetz@rush.edu> wrote:

Ann:

Following up on our call, here are some explanations and questions relative to your email below and the regulatory proposal we sent this AM:

Reciprocal Licensing

Under the IDFPF change, retired providers or providers whose license lapsed are being allowed to practice, but they still need to fill out an application and get licensed. While it says the applications will be expedited, we are not sure what that means. It would be more effective for purposes of the crisis to have them able to practice while this is pending or have 90 days after they start practicing to get licensed.

Waivers on Facilities

For the IDPH waiver piece, is IDPH still requiring change notifications but reviewing them once received from existing facilities within 24 hours? We just want to clarify if we are expected to keep updating IDPH every time we change something, e.g. add beds or change the type of bed, as it would be far more effective during the crisis to have a broader waiver that would allow such relatively minor changes within certain parameters for some longer period of time.

[REDACTED]

[REDACTED]

quest

As to the general requests for emergency funding assistance we have made (like the IHA and others), we have an idea relative to Medicaid arrearage and private payer reimbursements. Payments from public and private payers are dramatically down during this period, yet private payers still collect premiums and Medicaid is around 300 days in arrears. We have some ideas relating to that dynamic and imbalance and how the Governor could help address the funding problem for hospitals and providers during the crisis. Our current CEO, Dr Omar Lateef, a critical care pulmonologist, and our former CEO, Dr Larry Goodman, an infectious disease specialist, would like to see if they could WebEx with the Governor and your office and discuss the data and projections and this emergency funding idea. Ann, any help you could provide on this would be most appreciated. Let me know what you think and if you can help arrange something. Your office has been incredibly helpful already and we thank you for that as we meet the pandemic head on.

Carl
Carl Bergetz
General Counsel
RUSH Legal | 1700 West Van Buren, Suite 301 | Chicago, IL 60612
p: (312) 942-6886 | f: (312) 942-4233 |
Carl_Bergetz@rush.edu

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From: Spillane, Ann [<mailto:Ann.Spillane@Illinois.gov>]

Sent: Monday, March 23, 2020 2:07 PM

To: Carl Bergetz; Crane, Anna

Subject: RE: COVID Regulatory Response Proposal

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Carl,

Thank you for sending this – it's incredibly helpful to have Rush's issues all in one place. As I mentioned when we called a few minutes ago, our office is also working with IHA on the longer list of issues.

Just to follow up on a few of the issues you raised:

The reciprocal licensing (page 11) is done, with the temporary application available on IDFPR's website. If your colleagues think what we've done does not fully address this issue, please let us know so we can follow up. The issues relating to waiver of specific hospital facility requirements (page 13) are currently being worked on at IDPH. They should be at a 24-hour turnaround for changes to existing facilities and will keep moving faster on that as needed. Anna will follow up with IDPH on the issues around new/temporary locations. With regard to the long term acute care/skilled nursing facilities issue (page 17), it's my understanding that the long term care association and hospitals have started to discuss this. We expect to get updates and will dive in as needed. Finally, on telehealth (page 18), I just asked two of my colleagues to look right away at the requested expansion of the telehealth changes in EO-7. Let's discuss the liability issue when you have a chance

to send more info. We are researching that on our end as well.

Thank you again,

Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Monday, March 23, 2020 10:10 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] COVID Regulatory Response Proposal

Ann:

Please see the attached presentation we assembled providing an overview of our data analytics team's projections of the COVID-19 situation and the impact on Illinois hospitals and the public, as well as some proposals we are making relative to regulatory waivers and logistical assistance. We understand the IHA is also advancing some similar ideas and we are on the same page. If you would like, our leadership would like to host a Webex to go over these slides with your office and IDPH.

Thank you for your help and consideration, and please take care.

Carl

Carl Bergetz

General Counsel

RUSH Legal | 1700 West Van Buren, Suite 301 | Chicago, IL 60612

p: (312) 942-6886 | f: (312) 942-4233 |

Carl_Bergetz@rush.edu

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From: [Berger-White, Juliet](#)
To: [Carl Bergetz](#)
Subject: CONFIDENTIAL Draft/pls do not circulate
Date: Wednesday, April 1, 2020 10:10:00 AM
Attachments: [REDACTED]

Carl –

As discussed, attached is the draft EO re: liability. We are still working to finalize this language but would welcome any feedback from you. Thank you.

Sincerely,

Juliet

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From: [Spillane, Ann](#)
To: [Berger-White, Juliet](#)
Cc: [Crane, Anna](#)
Subject: RE: COVID Regulatory Response Proposal
Date: Wednesday, April 1, 2020 10:16:34 AM

Thank you.

From: Berger-White, Juliet
Sent: Wednesday, April 1, 2020 10:11 AM
To: Spillane, Ann
Cc: Crane, Anna
Subject: RE: COVID Regulatory Response Proposal

I connected with Carl and sent him the draft and will talk to him this afternoon re: professional licensing issues and then circle back.

From: Spillane, Ann <Ann.Spillane@Illinois.gov>
Sent: Wednesday, April 1, 2020 9:25 AM
To: Carl Bergetz <Carl_Bergetz@rush.edu>
Cc: Crane, Anna <Anna.Crane@Illinois.gov>; Berger-White, Juliet <Juliet.Berger-White@Illinois.gov>
Subject: RE: COVID Regulatory Response Proposal

Juliet will be reaching out this morning on the liability issue.

I am tied up this morning, but could talk this afternoon if that would help.

Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>
Sent: Wednesday, April 1, 2020 8:53 AM
To: Spillane, Ann <Ann.Spillane@Illinois.gov>
Cc: Crane, Anna <Anna.Crane@Illinois.gov>
Subject: [External] Re: COVID Regulatory Response Proposal

Ann-

Thanks for connecting me w Juliet and Debbie. I'm working through a plan and will reconnect with them today. We have some thoughts on it I may need to run past you.

Also - Any word on the liability protection?

Carl Bergetz

General Counsel

RUSH Legal | [1700 West Van Buren, Suite 301 | Chicago, IL 60612](#)

p: [\(312\) 942-6886](tel:(312)942-6886) | f: [\(312\) 942-4233](tel:(312)942-4233) | Carl_Bergetz@rush.edu



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On Mar 25, 2020, at 20:33, Spillane, Ann <Ann.Spillane@illinois.gov> wrote:

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Carl,

Thanks for sending this. I gave Dan Hynes and our Chief of Staff, Anne Caprara, a heads up earlier today that you would be sending it. I'll get it to Anne now. Let me know if you want me to follow up on this at any point.

Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Wednesday, March 25, 2020 8:01 PM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] RE: COVID Regulatory Response Proposal

Attached is the letter and white paper on emergency funding that Dr Omar Lateef sent to the Governor and delivered to Deputy Governor Hynes as he suggested. Also the IHA will be submitting a letter regarding the liability issue mentioned below. Thanks.

Carl

Carl Bergetz

General Counsel

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To: Spillane, Ann; Crane, Anna

Subject: Re: COVID Regulatory Response Proposal

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and a large group of hospitals will be sending the Governor a letter on the liability issue noted in the email below.

If you have any more information on the other items, please give me a call. Thanks again for your help and consideration.

Carl

Carl Bergetz

General Counsel

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p: [\(312\) 942-6886](tel:(312)942-6886) | f: [\(312\) 942-4233](tel:(312)942-4233) | Carl_Bergetz@rush.edu

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[REDACTED]

[REDACTED]

As to the general requests for emergency funding assistance we have made (like the IHA and others), we have an idea relative to Medicaid arrearage and private payer reimbursements. Payments from public and private payers are dramatically down during this period, yet private payers still collect premiums and Medicaid is around 300 days in arrears. We have some ideas relating to that dynamic and imbalance and how the Governor could help address the funding problem for hospitals and providers during the crisis. Our current CEO, Dr Omar Lateef, a critical care pulmonologist, and our former CEO, Dr Larry Goodman, an infectious disease specialist, would like to see if they could WebEx with the Governor and your office and discuss the data and projections and this emergency funding idea.

Ann, any help you could provide on this would be most appreciated. Let me know what you think and if you can help arrange something. Your office has been incredibly helpful already and we thank you for that as we meet the pandemic head on.

Carl

Carl Bergetz

General Counsel

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From: Spillane, Ann [<mailto:Ann.Spillane@Illinois.gov>]

Sent: Monday, March 23, 2020 2:07 PM

To: Carl Bergetz; Crane, Anna

Subject: RE: COVID Regulatory Response Proposal

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Carl,

Thank you for sending this – it's incredibly helpful to have Rush's issues all in one place. As I mentioned when we called a few minutes ago, our office is also working with IHA on the longer list of issues.

Just to follow up on a few of the issues you raised:

The reciprocal licensing (page 11) is done, with the temporary application available on IDFPR's website. If your colleagues think what we've done does not fully address this issue, please let us know so we can follow up. The issues relating to waiver of specific hospital facility requirements (page 13) are currently being worked on at IDPH. They should be at a 24-hour turnaround for changes to existing facilities and will keep moving faster on that as needed. Anna will follow up with IDPH on the issues around new/temporary locations. With regard to the long term acute care/skilled nursing facilities issue (page 17), it's my understanding that the long term care association and hospitals have started to discuss this. We expect to get updates and will dive in as needed. Finally, on telehealth (page 18), I just asked two of my colleagues to look right away at the requested expansion of the telehealth changes in EO-7.

Let's discuss the liability issue when you have a chance to send more info. We are researching that on our end as well.

Thank you again,

Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Monday, March 23, 2020 10:10 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] COVID Regulatory Response Proposal

Ann:

Please see the attached presentation we assembled providing an overview of our data analytics team's projections of the COVID-19 situation and the impact on Illinois hospitals and the public, as well as some proposals we are making relative to regulatory waivers and logistical assistance. We understand the IHA is also advancing some similar ideas and we are on the same page. If you would like, our leadership would like to host a Webex to go over these slides with your office and IDPH. Thank you for your help and consideration, and please take care.

Carl

Carl Bergetz


General Counsel

RUSH Legal | 1700 West Van Buren, Suite 301 | Chicago, IL 60612

p: (312) 942-6886 | f: (312) 942-4233 | Carl_Bergetz@rush.edu

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From: [Crane, Anna](#)
To: [Berger-White, Juliet](#)
Subject: RE: EO - liability
Date: Wednesday, April 1, 2020 10:18:56 AM
Attachments: 

A couple of suggestions – language included – in the attached. Let me know

From: Berger-White, Juliet
Sent: Wednesday, April 1, 2020 9:56 AM
To: Crane, Anna
Subject: EO - liability

Anna – This is a revised draft. Can you review and let me know if you have thoughts? I can send you a compare if that would be easier.

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From: [Berger-White, Juliet](#)
To: [Dina Torrisi Martin](#)
Subject: Privileged and confidential/pls do not circulate
Date: Wednesday, April 1, 2020 10:21:45 AM
Attachments: 

Dina – As discussed, please review and send me any comments. Thank you!

