



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5605

by Rep. Theresa Mah

SYNOPSIS AS INTRODUCED:

745 ILCS 49/30

Amends the Good Samaritan Act. Changes the definition of "free medical clinic". Provides that the immunity from civil damages applies to the free clinic entity itself. Provides that a free medical clinic may receive reimbursement from the Department of Public Aid only if any reimbursements are used to pay overhead expenses of operating the free medical clinic and may not be used 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 receives an exemption. Provides that any health care professional who receives an exemption may not receive any fee or other compensation in connection with any services provided to, or any ownership interest in, the clinic. Contains applicability provisions.

LRB101 19543 LNS 69017 b

1 AN ACT concerning civil law.

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 ~~registered~~ nurse, retired physician,
14 physician assistant, nurse, pharmacist, physical therapist,
15 podiatric physician, or social worker licensed in this State or
16 any other state or territory of the United States, who, in good
17 faith, provides medical treatment, diagnosis, or advice as a
18 part of the services of an established free medical clinic
19 providing care, including, but not limited to, home visits,
20 without charge to ~~medically indigent~~ patients which is limited
21 to care that does not require the services of a licensed
22 hospital or ambulatory surgical treatment center and who
23 receives no fee or compensation from that source shall not be

1 liable for civil damages as a result of his or her acts or
2 omissions in providing that medical treatment, except for
3 willful or wanton misconduct.

4 (b) For purposes of this Section, a "free medical clinic"
5 is:

6 (1) an organized community based program providing
7 medical care without charge to individuals unable to pay
8 for it or for a minimal administrative fee according to the
9 individual's ability to pay, at which the care provided
10 does not include the use of general anesthesia or require
11 an overnight stay in a health-care facility. Any fee
12 collected for providing care at a free medical clinic shall
13 be used only to pay overhead expenses of operating the
14 clinic, including, but not limited to, non-direct service
15 administrative staff salaries; or

16 (2) (blank). ~~a program organized by a certified local~~
17 ~~health department pursuant to Part 600 of Title 77 of the~~
18 ~~Illinois Administrative Code, utilizing health~~
19 ~~professional members of the Volunteer Medical Reserve~~
20 ~~Corps (the federal organization under 42 U.S.C. 300hh-15)~~
21 ~~providing medical care without charge to individuals~~
22 ~~unable to pay for it, at which the care provided does not~~
23 ~~include an overnight stay in a health-care facility.~~

24 (c) The provisions of subsection (a) of this Section do not
25 apply to a particular case unless the free medical clinic has
26 posted in a conspicuous place on its premises an explanation of

1 the exemption from civil liability provided herein.

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

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

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

1 (e-5) Any voluntary contribution collected for providing
2 care at a free medical clinic shall be used only to pay
3 overhead expenses of operating the clinic, including, but not
4 limited to, non-direct service administrative staff salaries.
5 No portion of any moneys collected shall be used to provide a
6 fee or other compensation to any person licensed under Medical
7 Practice Act of 1987.

8 (f) The changes to this Section made by this amendatory Act
9 of the 99th General Assembly apply only to causes of action
10 accruing on or after the effective date of this amendatory Act
11 of the 99th General Assembly. The changes made this to Section
12 by this amendatory Act of the 101st General Assembly apply to
13 causes of action accruing on or after August 25, 2005.

14 (Source: P.A. 99-42, eff. 1-1-16; 100-513, eff. 1-1-18.)