



Rep. Rosemary Kurtz

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09300HB6235ham001

LRB093 14621 LCB 48961 a

1 AMENDMENT TO HOUSE BILL 6235

2 AMENDMENT NO. _____. Amend House Bill 6235 by replacing
3 everything after the enacting clause with the following:

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

1 misconduct.

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

8 (c) The provisions of subsection (a) of this Section do not
9 apply to a particular case unless the free medical clinic has
10 posted in a conspicuous place on its premises an explanation of
11 the exemption from civil liability provided herein.

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

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

28 (e) Nothing in this Section prohibits a free medical clinic
29 from accepting voluntary contributions for medical services
30 provided to a patient who has acknowledged his or her ability
31 and willingness to pay a portion of the value of the medical
32 services provided.

33 Any voluntary contribution collected for providing care at
34 a free medical clinic shall be used only to pay overhead

1 expenses of operating the clinic. No portion of any moneys
2 collected shall be used to provide a fee or other compensation
3 to any person licensed under Medical Practice Act of 1987.
4 (Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)".