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From: [Berger-White, Juliet](#)
To: [Egan, Christina M.](#)
Subject: CONFIDENTIAL Draft/pls do not circulate
Date: Wednesday, April 1, 2020 10:37:50 AM
Attachments: [REDACTED]

Christina -

As discussed, attached is the draft EO re: liability. We are still working to finalize this language but would welcome any feedback from you or your partner. Many thanks for your pro bono assistance during this crisis!

Sincerely,
Juliet

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From: Egan, Christina M.
To: [Berger-White, Juliet](#)
Subject: [External] RE: CONFIDENTIAL Draft/pls do not circulate - ATTORNEY CLIENT PRIVILEGED AND CONFIDENTIAL
Date: Wednesday, April 1, 2020 11:06:08 AM
Attachments: [REDACTED]

Juliet –

Here is Mark's redline. I just spoke to him and will call you now to explain his edits [REDACTED] and overall thoughts. He can also be available to talk to you directly if that would be helpful.

Christina M. Egan

McGuireWoods LLP

T: +1 312 750 8644 | M: +1 312 805 1770

From: Berger-White, Juliet
Sent: Wednesday, April 1, 2020 10:40 AM
To: Egan, Christina M.
Subject: RE: CONFIDENTIAL Draft/pls do not circulate

EXTERNAL EMAIL; use caution with links and attachments

Thank you!

From: Egan, Christina M. <CEgan@mcguirewoods.com>
Sent: Wednesday, April 1, 2020 10:39 AM
To: Berger-White, Juliet <Juliet.Berger-White@Illinois.gov>
Subject: [External] RE: CONFIDENTIAL Draft/pls do not circulate
[Received and sending to my partner Mark Anderson now](#)

Christina M. Egan

McGuireWoods LLP

T: +1 312 750 8644 | M: +1 312 805 1770

From: Berger-White, Juliet <Juliet.Berger-White@Illinois.gov>
Sent: Wednesday, April 1, 2020 10:38 AM
To: Egan, Christina M. <CEgan@mcguirewoods.com>
Subject: CONFIDENTIAL Draft/pls do not circulate

EXTERNAL EMAIL; use caution with links and attachments

Christina -

As discussed, attached is the draft EO re: liability. We are still working to finalize this language but would welcome any feedback from you or your partner. Many thanks for your pro bono assistance during this crisis!

Sincerely,

Juliet

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From: [Berger-White, Juliet](#)
To: [Caplan, Gary](#)
Subject: EO Liability draft 4.1.20 1030 am.docx
Date: Wednesday, April 1, 2020 11:19:05 AM
Attachments: [REDACTED]

I'm continuing to work through issues on this but one question. [REDACTED]

Thanks.

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From: Dina Torrisi Martin
To: [Berger-White, Juliet](#)
Subject: [External] Pritker draft.docx
Date: Wednesday, April 1, 2020 11:31:34 AM
Attachments: [REDACTED]

Juliette,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]


Please feel free to call me with questions re: my comments.

From: [Berger-White, Juliet](#)
To: [Schomberg, John E](#)
Subject: EO Liability draft 4.1.20 1030 am.docx
Date: Wednesday, April 1, 2020 11:48:06 AM
Attachments: [REDACTED]

John – Here is the most recent draft. [REDACTED]


[REDACTED] Thank you!

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From: [Berger-White, Juliet](#)
To: [Schomberg, John E](#)
Subject: EO Liability draft 4.1.20 1030 am.docx
Date: Wednesday, April 1, 2020 11:50:18 AM
Attachments: 


I made one change. Pls use this version.

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From: [Berger-White, Juliet](#)
To: [Lerner, Scott](#)
Subject: EO Liability draft 4.1.20 1030 am.docx
Date: Wednesday, April 1, 2020 12:06:24 PM
Attachments: 


Do you have a minute to discuss?

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From: [Berger-White, Juliet](#)
To: [Flores, Cynthia](#)
Subject: EO - draft
Date: Wednesday, April 1, 2020 12:32:45 PM
Attachments: 

CF – Do you have time to check the cites in this EO? Please let me know. Thanks!

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From: [Berger-White, Juliet](#)
To: [Caplan, Gary](#)
Subject: Draft
Date: Wednesday, April 1, 2020 12:45:50 PM
Attachments: 

GC – Do you have time to do one more careful read of this EO (starting after the Whereas clauses)? I reworked it a bit and would love any input you have. Thanks.

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From: [Berger-White, Juliet](#)
To: [Rosen, Whitney](#)
Subject: Hotels
Date: Wednesday, April 1, 2020 12:47:38 PM
Attachments: [REDACTED]

Whitney – [REDACTED]
[REDACTED]

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From: [Schomberg, John F](#)
To: [Berger-White, Juliet](#)
Subject: RE: EO Liability draft 4.1.20 1030 am.docx
Date: Wednesday, April 1, 2020 12:49:40 PM
Attachments: [REDACTED]

Juliet,

Many, many thanks for the chance to review and for the additions. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks,

John

John F. Schomberg

General Counsel | Office of the General Counsel

Illinois Department of Human Services

(312) 814-2747

From: Berger-White, Juliet

Sent: Wednesday, April 01, 2020 11:50 AM

To: Schomberg, John F

Subject: EO Liability draft 4.1.20 1030 am.docx

I made one change. Pls use this version.

