



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/05/04, by Rosemary Kurtz

SYNOPSIS AS INTRODUCED:

745 ILCS 49/30

Amends the Good Samaritan Act. Provides that a free medical clinic may receive reimbursement from the Illinois Department of Public Aid or may receive partial reimbursement from a patient based upon his or her ability to pay, provided that any reimbursements shall be used only to pay overhead expenses of operating the free medical clinic and may not be used, in whole or in part, to provide a fee or other compensation to any person licensed under the Medical Practice Act of 1987 or any other health care professional who is receiving an exemption under the Act. Provides that medical care shall not include the use of general anesthesia or require an overnight stay in a health care facility.

LRB093 17617 LCB 47024 b

1 AN ACT concerning civil liabilities.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Good Samaritan Act is amended by changing
5 Section 30 as follows:

6 (745 ILCS 49/30)

7 Sec. 30. Free medical clinic; exemption from civil
8 liability for services performed without compensation.

9 (a) A person licensed under the Medical Practice Act of
10 1987, a person licensed to practice the treatment of human
11 ailments in any other state or territory of the United States,
12 or a health care professional, including but not limited to an
13 advanced practice nurse, physician assistant, nurse,
14 pharmacist, physical therapist, podiatrist, or social worker
15 licensed in this State or any other state or territory of the
16 United States, who, in good faith, provides medical treatment,
17 diagnosis, or advice as a part of the services of an
18 established free medical clinic providing care to medically
19 indigent patients which is limited to care that does not
20 require the services of a licensed hospital or ambulatory
21 surgical treatment center and who receives no fee or
22 compensation from that source shall not be liable for civil
23 damages as a result of his or her acts or omissions in
24 providing that medical treatment, except for willful or wanton
25 misconduct.

26 (b) For purposes of this Section, a "free medical clinic"
27 is an organized community based program providing medical care
28 without charge to individuals unable to pay for it, at which
29 the care provided does not include the use of general
30 anesthesia or require an overnight stay in a health-care
31 facility.

32 (c) The provisions of subsection (a) of this Section do not

1 apply to a particular case unless the free medical clinic has
2 posted in a conspicuous place on its premises an explanation of
3 the exemption from civil liability provided herein.

4 (d) The immunity from civil damages provided under
5 subsection (a) also applies to physicians, hospitals, and other
6 health care providers that provide further medical treatment,
7 diagnosis, or advice to a patient upon referral from an
8 established free medical clinic without fee or compensation.

9 (d-5) A free medical clinic may receive reimbursement from
10 the Illinois Department of Public Aid or may receive partial
11 reimbursement from a patient based upon his or her ability to
12 pay, provided any reimbursements shall be used only to pay
13 overhead expenses of operating the free medical clinic and may
14 not be used, in whole or in part, to provide a fee or other
15 compensation to any person licensed under the Medical Practice
16 Act of 1987 or any other health care professional who is
17 receiving an exemption under this Section. Medical care shall
18 not include the use of general anesthesia or require an
19 overnight stay in a health care facility.

20 (e) Nothing in this Section prohibits a free medical clinic
21 from accepting voluntary contributions for medical services
22 provided to a patient who has acknowledged his or her ability
23 and willingness to pay a portion of the value of the medical
24 services provided.

25 Any voluntary contribution collected for providing care at
26 a free medical clinic shall be used only to pay overhead
27 expenses of operating the clinic. No portion of any moneys
28 collected shall be used to provide a fee or other compensation
29 to any person licensed under Medical Practice Act of 1987.

30 (Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)