

1 AN ACT concerning liability.

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 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,
25 public health, charitable, voluntary, or organized dental
26 organization. Free dental services provided under this Section
27 may be provided at a clinic or private dental office. A free
28 dental clinic may receive reimbursement from the Illinois
29 Department of Public Aid or may receive partial reimbursement
30 from a patient based upon ability to pay, provided any such
31 reimbursements shall be used only to pay overhead expenses of
32 operating the free dental clinic and may not be used, in whole

1 or in part, to provide a fee, reimbursement, or other
2 compensation to any person licensed under the Illinois Dental
3 Practice Act who is receiving an exemption under this Section
4 or to any entity that the person owns or controls or in which
5 the person has an ownership interest or from which the person
6 receives a fee, reimbursement, or compensation of any kind.

7 Dental care shall not include the use of general anesthesia or
8 require an overnight stay in a health care facility.

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

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