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From: [Berger-White, Juliet](#)
To: [Schomberg, John E](#)
Subject: Final with your revision
Date: Wednesday, April 1, 2020 1:01:21 PM
Attachments: [REDACTED]

John – Thanks for all of your help this morning. Attached is the most recent version. [REDACTED]

[REDACTED]
[REDACTED] With gratitude, Juliet

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From: Carl Bergetz
To: [Berger-White, Juliet](#)
Subject: [External] RE: COVID Regulatory Response Proposal
Date: Wednesday, April 1, 2020 1:02:55 PM

I can't until after 4pm today – I'm tied up from 1-4pm.
Carl

From: Berger-White, Juliet [mailto:Juliet.Berger-White@Illinois.gov]
Sent: Wednesday, April 1, 2020 12:49 PM
To: Carl Bergetz
Subject: FW: COVID Regulatory Response Proposal

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Carl – Does today at 3:00 work for a call [REDACTED] If so, I'll send you an invite. Thank you.
And thanks again for your help this morning.

From: Spillane, Ann <Ann.Spillane@Illinois.gov>
Sent: Wednesday, April 1, 2020 9:25 AM
To: Carl Bergetz <Carl_Bergetz@rush.edu>
Cc: Crane, Anna <Anna.Crane@Illinois.gov>; Berger-White, Juliet <Juliet.Berger-White@Illinois.gov>
Subject: RE: COVID Regulatory Response Proposal

Juliet will be reaching out this morning on the liability issue.
I am tied up this morning, but could talk this afternoon if that would help.
Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>
Sent: Wednesday, April 1, 2020 8:53 AM
To: Spillane, Ann <Ann.Spillane@Illinois.gov>
Cc: Crane, Anna <Anna.Crane@Illinois.gov>
Subject: [External] Re: COVID Regulatory Response Proposal

Ann-
Thanks for connecting me w Juliet and Debbie. I'm working through a plan and will reconnect with them today. We have some thoughts on it I may need to run past you.
Also - Any word on the liability protection?

Carl Bergetz
General Counsel
RUSH Legal | [1700 West Van Buren, Suite 301 | Chicago, IL 60612](#)
p: [\(312\) 942-6886](tel:(312)942-6886) | f: [\(312\) 942-4233](tel:(312)942-4233) | Carl_Bergetz@rush.edu



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On Mar 25, 2020, at 20:33, Spillane, Ann <Ann.Spillane@illinois.gov> wrote:

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Carl,

Thanks for sending this. I gave Dan Hynes and our Chief of Staff, Anne Caprara, a heads up earlier today that you would be sending it. I'll get it to Anne now. Let me know if you want me to follow up on this at any point.

Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Wednesday, March 25, 2020 8:01 PM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] RE: COVID Regulatory Response Proposal

Attached is the letter and white paper on emergency funding that Dr Omar Lateef sent to the Governor and delivered to Deputy Governor Hynes as he suggested. Also the IHA will be submitting a letter regarding the liability issue mentioned below. Thanks.

Carl

Carl Bergetz

General Counsel

RUSH Legal | 1700 West Van Buren, Suite 301 | Chicago, IL 60612

p: (312) 942-6886 | f: (312) 942-4233 | Carl_Bergetz@rush.edu

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From: Carl Bergetz

Sent: Wednesday, March 25, 2020 5:36 AM

To: Spillane, Ann; Crane, Anna

Subject: Re: COVID Regulatory Response Proposal

Ann & Anna:

Regarding the issues in the below email: Yesterday Dr Omar Lateef spoke to the Governor at the press conference and mentioned the emergency funding idea. The Governor responded favorably and told him to send the proposal to him and Deputy Governor Dan Hynes. We will send it this AM and I will forward you a copy. Also the IHA and a large group of hospitals will be sending the Governor a letter on the liability issue noted in the email below.

If you have any more information on the other items, please give me a call. Thanks again for your help and consideration.

Carl

Carl Bergetz

General Counsel

RUSH Legal | [1700 West Van Buren, Suite 301 | Chicago, IL 60612](#)

p: [\(312\) 942-6886](tel:(312)942-6886) | f: [\(312\) 942-4233](tel:(312)942-4233) | Carl_Bergetz@rush.edu

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On Mar 23, 2020, at 23:41, Carl Bergetz <Carl_Bergetz@rush.edu> wrote:

Ann:

Following up on our call, here are some explanations and questions relative to your email below and the regulatory proposal we sent this AM:

Reciprocal Licensing

Under the IDFPF change, retired providers or providers whose license lapsed are being allowed to practice, but they still need to fill out an application and get licensed. While it says the applications will be expedited, we are not sure what that means. It would be more effective for purposes of the crisis to have them able to practice while this is pending or have 90 days after they start practicing to get licensed.

Waivers on Facilities

For the IDPH waiver piece, is IDPH still requiring change notifications but reviewing them once received from existing facilities within 24 hours? We just want to clarify if we are expected to keep updating IDPH every time we change something, e.g. add beds or change the type of bed, as it would be far more effective during the crisis to have a broader waiver that would allow such relatively minor changes within certain parameters

for some longer period of time.
Civil Liability Protection

[REDACTED]

[REDACTED]

As to the general requests for emergency funding assistance we have made (like the IHA and others), we have an idea relative to Medicaid arrearage and private payer reimbursements. Payments from public and private payers are dramatically down during this period, yet private payers still collect premiums and Medicaid is around 300 days in arrears. We have some ideas relating to that dynamic and imbalance and how the Governor could help address the funding problem for hospitals and providers during the crisis. Our current CEO, Dr Omar Lateef, a critical care pulmonologist, and our former CEO, Dr Larry Goodman, an infectious disease specialist, would like to see if they could WebEx with the Governor and your office and discuss the data and projections and this emergency funding idea.

