



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0154

Introduced 2/2/2005, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

745 ILCS 49/30

Amends the Good Samaritan Act. Adds retired physicians to the list of persons protected under the Act. Expands the immunity for civil damages provided for services performed without compensation at, or upon referral from, free medical clinics. Allows a free medical clinic to receive reimbursement from the Illinois Department of Public Aid, provided 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 listed person. Provides that, for purposes of reimbursement from the Illinois Department of Public Aid, medical care does not include an overnight stay in a health care facility. Effective immediately.

LRB094 07135 LCB 37288 b

1 AN ACT concerning medical malpractice.

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

4 Section 340. 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, retired physician, physician
14 assistant, nurse, pharmacist, physical therapist, podiatrist,
15 or social worker licensed in this State or any other state or
16 territory of the United States, who, in good faith, provides
17 medical treatment, diagnosis, or advice as a part of the
18 services of an established free medical clinic providing care,
19 including but not limited to home visits, without charge to
20 ~~medically indigent~~ patients which is limited to care that does
21 not require the services of a licensed hospital or ambulatory
22 surgical treatment center and who receives no fee or
23 compensation from that source shall not be liable for civil
24 damages as a result of his or her acts or omissions in
25 providing that medical treatment, except for willful or wanton
26 misconduct.

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

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

5 (d) The immunity from civil damages provided under
6 subsection (a) also applies to physicians, retired physicians,
7 hospitals, and other health care providers that provide further
8 medical treatment, diagnosis, or advice, including but not
9 limited to hospitalization, office visits, and home visits, to
10 a patient upon referral from an established free medical clinic
11 without fee or compensation.

12 (d-5) A free medical clinic may receive reimbursement from
13 the Illinois Department of Public Aid, provided any
14 reimbursements shall be used only to pay overhead expenses of
15 operating the free medical clinic and may not be used, in whole
16 or in part, to provide a fee or other compensation to any
17 person licensed under the Medical Practice Act of 1987 or any
18 other health care professional who is receiving an exemption
19 under this Section. Any health care professional receiving an
20 exemption under this Section may not receive any fee or other
21 compensation in connection with any services provided to, or
22 any ownership interest in, the clinic. Medical care shall not
23 include an overnight stay in a health care facility.

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

29 (f) Any voluntary contribution collected for providing
30 care at a free medical clinic shall be used only to pay
31 overhead expenses of operating the clinic. No portion of any
32 moneys collected shall be used to provide a fee or other
33 compensation to any person licensed under Medical Practice Act
34 of 1987.

35 (g) The changes made to this Section by this amendatory Act
36 of the 94th General Assembly apply to causes of action accruing

1 on or after its effective date.

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

3 Section 999. Effective date. This Act takes effect upon
4 becoming law.