



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB6551

Introduced 2/6/2004, by David R. Leitch

SYNOPSIS AS INTRODUCED:

745 ILCS 49/30

Amends the Illinois Good Samaritan Act. Provides that the immunity for civil damages provided for services performed without compensation at free medical clinics also applies to physicians and other health care professionals that provide medical treatment, diagnosis, or advice at federally qualified health care centers without fee or compensation. Makes changes in the definition of "free medical clinic".

LRB093 14818 LCB 46423 b

1 AN ACT concerning medical clinics.

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 The immunity for civil damages provided under subsection (a)
10 also applies to physicians and other health care professionals
11 that provide medical treatment, diagnosis, or advice at
12 federally qualified health care centers without fee or
13 compensation.

14 (e) Nothing in this Section prohibits a free medical clinic
15 from accepting voluntary contributions for medical services
16 provided to a patient who has acknowledged his or her ability
17 and willingness to pay a portion of the value of the medical
18 services provided.

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

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