Ann, any help you could provide on this would be most appreciated. Let me know what you think and if you can help arrange something. Your office has been incredibly helpful already and we thank you for that as we meet the pandemic head on.

Carl

Carl Bergetz
General Counsel

RUSH Legal | 1700 West Van Buren, Suite 301 | Chicago, IL 60612
p: (312) 942-6886 | f: (312) 942-4233 | Carl_Bergetz@rush.edu

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From: Spillane, Ann [<mailto:Ann.Spillane@Illinois.gov>]

Sent: Monday, March 23, 2020 2:07 PM

To: Carl Bergetz; Crane, Anna

Subject: RE: COVID Regulatory Response Proposal

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Carl,

Thank you for sending this – it's incredibly helpful to have Rush's issues all in one place. As I mentioned when we called a few minutes ago, our office is also working with IHA on the longer list of issues.

Just to follow up on a few of the issues you raised:

The reciprocal licensing (page 11) is done, with the temporary application available on IDFP's website. If your colleagues think what we've done does not fully address this issue, please let us know so we can follow up. The issues relating to waiver of specific hospital facility requirements (page 13) are currently being worked on at IDPH. They should be at a 24-hour turnaround for changes to existing facilities and will keep moving faster on that as needed. Anna will follow up with IDPH on the issues around new/temporary locations. With regard to the long term acute care/skilled nursing facilities issue (page 17), it's my understanding that the long term care association and hospitals have started to discuss this. We expect to get updates and will dive in as needed. Finally, on telehealth (page 18), I just asked two of my colleagues to look right away at the requested expansion of the telehealth changes in EO-7.

Let's discuss the liability issue when you have a chance to send more info. We are researching that on our end as well.

Thank you again,
Ann

From: Carl Bergetz <Carl_Bergetz@rush.edu>

Sent: Monday, March 23, 2020 10:10 AM

To: Spillane, Ann <Ann.Spillane@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: [External] COVID Regulatory Response Proposal

Ann:

Please see the attached presentation we assembled providing an overview of our data analytics team's projections of the COVID-19 situation and the impact on Illinois hospitals and the public, as well as some proposals we are making relative to regulatory waivers and logistical assistance. We understand the IHA is also advancing some similar ideas and we are on the same page. If you would like, our leadership would like to host a Webex to go over these slides with your office and IDPH. Thank you for your help and consideration, and please take care.

Carl

Carl Bergetz

General Counsel

RUSH Legal | 1700 West Van Buren, Suite 301 | Chicago, IL 60612

p: (312) 942-6886 | f: (312) 942-4233 | Carl_Bergetz@rush.edu

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From: [Caplan, Gary](#)
To: [Berger-White, Juliet](#)
Subject: EO Liability draft 4.1.20 1030 am.docx
Date: Wednesday, April 1, 2020 1:05:50 PM
Attachments: [REDACTED]

One small edit. [REDACTED]
[REDACTED]

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From: [Schomberg, John F](#)
To: [Berger-White, Juliet](#)
Subject: RE: Final with your revision
Date: Wednesday, April 1, 2020 1:07:10 PM
Attachments: [REDACTED]

Thanks, Juliet—many, many thanks for including us in!

[REDACTED]
[REDACTED]
Thanks,
John

John F. Schomberg


General Counsel | Office of the General Counsel
Illinois Department of Human Services
(312) 814-2747

From: Berger-White, Juliet
Sent: Wednesday, April 01, 2020 1:01 PM
To: Schomberg, John F
Subject: Final with your revision

John – Thanks for all of your help this morning. Attached is the most recent version [REDACTED]
[REDACTED]

[REDACTED] With gratitude, Juliet

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From: [Berger-White, Juliet](#)
To: [Schomberg, John E](#)
Subject: Final final
Date: Wednesday, April 1, 2020 1:12:29 PM
Attachments: 

Ok I think we got. Final attached. Really appreciate your help today!

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From: [Berger-White, Juliet](#)
To: [Spillane, Ann](#)
Cc: [Caplan, Gary](#); [Crane, Anna](#)
Subject: EO - liability
Date: Wednesday, April 1, 2020 1:15:36 PM
Attachments: [REDACTED]

Ann – Attached is a revised draft of the EO re: liability. [REDACTED]

[REDACTED] Please let me know if you have any questions or concerns about this draft. Happy to hop on a call at your convenience. Thank you.

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From: [Berger-White, Juliet](#)
To: [Flores, Cynthia](#)
Subject: FW: EO - liability
Date: Wednesday, April 1, 2020 1:16:48 PM
Attachments: [REDACTED]

CF – Will you let me know if you have time to help with cites on this? If not, I'll get started. This is the version I just sent to Ann. Thank you.

From: Berger-White, Juliet
Sent: Wednesday, April 1, 2020 1:16 PM
To: Ann Spillane (Ann.Spillane@Illinois.gov)
Cc: Caplan, Gary ; Anna Crane (Anna.Crane@Illinois.gov)
Subject: EO - liability

Ann – Attached is a revised draft of the EO re: liability. [REDACTED]
[REDACTED]. Please let me know if you have any questions or concerns about this draft. Happy to hop on a call at your convenience. Thank you.

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

From: Jeffrey Levine
To: [Berger-White, Juliet](#); [Maurice Classen](#); [Macgregor Lebuhn](#)
Cc: [Spillane, Ann](#); [Caplan, Gary](#); [Crane, Anna](#)
Subject: [External] RE: DRAFT Executive Order for tonight's discussion/please do not circulate
Date: Wednesday, April 1, 2020 1:21:36 PM
Attachments: [REDACTED]

Hi Ann and Company:

First, apologies for the delay; appreciate your patience. [REDACTED]

[REDACTED]

Would be happy to talk briefly about any of this if you would like to.

