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LRB094 03688 LCB 42020 a

1 AMENDMENT TO HOUSE BILL 950

2 AMENDMENT NO. _____. Amend House Bill 950 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Good Samaritan Act is amended by changing
5 Section 20 as follows:

6 (745 ILCS 49/20)

7 Sec. 20. Free dental clinic; exemption from civil liability
8 for services performed without compensation. Any person
9 licensed under the Illinois Dental Practice Act to practice
10 dentistry or to practice as a dental hygienist who, in good
11 faith, provides dental treatment, dental services, diagnoses,
12 or advice as part of the services of an established free dental
13 clinic providing care to medically indigent patients which is
14 limited to care which does not require the services of a
15 licensed hospital or ambulatory surgical treatment center, and
16 who receives no fee or compensation from that source shall not,
17 as a result of any acts or omissions, except for willful or
18 wanton misconduct on the part of the licensee, in providing
19 dental treatment, dental services, diagnoses or advice, be
20 liable for civil damages. For purposes of this Section, a "free
21 dental clinic" is an organized ~~community or public health based~~
22 program providing, without charge, dental care to individuals
23 unable to pay for their care. For purposes of this Section, an
24 "organized program" is a program sponsored by a community,

1 public health, charitable, voluntary, or organized dental
2 organization. Free dental services provided under this Section
3 may be provided at a clinic or private dental office. A free
4 dental clinic may receive reimbursement from the Illinois
5 Department of Public Aid or may receive partial reimbursement
6 from a patient based upon ability to pay, provided any such
7 reimbursements shall be used only to pay overhead expenses of
8 operating the free dental clinic and may not be used, in whole
9 or in part, to provide a fee, reimbursement, or other
10 compensation to any person licensed under the Illinois Dental
11 Practice Act who is receiving an exemption under this Section
12 or to any entity that the person owns or controls or in which
13 the person has an ownership interest or from which the person
14 receives a fee, reimbursement, or compensation of any kind.
15 Dental care shall not include the use of general anesthesia or
16 require an overnight stay in a health care facility.

17 The provisions of this Section shall not apply in any case
18 unless the free dental clinic has posted in a conspicuous place
19 on its premises an explanation of the immunity from civil
20 liability provided in this Section.

21 (Source: P.A. 92-92, eff. 1-1-02.)".