To: Members of the Illinois Chamber/ELC Workers’ Compensation Committee

Today, the Illinois Workers’ Compensation Commission (IWCC) provided additional information regarding its hearings. Beginning Monday March 23, 2020, the Commission will move forward with the below Emergency Motion Call for EMERGENCY motions, ONLY.

An “Emergency Arbitrator” will be available at the locations and on the dates and times set in the below schedule (this will be updated on a weekly basis) for presentation of “valid” emergency motions only. “Valid” emergencies include issues involving the expiration of a statute of limitations, a party can reasonably be expected to suffer an unacceptable hardship, if not heard on an expedited basis. Motions which do not constitute “valid” emergencies will be stricken. Simply put, if the emergency basis of the motion is not a valid emergency that justifies the risk associated with holding an in-person hearing in the midst of a national emergency and global pandemic, the motion will be stricken.

Access to the Emergency Motion Call will be limited to one individual per party. Parties may be required to sign in and out of the facility. The Emergency Arbitrator is empowered to manage the Call in a manner he or she believes is reasonable to ensure the administration of justice and minimize the health and safety concerns connected to the COVID-19 pandemic. Refusal to follow the directions of the Emergency Arbitrator will be grounds for removal from the call and striking of the motion.

The following is a list of the locations for each of the Zones. Emergency Motion Calls will run from 9:00 AM to 12:00 Noon at the below locations on the indicated dates:

Chicago cases will be heard at the IWCC’s Chicago Office: Monday (3/23), Wednesday (3/25), and Friday (3/27)

Zone 1 cases will be heard at the IWCC’s Collinsville Office: Tuesday (3/24) and Thursday (3/26)

Zone 2 cases will be heard at the IWCC’s Springfield Office: Monday (3/23) and Wednesday (3/25)

Zone 3 cases will be heard at the IWCC’s Peoria Office: Wednesday (3/25) and Friday (3/27)

Zone 4 cases will be heard at the IWCC’s Chicago Office: Monday (3/23), Wednesday (3/25), and Friday (3/27)

Zone 5 cases will be heard at the IWCC’s Rockford Office: Tuesday (3/24) and Thursday (3/26)

Zone 6 cases will be heard at the IWCC’s Chicago Office: Monday (3/23), Wednesday (3/25), and Friday (3/27)

Pro Se settlements may be presented to the Emergency Arbitrator on the second day of the Call, only.

The Chairman advises that, prior to making use of the Emergency Motion Call, attorneys should engage in personal consultation and make reasonable attempts to resolve differences. The Chairman believes Illinois Supreme Court Rule 201(k) and Rule 3.4 of the Illinois Rules of Professional Conduct serve as appropriate guides for counsel during these exceptional times.
As these events continue to evolve, we will work with the Governor’s Office and Illinois Department of Public Health to address this rapidly changing situation. Until directed otherwise, all other Commission operations will continue as usual. Parties are advised that any statutory filing deadlines and statutes of limitations will not be affected by these measures, and the Commission will continue to process all usual documents and filings by mail, and in person delivery.

The Chairman’s Office will reassess the need to extend or expand these measures on an ongoing basis.

Chicago – Chicago – James R. Thompson Center, 100 W Randolph St. 8-200, Chicago, IL 60601

Zone 1 – Collinsville – 1803 Ramada Blvd STE B201, Collinsville, IL 62234

Zone 2 – Springfield – 4500 S. Sixth St, Springfield, IL 62703

Zone 3 – Peoria – 401 Main St 6th Floor, Peoria, IL 61602

Zone 4 – Chicago – 100 W Randolph St., 8-200. Chicago, IL 60601

On Monday, March 16th, the Workers’ Compensation Commission suspended all normal in-person Arbitration and Commission Review Proceedings for a two-week period. This period will run from Tuesday March 17, 2020, through Tuesday March 31, 2020.

Executive Order regarding telehealth services:
Yesterday, Governor Pritzker announced Executive Order 2020-9 regarding telehealth medicine. The Executive Order applies to “health insurance issuer” as defined by the Illinois HIPAA law (215 ILCS /97). The definition is as follows: "Health insurance issuer" means an insurance company, insurance service, or insurance organization (including a health maintenance organization, as defined herein) which is licensed to engage in the business of insurance in a state and which is subject to Illinois law which regulates insurance (within the meaning of Section 514(b)(2) of the Employee Retirement Income Security Act of 1974). The term does not include a group health plan.”

As for workers’ compensation & telehealth...telehealth services have been generally recognized by the Commission as a reimbursable medical expense. Without a reimbursement code the charges default to the 52.3% of charge for reimbursement. Questions have arisen regarding possible gouging of charges. Any questions/complaints regarding gouging charges for telehealth services should be directed to the Illinois Attorney General’s office, [https://illinoisattorneygeneral.gov/consumers/index.html](https://illinoisattorneygeneral.gov/consumers/index.html)