I am at 773-848-4505 and Mac is at 312-833-2215.

Thanks,
Jeff

From: Berger-White, Juliet
Sent: Tuesday, March 31, 2020 6:41 PM
To: Maurice Classen ; Jeffrey Levine ; Macgregor Lebuhn
Cc: Spillane, Ann ; Caplan, Gary ; Crane, Anna
Subject: DRAFT Executive Order for tonight's discussion/please do not circulate


Good evening – Please see attached draft Executive Order providing liability protections for health care facilities, workers, and volunteers during the COVID-19 crisis. We are looking forward to our discussion at 7:00 p.m.

Sincerely,
Juliet

Juliet Berger-White
Deputy General Counsel | Chief Compliance Officer
Office of Illinois Governor JB Pritzker
100 W. Randolph Street | Chicago, IL 60601
Office: (312) 814-8868 | Cell: (312) 639-8085
juliet.berger-white@illinois.gov
Pronouns: she/her/hers

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privilege, attorney work product privilege, or any other exemption from disclosure.

From: [Flores, Cynthia](#)
To: [Berger-White, Juliet](#)
Subject: RE: EO - draft
Date: Wednesday, April 1, 2020 1:24:01 PM
Attachments: 

Edits attached. Let me know if you need help with anything else.



From: Berger-White, Juliet
Sent: Wednesday, April 1, 2020 12:33 PM
To: Flores, Cynthia
Subject: EO - draft

CF – Do you have time to check the cites in this EO? Please let me know. Thanks!

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From: [Crane, Anna](#)
To: [Lohrenz, Eric](#)
Cc: [Fanning, Robert L.](#); [Caplan, Gary](#)
Subject: Quick reaction to liability language
Date: Wednesday, April 1, 2020 1:25:02 PM
Importance: High

Hi Eric –



Anna Crane
Associate General Counsel
Office of Illinois Governor JB Pritzker
100 W. Randolph Street
Chicago, IL 60601
Chicago: (312) 814-0021
Cell: (312) 350-6225
Pronouns: she/her/hers

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From: [Berger-White, Juliet](#)
To: [Juliet Berger-White](#)
Subject: FW: EO - draft
Date: Wednesday, April 1, 2020 1:25:14 PM
Attachments: 

From: Flores, Cynthia
Sent: Wednesday, April 1, 2020 1:24 PM
To: Berger-White, Juliet
Subject: RE: EO - draft
Edits attached. Let me know if you need help with anything else.

From: Berger-White, Juliet <Juliet.Berger-White@Illinois.gov>
Sent: Wednesday, April 1, 2020 12:33 PM
To: Flores, Cynthia <Cynthia.Flores@Illinois.gov>
Subject: EO - draft
CF – Do you have time to check the cites in this EO? Please let me know. Thanks!

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From: [Berger-White, Juliet](#)
To: [Juliet Berger-White](#)
Subject: FW: DRAFT Executive Order for tonight's discussion/please do not circulate
Date: Wednesday, April 1, 2020 1:31:40 PM
Attachments: [REDACTED]

From: Jeffrey Levine
Sent: Wednesday, April 1, 2020 1:21 PM
To: Berger-White, Juliet ; Maurice Classen ; Macgregor Lebuhn
Cc: Spillane, Ann ; Caplan, Gary ; Crane, Anna
Subject: [External] RE: DRAFT Executive Order for tonight's discussion/please do not circulate

Hi Ann and Company:

First, apologies for the delay; appreciate your patience. [REDACTED]

[REDACTED]

Would be happy to talk briefly about any of this if you would like to.

I am at 773-848-4505 and Mac is at 312-833-2215.

Thanks,

Jeff

From: Berger-White, Juliet <Juliet.Berger-White@Illinois.gov>
Sent: Tuesday, March 31, 2020 6:41 PM
To: Maurice Classen <Maurice.Classen@cityofchicago.org>; Jeffrey Levine <Jeffrey.Levine@cityofchicago.org>; Macgregor Lebuhn <Macgregor.Lebuhn@cityofchicago.org>
Cc: Spillane, Ann <Ann.Spillane@Illinois.gov>; Caplan, Gary <Gary.Caplan@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: DRAFT Executive Order for tonight's discussion/please do not circulate

Good evening – Please see attached draft Executive Order providing liability protections for health care facilities, workers, and volunteers during the COVID-19 crisis. We are looking forward to our discussion at 7:00 p.m.

Sincerely,

Juliet

Juliet Berger-White

Deputy General Counsel | Chief Compliance Officer

Office of Illinois Governor JB Pritzker

100 W. Randolph Street | Chicago, IL 60601

Office: (312) 814-8868 | Cell: (312) 639-8085

juliet.berger-white@illinois.gov

Pronouns: she/her/hers

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juliet.berger-white@illinois.gov

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From: [Crane, Anna](#)
To: [Lohrenz, Eric](#)
Cc: [Fanning, Robert L.](#); [Caplan, Gary](#)
Subject: RE: Quick reaction to liability language
Date: Wednesday, April 1, 2020 1:41:46 PM

Thank you!

From: Lohrenz, Eric
Sent: Wednesday, April 1, 2020 1:40 PM
To: Crane, Anna
Cc: Fanning, Robert L. ; Caplan, Gary
Subject: RE: Quick reaction to liability language

Anna,

See my suggested changes below.



Eric Lohrenz

General Counsel

Illinois Emergency Management Agency

From: Crane, Anna <Anna.Crane@Illinois.gov>
Sent: Wednesday, April 1, 2020 1:25 PM
To: Lohrenz, Eric <Eric.Lohrenz@illinois.gov>
Cc: Fanning, Robert L. <Robert.Fanning@illinois.gov>; Caplan, Gary <Gary.Caplan@Illinois.gov>
Subject: Quick reaction to liability language
Importance: High

Hi Eric –



Anna Crane
Associate General Counsel

Office of Illinois Governor JB Pritzker
100 W. Randolph Street
Chicago, IL 60601
Chicago: (312) 814-0021
Cell: (312) 350-6225
Pronouns: she/her/hers

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From: [Crane, Anna](#)
To: [Berger-White, Juliet](#)
Subject: FW: Quick reaction to liability language
Date: Wednesday, April 1, 2020 1:42:01 PM

FYI

From: Lohrenz, Eric
Sent: Wednesday, April 1, 2020 1:40 PM
To: Crane, Anna
Cc: Fanning, Robert L. ; Caplan, Gary
Subject: RE: Quick reaction to liability language

Anna,

See my suggested changes below.

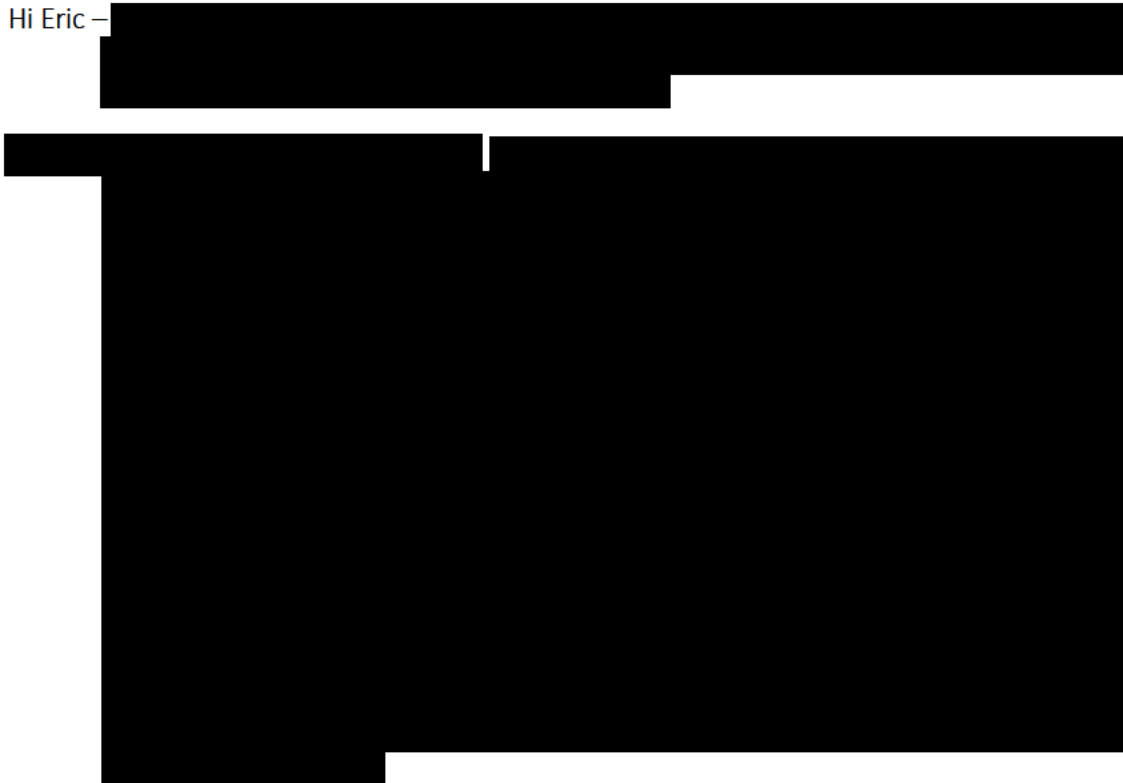
Eric Lohrenz

General Counsel

Illinois Emergency Management Agency

From: Crane, Anna <Anna.Crane@Illinois.gov>
Sent: Wednesday, April 1, 2020 1:25 PM
To: Lohrenz, Eric <Eric.Lohrenz@illinois.gov>
Cc: Fanning, Robert L. <Robert.Fanning@illinois.gov>; Caplan, Gary <Gary.Caplan@Illinois.gov>
Subject: Quick reaction to liability language
Importance: High

Hi Eric –



Anna Crane
Associate General Counsel
Office of Illinois Governor JB Pritzker

100 W. Randolph Street
Chicago, IL 60601
Chicago: (312) 814-0021
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From: [Berger-White, Juliet](#)
To: [Spillane, Ann](#)
Cc: [Caplan, Gary](#)
Subject: Edits from the city
Date: Wednesday, April 1, 2020 1:46:01 PM
Attachments: [REDACTED]

Ann – [REDACTED]
[REDACTED] Our current draft is attached here as well.

From: Jeffrey Levine
Sent: Wednesday, April 1, 2020 1:21 PM
To: Berger-White, Juliet ; Maurice Classen ; Macgregor Lebuhn
Cc: Spillane, Ann ; Caplan, Gary ; Crane, Anna
Subject: [External] RE: DRAFT Executive Order for tonight's discussion/please do not circulate
Hi Ann and Company:

First, apologies for the delay; appreciate your patience. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

I am at 773-848-4505 and Mac is at 312-833-2215.

Thanks,
Jeff

From: Berger-White, Juliet <Juliet.Berger-White@Illinois.gov>
Sent: Tuesday, March 31, 2020 6:41 PM
To: Maurice Classen <Maurice.Classen@cityofchicago.org>; Jeffrey Levine <Jeffrey.Levine@cityofchicago.org>; Macgregor Lebuhn <Macgregor.Lebuhn@cityofchicago.org>
Cc: Spillane, Ann <Ann.Spillane@Illinois.gov>; Caplan, Gary <Gary.Caplan@Illinois.gov>; Crane, Anna <Anna.Crane@Illinois.gov>

Subject: DRAFT Executive Order for tonight's discussion/please do not circulate
Good evening – Please see attached draft Executive Order providing liability protections for health care facilities, workers, and volunteers during the COVID-19 crisis. We are looking forward to our discussion at 7:00 p.m.


Sincerely,
Juliet
Juliet Berger-White
Deputy General Counsel | Chief Compliance Officer
Office of Illinois Governor JB Pritzker
100 W. Randolph Street | Chicago, IL 60601

Office: (312) 814-8868 | Cell: (312) 639-8085

juliet.berger-white@illinois.gov

Pronouns: she/her/hers

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From: [Berger-White, Juliet](#)
To: [Alikhan, Rukhaya](#)
Subject: Most recent draft
Date: Wednesday, April 1, 2020 2:18:29 PM
Attachments: 

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From: [Spillane, Ann](#)
To: [Berger-White, Juliet](#)
Cc: [Caplan, Gary](#); [Crane, Anna](#)
Subject: RE: EO - liability
Date: Wednesday, April 1, 2020 3:20:10 PM
Attachments: [REDACTED]


I made minor edits.

From: Berger-White, Juliet
Sent: Wednesday, April 1, 2020 1:16 PM
To: Spillane, Ann
Cc: Caplan, Gary ; Crane, Anna
Subject: EO - liability

Ann – Attached is a revised draft of the EO re: liability. [REDACTED]


[REDACTED] Please let me know if you have any questions or concerns about this draft. Happy to hop on a call at your convenience. Thank you.

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From: [Berger-White, Juliet](#)
To: [Rosen, Whitney](#)
Cc: [GOV.Legal](#)
Subject: Final EO re: liability
Date: Wednesday, April 1, 2020 4:21:44 PM
Attachments: 

Whitney – The attached is ready to file. Thank you!

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From: [Spillane, Ann](#)
To: [Rubin, Jason](#); [Abudayyeh, Jordan](#); [Rapelyea, Sean](#)
Cc: [Berger-White, Juliet](#)
Subject: FW: Final EO re: liability
Date: Wednesday, April 1, 2020 4:26:19 PM
Attachments: 

Hello,

Whitney is in the process of finalizing and filing an Exec Order that limits civil liability for hospitals, nursing homes, healthcare professionals, healthcare volunteers, etc... We can walk you through the details and how it applies.



Ann

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From: [Berger-White, Juliet](#)
To: [Rosen, Whitney](#)
Cc: [Richie, Leigh](#)
Subject: EO Liability FINAL.docx
Date: Wednesday, April 1, 2020 4:34:03 PM
Attachments: 

WR – See attached. Thanks again Leigh!

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From: [Rosen, Whitney](#)
To: [Ourth, Abraham](#); [Spillane, Ann](#); [Newbern, Tiffany](#); [Gaule, Dynell M.](#); [Brackett, Dawn R.](#); [Deakin - Harmony, Emily L.](#); [jschwartz@ilsos.net](#); [adamz@ilga.gov](#); [Hanns, Alex](#); [eAdministrativeCode](#); [Abudayyeh, Jordan](#); [Rubin, Jason](#); [Hooks, Jasmine](#); [GOV.Legal](#); [Maddox, Nathan](#); [Hedenschoug, Wayne G.](#); [GOV.GeneralCounselRA](#); [GOV.GeneralCounsel](#); [Sturm, Alexis](#); [Knowles, Carol A.](#); [Alstott, Adam](#); [jschwartz@ilsos.net](#)
Subject: RE: EO 2020-19
Date: Wednesday, April 1, 2020 4:45:52 PM
Attachments:  [2020_19.pdf](#)
 [2020_19.docx](#)

Hello,

Please find attached the word and PDF copies of EO 2020-19 (EXECUTIVE ORDER IN RESPONSE TO COVID-19 (COVID-19 EXECUTIVE ORDER NO.17)). Please let me know if you have any questions.

-- Whitney

Whitney Rosen

Deputy General Counsel and Ethics Officer
Office of Illinois Governor JB Pritzker
207 State House Springfield, IL 62706
Office: (217)782-1219 Cell: (217) 685-4457
Pronouns: she/her/hers

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From: [Rubin, Jason](#)
To: [Spillane, Ann](#); [Abudayyeh, Jordan](#); [Rapelyea, Sean](#); [Hopper, Darby](#)
Cc: [Berger-White, Juliet](#)
Subject: RE: Final EO re: liability
Date: Wednesday, April 1, 2020 5:46:18 PM
Attachments: [REDACTED]

Great! [REDACTED]
[REDACTED]

From: Spillane, Ann
Sent: Wednesday, April 1, 2020 4:26 PM
To: Rubin, Jason ; Abudayyeh, Jordan ; Rapelyea, Sean
Cc: Berger-White, Juliet
Subject: FW: Final EO re: liability

Hello,

Whitney is in the process of finalizing and filing an Exec Order that limits civil liability for hospitals, nursing homes, healthcare professionals, healthcare volunteers, etc... We can walk you through the details and how it applies.

Ann

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.